

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2744

(SENATE AUTHORS: WIGER)

DATE	D-PG	OFFICIAL STATUS
03/14/2016	5041	Introduction and first reading Referred to Education
04/06/2016	5524a 5702	Comm report: To pass as amended Second reading
04/27/2016	6500a 6513 6513 6513	Special Order: Amended Third reading Passed Reconsidered Third reading Passed

A bill for an act

1.1 relating to education; providing for early childhood and prekindergarten through
1.2 grade 12 education, including general education, education excellence, charter
1.3 schools, special education, facilities and technology, and self-sufficiency and
1.4 lifelong learning; teachers; early childhood; charter school recodification;
1.5 amending Minnesota Statutes 2014, sections 120B.021, subdivision 1; 120B.11,
1.6 as amended; 120B.12, subdivisions 2, 3; 120B.15; 120B.30, by adding
1.7 a subdivision; 120B.31, subdivision 5, by adding a subdivision; 120B.35,
1.8 subdivisions 1, 2, 3; 120B.36, as amended; 121A.61, subdivision 3; 122A.09,
1.9 as amended; 122A.16; 122A.18, as amended; 122A.21, as amended; 122A.245,
1.10 as amended; 122A.26, subdivision 2; 122A.31, subdivision 3; 122A.4144;
1.11 122A.416; 122A.72, subdivision 5; 122A.74, subdivision 1; 123A.24, subdivision
1.12 2; 123B.147, subdivision 3; 123B.52, subdivision 1; 123B.571, subdivision 2;
1.13 123B.60, subdivision 1; 123B.71, subdivision 8; 123B.79, subdivisions 5, 8, 9;
1.14 124D.03, subdivision 5a; 124D.09, subdivision 10; 124D.15, subdivisions 3a,
1.15 15; 124D.52, subdivisions 1, 2; 124D.861, as amended; 125A.091, subdivision
1.16 11; 125A.0942, subdivision 4; 126C.40, subdivision 5; 126C.63, subdivision
1.17 7; 127A.095; Minnesota Statutes 2015 Supplement, sections 120B.125;
1.18 120B.301; 122A.23; 122A.30; 122A.40, subdivision 8; 122A.41, subdivision
1.19 5; 122A.414, subdivisions 1, 2, 2b, 3; 122A.60, subdivisions 1, 4; 123B.53,
1.20 subdivision 1; 123B.595, subdivisions 4, 7, 8, 9, 10, 11, by adding a subdivision;
1.21 124D.165, subdivision 2; 124D.231, subdivision 2; 124D.73, subdivision 4;
1.22 124E.01; 124E.02; 124E.03; 124E.05; 124E.06; 124E.07; 124E.08; 124E.10;
1.23 124E.12; 124E.13; 124E.15; 124E.16; 124E.17; 124E.22; 124E.24; 124E.25;
1.24 124E.26; 125A.08; 125A.0942, subdivision 3; 125A.63, subdivision 4; 126C.48,
1.25 subdivision 8; 127A.05, subdivision 6; 136A.1791, subdivisions 1, 3; Laws
1.26 2015, First Special Session chapter 3, article 1, section 24; proposing coding for
1.27 new law in Minnesota Statutes, chapters 120B; 123B; 125B; repealing Minnesota
1.28 Statutes 2014, sections 120B.299, subdivision 5; 120B.35, subdivision 4;
1.29 122A.245, subdivision 8; 122A.413, subdivision 3; 122A.43, subdivision
1.30 6; 123B.06; 123B.60, subdivision 2; 123B.79, subdivisions 2, 6; 127A.51;
1.31 Minnesota Statutes 2015 Supplement, section 122A.413, subdivisions 1, 2.

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

2.1 **ARTICLE 1**

2.2 **GENERAL EDUCATION**

2.3 Section 1. Minnesota Statutes 2014, section 123A.24, subdivision 2, is amended to read:

2.4 Subd. 2. **Cooperative unit defined.** For the purposes of this section, a cooperative
2.5 unit is:

2.6 (1) an education district organized under sections 123A.15 to 123A.19;

2.7 (2) a cooperative vocational center organized under section 123A.22;

2.8 (3) an intermediate district organized under chapter 136D;

2.9 (4) a service cooperative organized under section 123A.21; ~~or~~

2.10 (5) a regional management information center organized under section 123A.23 or
2.11 as a joint powers district according to section 471.59; or

2.12 (6) a special education cooperative organized under section 471.59.

2.13 Sec. 2. Laws 2015, First Special Session chapter 3, article 1, section 24, is amended to
2.14 read:

2.15 Sec. 24. **COMPENSATORY REVENUE; INTERMEDIATE DISTRICT.**

2.16 For the ~~2015-2016~~ 2016-2017 school year only, for an intermediate district formed
2.17 under Minnesota Statutes, section 136D.41, the department must calculate compensatory
2.18 revenue based on the October 1, ~~2014~~ 2015, enrollment counts for the ~~South~~ SouthWest
2.19 Metro Educational Cooperative.

2.20 Sec. 3. **VOLUNTARY BOUNDARY ALIGNMENT; MOORHEAD AND**
2.21 **DILWORTH-GLYNDON-FELTON.**

2.22 Subdivision 1. **Boundary realignment allowed.** The school boards of Independent
2.23 School Districts Nos. 152, Moorhead, and 2164, Dilworth-Glyndon-Felton, may realign
2.24 their shared district boundaries according to the provisions of this section.

2.25 Subd. 2. **Plan to establish new boundaries.** (a) The school boards of Independent
2.26 School Districts Nos. 152, Moorhead, and 2164, Dilworth-Glyndon-Felton, may jointly
2.27 develop a plan to realign their shared school district boundaries over a period of years.

2.28 (b) The plan must specify and identify each group of parcels that will be transferred
2.29 and the method used to determine the year during which each set of parcels is transferred.
2.30 The method of transfer may include an analysis of the relative tax base of the parcels to
2.31 be transferred and may make the transfers of parcels effective upon the relationship in
2.32 relative tax bases.

3.1 (c) The written plan must be adopted by each school board after the board has
3.2 allowed public testimony on the plan.

3.3 (d) The plan must be filed with both the county auditor and the commissioner of
3.4 education.

3.5 (e) After adopting the plan, each school board must publish notice of the plan
3.6 realigning district boundaries. The notice must include a general description of the area
3.7 that will be affected by the proposed boundary alignment and the method by which the
3.8 boundaries will be realigned. The notice must also be mailed to each property owner of
3.9 record in the area proposed for realignment.

3.10 Subd. 3. **Bonded debt.** As of the effective date of each exchange of parcels between
3.11 the two school districts, for the next and subsequent tax years, the taxable property in the
3.12 newly aligned parcel is taxable for a portion of the bonded debt of the school district to
3.13 which the property is attached and is not taxable for the bonded debt from the school
3.14 district from which the property is detached.

3.15 Subd. 4. **County auditor notified.** After adoption of the plan, each school board
3.16 must provide a copy of the plan to the county auditor. The county auditor may request
3.17 any other necessary information from the school districts to effect the transfer of parcels
3.18 between the school districts. Each year, the school districts must notify the county auditor
3.19 of what block of parcels, if any, will be transferred between the two school districts. The
3.20 county auditor must notify each affected property owner of the boundary change.

3.21 Subd. 5. **Report to commissioner of education.** Upon adoption of the plan, the
3.22 school boards must submit a copy of the plan to the commissioner of education. The
3.23 districts must also provide any additional information necessary for computing school
3.24 aids and levies to the commissioner of education in the form and manner requested by
3.25 the department.

3.26 **EFFECTIVE DATE.** This section is effective the day after the school boards of
3.27 Independent School Districts Nos. 152, Moorhead, and 2164, Dilworth-Glyndon-Felton,
3.28 and their respective chief clerical officers timely comply with Minnesota Statutes, section
3.29 645.021, subdivisions 2 and 3.

3.30 Sec. 4. **REPEALER.**

3.31 Minnesota Statutes 2014, section 127A.51, is repealed, effective July 1, 2016.

4.1 **ARTICLE 2**

4.2 **EDUCATION EXCELLENCE**

4.3 Section 1. Minnesota Statutes 2014, section 120B.021, subdivision 1, is amended to
4.4 read:

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

4.7 (1) language arts;

4.8 (2) mathematics;

4.9 (3) science;

4.10 (4) social studies, including history, geography, economics, and government and
4.11 citizenship that includes civics consistent with section 120B.237;

4.12 (5) physical education;

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

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

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

4.25 (c) District efforts to develop, implement, or improve instruction or curriculum
4.26 as a result of the provisions of this section must be consistent with sections 120B.10,
4.27 120B.11, and 120B.20.

4.28 **EFFECTIVE DATE.** This section is effective for students enrolling in grade 9 in
4.29 the 2017-2018 school year or later.

4.30 Sec. 2. Minnesota Statutes 2014, section 120B.11, subdivision 1a, is amended to read:

4.31 Subd. 1a. **Performance measures.** Measures to determine school district and
4.32 school site progress in striving to create the world's best workforce must include at least:

4.33 ~~(1) student performance on the National Assessment of Education Progress where~~
4.34 ~~applicable;~~

5.1 ~~(2)~~ (1) the size of the academic achievement gap, rigorous course taking under
 5.2 section 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by
 5.3 student subgroup;

5.4 ~~(3)~~ (2) student performance on the Minnesota Comprehensive Assessments;

5.5 ~~(4)~~ (3) high school graduation rates; and

5.6 ~~(5)~~ (4) career and college readiness under section 120B.30, subdivision 1.

5.7 Sec. 3. Minnesota Statutes 2014, section 120B.11, subdivision 2, is amended to read:

5.8 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, shall
 5.9 adopt a comprehensive, long-term strategic plan to support and improve teaching and
 5.10 learning that is aligned with creating the world's best workforce and includes:

5.11 (1) clearly defined district and school site goals and benchmarks for instruction and
 5.12 student achievement for all student subgroups identified in section 120B.35, subdivision 3,
 5.13 paragraph (b), clause (2);

5.14 (2) a process for assessing and evaluating each student's progress toward meeting
 5.15 state and local academic standards, assessing and identifying students for participation in
 5.16 gifted and talented programs and acceleration and early-admission procedures consistent
 5.17 with section 120B.15, and identifying the strengths and weaknesses of instruction in
 5.18 pursuit of student and school success and curriculum affecting students' progress and
 5.19 growth toward career and college readiness and leading to the world's best workforce;

5.20 (3) a system to periodically review and evaluate the effectiveness of all instruction
 5.21 and curriculum, taking into account strategies and best practices, student outcomes, school
 5.22 principal evaluations under section 123B.147, subdivision 3, and teacher evaluations
 5.23 under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

5.24 (4) strategies for improving instruction, curriculum, and student achievement,
 5.25 including the English and, where practicable, the native language development and the
 5.26 academic achievement of English learners;

5.27 (5) a process to examine the equitable distribution of teachers and strategies to
 5.28 ensure that low-income and minority children are not taught at higher rates than other
 5.29 children by inexperienced, ineffective, or out-of-field teachers, consistent with section
 5.30 1111(b)(8)(C) of the Elementary and Secondary Education Act;

5.31 ~~(5)~~ (6) education effectiveness practices that integrate high-quality instruction,
 5.32 rigorous curriculum, technology, and a collaborative professional culture that develops
 5.33 and supports teacher quality, performance, and effectiveness; and

5.34 ~~(6)~~ (7) an annual budget for continuing to implement the district plan.

6.1 Sec. 4. Minnesota Statutes 2014, section 120B.11, subdivision 4, is amended to read:

6.2 Subd. 4. **Site team.** A school ~~may~~ must establish a site team to develop and
6.3 implement strategies and education effectiveness practices to improve instruction,
6.4 curriculum, cultural competencies, including cultural awareness and cross-cultural
6.5 communication, and student achievement at the school site, consistent with subdivision
6.6 2. The site team must include an equal number of teachers and administrators, as well
6.7 as at least one parent. The site team advises the board and the advisory committee
6.8 about developing the annual budget and ~~revising~~ creates an instruction and curriculum
6.9 improvement plan that aligns curriculum, assessment of student progress, and growth in
6.10 meeting state and district academic standards and instruction.

6.11 Sec. 5. Minnesota Statutes 2014, section 120B.11, subdivision 5, is amended to read:

6.12 Subd. 5. **Report.** Consistent with requirements for school performance reports
6.13 under section 120B.36, subdivision 1, the school board shall publish a report in the local
6.14 newspaper with the largest circulation in the district, by mail, or by electronic means on the
6.15 district Web site. The school board shall hold an annual public meeting to review, and revise
6.16 where appropriate; (1) student achievement goals; (2) local assessment outcomes; (3)
6.17 plans, strategies, and practices for improving curriculum and instruction ~~and~~; (4) cultural
6.18 competency; (5) the process to examine equitable distribution of effective, experienced,
6.19 and in-field teachers; ~~and to review~~ (6) district success in realizing the previously adopted
6.20 student achievement goals and related benchmarks and the improvement plans leading to
6.21 the world's best workforce. The school board must transmit an electronic summary of its
6.22 report to the commissioner in the form and manner the commissioner determines.

6.23 Sec. 6. Minnesota Statutes 2014, section 120B.12, subdivision 2, is amended to read:

6.24 Subd. 2. **Identification; report.** For the 2011-2012 school year and later, each
6.25 school district shall identify before the end of kindergarten, grade 1, and grade 2 students
6.26 who are not reading at grade level before the end of the current school year. Reading
6.27 assessments in English, and in the predominant languages of district students where
6.28 practicable, must identify and evaluate students' areas of academic need related to literacy.
6.29 The district also must monitor the progress and provide reading instruction appropriate
6.30 to the specific needs of English learners. The district must use a locally adopted,
6.31 developmentally appropriate, and culturally responsive assessment and annually report
6.32 summary assessment results and a summary of the district's efforts to evaluate and identify
6.33 students with dyslexia or convergence insufficiency disorder to the commissioner by July 1.

7.1 Sec. 7. Minnesota Statutes 2014, section 120B.12, subdivision 3, is amended to read:

7.2 Subd. 3. **Intervention.** For each student identified under subdivision 2, the
 7.3 district shall provide reading intervention to accelerate student growth and reach the
 7.4 goal of reading at or above grade level by the end of the current grade and school year.
 7.5 District intervention methods shall encourage family engagement and, where possible,
 7.6 collaboration with appropriate school and community programs. Intervention methods
 7.7 may include, but are not limited to, requiring attendance in summer school, intensified
 7.8 reading instruction that may require that the student be removed from the regular
 7.9 classroom for part of the school day, evaluation for dyslexia or convergence insufficiency
 7.10 disorder, extended-day programs, or programs that strengthen students' cultural
 7.11 connections. A student, other than a student under an individualized education program
 7.12 (IEP), who is unable to demonstrate grade-level proficiency as measured by the statewide
 7.13 reading assessment in grade 3 shall receive a personal learning plan in a format determined
 7.14 by the school or school district in consultation with classroom teachers, and developed
 7.15 and updated as needed in consultation, to the extent practicable, with the student and
 7.16 the student's parents by the classroom teachers and other qualified school professionals
 7.17 involved with the student's elementary school progress. A personal learning plan shall
 7.18 address knowledge gaps and skill deficiencies through strategies such as specific exercises
 7.19 and practices during and outside of the regular school days, periodic assessments and
 7.20 timelines, and may include grade retention, if necessary, to meet the student's best interests.

7.21 Sec. 8. Minnesota Statutes 2015 Supplement, section 120B.125, is amended to read:

7.22 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**
 7.23 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL**
 7.24 **LEARNING PLANS.**

7.25 (a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15,
 7.26 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections, school
 7.27 districts, beginning in the 2013-2014 school year, must assist all students by no later
 7.28 than grade 9 to explore their educational, college, and career interests, aptitudes, and
 7.29 aspirations and develop a plan for a smooth and successful transition to postsecondary
 7.30 education or employment. All students' plans must:

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

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

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

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

8.9 (5) help students access education and career options;

8.10 (6) integrate strong academic content into career-focused courses and applied and
8.11 experiential learning opportunities and integrate relevant career-focused courses and
8.12 applied and experiential learning opportunities into strong academic content;

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

8.17 (8) help identify collaborative partnerships among prekindergarten through grade
8.18 12 schools, postsecondary institutions, economic development agencies, and local and
8.19 regional employers that support students' transition to postsecondary education and
8.20 employment and provide students with applied and experiential learning opportunities; and

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

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

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

8.35 (d) When assisting students in developing a plan for a smooth and successful
8.36 transition to postsecondary education and employment, districts must recognize the unique

9.1 possibilities of each student and ensure that the contents of each student's plan reflect the
 9.2 student's unique talents, skills, and abilities as the student grows, develops, and learns.

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

9.9 Sec. 9. Minnesota Statutes 2014, section 120B.15, is amended to read:

9.10 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

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

9.14 (b) School districts must adopt guidelines for assessing and identifying students for
 9.15 participation in gifted and talented programs consistent with section 120B.11, subdivision
 9.16 2, clause (2). The guidelines should include the use of:

9.17 (1) multiple and objective criteria; and

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

9.22 (c) School districts must adopt procedures for the academic acceleration of gifted
 9.23 and talented students consistent with section 120B.11, subdivision 2, clause (2). These
 9.24 procedures must include how the district will:

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

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

9.28 (d) School districts must adopt procedures consistent with section 124D.02,
 9.29 subdivision 1, for early admission to kindergarten or first grade of gifted and talented
 9.30 learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must
 9.31 be sensitive to underrepresented groups.

9.32 Sec. 10. **[120B.237] CIVICS KNOWLEDGE AND UNDERSTANDING.**

9.33 (a) For purposes of this section, "civics test questions" means 50 of the 100 questions
 9.34 that, as of January 1, 2015, United States Citizenship and Immigration Services officers

10.1 use to select the questions they pose to applicants for naturalization so the applicants can
 10.2 demonstrate their knowledge and understanding of the fundamentals of United States
 10.3 history and government, as required by United States Code, title 8, section 1423. The
 10.4 Learning Law and Democracy Foundation, in consultation with Minnesota civics teachers,
 10.5 must select by July 1 each year 50 of the 100 questions under this paragraph to serve as
 10.6 the state's civics test questions for the proximate school year and immediately transmit the
 10.7 50 selected civics test questions to the Department of Education, which must post the 50
 10.8 questions it receives on its Web site by August 1 of that year.

10.9 (b) School districts and charter schools may administer civics test questions as part
 10.10 of the social studies curriculum. A charter school or district may record on a student's
 10.11 transcript whether and when the student answered at least 30 of 50 civics test questions
 10.12 correctly.

10.13 (c) The commissioner and a public school must not charge students any fees related
 10.14 to this section.

10.15 **EFFECTIVE DATE.** This section is effective for students enrolling in grade 9 in
 10.16 the 2017-2018 school year or later.

10.17 Sec. 11. Minnesota Statutes 2014, section 120B.30, is amended by adding a subdivision
 10.18 to read:

10.19 Subd. 6. **Retaliation prohibited.** A report to the commissioner concerning service
 10.20 disruptions and technical interruptions to the assessments under this section is subject to
 10.21 the protection of section 181.932, governing disclosure of information by employees.

10.22 Sec. 12. Minnesota Statutes 2015 Supplement, section 120B.301, is amended to read:

10.23 **120B.301 LIMITS ON LOCAL TESTING.**

10.24 (a) For students in grades 1 through 6, the cumulative total amount of time spent
 10.25 taking locally adopted districtwide or schoolwide assessments must not exceed ten hours
 10.26 per school year. For students in grades 7 through 12, the cumulative total amount of time
 10.27 spent taking locally adopted districtwide or schoolwide assessments must not exceed 11
 10.28 hours per school year. For purposes of this paragraph, International Baccalaureate and
 10.29 Advanced Placement exams are not considered locally adopted assessments.

10.30 (b) A district or charter school is exempt from the requirements of paragraph (a),
 10.31 if the district or charter school, in consultation with the exclusive representative of the
 10.32 teachers or other teachers if there is no exclusive representative of the teachers, decides

11.1 to exceed a time limit in paragraph (a) and includes in the report required under section
11.2 120B.11, subdivision 5.

11.3 (c) A district or charter school must, prior to the first day of each school year, publish
11.4 on its Web site a comprehensive calendar of standardized tests to be administered in the
11.5 district or charter school for that school year. The calendar must provide the rationale for
11.6 administering each assessment and indicate whether the assessment is a local option, or is
11.7 required by state or federal law.

11.8 **Sec. 13. [120B.304] SCHOOL DISTRICT ASSESSMENT COMMITTEE.**

11.9 A school district that does not have an agreement between the school board and
11.10 the exclusive representative of the teachers regarding the selection of assessments must
11.11 establish a district assessment committee to advise the school board on the standardized
11.12 assessments administered to students, in addition to the required assessments under
11.13 section 120B.30 and applicable federal law. The committee must include an equal number
11.14 of teachers and administrators and at least one parent of a student in the district. The
11.15 committee makeup should include at least one representative from each school site in the
11.16 district. The district advisory committee, under section 120B.11, subdivision 3, may
11.17 provide advice to the school board in place of establishing an additional committee for this
11.18 purpose.

11.19 Sec. 14. Minnesota Statutes 2014, section 120B.31, is amended by adding a
11.20 subdivision to read:

11.21 Subd. 4a. **Student participation.** The commissioner shall create and publish a
11.22 form for a parent or guardian to complete if they refuse for their child to participate in
11.23 standardized testing. The form must state why there are academic standards, indicate
11.24 which tests are aligned with those standards, and what consequences, if any, the school
11.25 may face if students do not participate in standardized testing. This form must request
11.26 a reason for the refusal. A district may not impose an academic or other penalty upon a
11.27 student who does not participate in standardized testing or any surveys.

11.28 Sec. 15. Minnesota Statutes 2014, section 120B.31, subdivision 5, is amended to read:

11.29 **Subd. 5. Parent Access to information.** To ensure the effective involvement
11.30 of parents and to support a partnership between the school and parents, each district
11.31 shall ~~annually~~ provide parents and teachers a timely written summary, in an electronic
11.32 or other format, of their student's current and longitudinal performance and progress
11.33 on the state's academic content standards as measured by state assessments. Providing

12.1 parents with a summary prepared by the Department of Education fulfills the requirements
12.2 of this subdivision.

12.3 Sec. 16. Minnesota Statutes 2014, section 120B.35, subdivision 1, is amended to read:

12.4 Subdivision 1. **School and student indicators of growth and achievement.**

12.5 The commissioner must develop and implement a system for measuring and reporting
12.6 academic achievement and individual student growth, consistent with the statewide
12.7 educational accountability and reporting system. The system components must measure
12.8 and separately report the ~~adequate yearly progress~~ federal expectations of schools and the
12.9 growth of individual students: students' current achievement in schools under subdivision
12.10 2; and individual students' educational growth over time under subdivision 3. The
12.11 system also must include statewide measures of student academic growth that identify
12.12 schools with high levels of growth, and also schools with low levels of growth that need
12.13 improvement. When determining a school's effect, the data must include both statewide
12.14 measures of student achievement and, to the extent annual tests are administered,
12.15 indicators of achievement growth that take into account a student's prior achievement.
12.16 Indicators of achievement and prior achievement must be based on highly reliable
12.17 statewide or districtwide assessments. Indicators that take into account a student's prior
12.18 achievement must not be used to disregard a school's low achievement or to exclude a
12.19 school from a program to improve low achievement levels.

12.20 Sec. 17. Minnesota Statutes 2014, section 120B.35, subdivision 2, is amended to read:

12.21 Subd. 2. **Federal expectations for student academic achievement.** (a) Each
12.22 school year, a school district must determine if the student achievement levels at each
12.23 school site meet federal expectations. If student achievement levels at a school site do
12.24 not meet federal expectations ~~and the site has not made adequate yearly progress for two~~
12.25 ~~consecutive school years, beginning with the 2001-2002 school year,~~ the district must
12.26 work with the school site to adopt a plan to raise student achievement levels to meet
12.27 federal expectations. The commissioner of education shall establish student academic
12.28 achievement levels to comply with this paragraph.

12.29 (b) School sites identified as not meeting federal expectations must develop
12.30 continuous improvement plans in order to meet federal expectations for student academic
12.31 achievement. The department, at a district's request, must assist the district and the school
12.32 site in developing a plan to improve student achievement. The plan must include parental
12.33 involvement components.

12.34 (c) The commissioner must:

13.1 (1) assist school sites and districts identified as not meeting federal expectations; and
 13.2 (2) provide technical assistance to schools that integrate student achievement
 13.3 measures into the school continuous improvement plan.

13.4 (d) The commissioner shall establish and maintain a continuous improvement Web
 13.5 site designed to make data on every school and district available to parents, teachers,
 13.6 administrators, community members, and the general public.

13.7 Sec. 18. Minnesota Statutes 2014, section 120B.35, subdivision 3, is amended to read:

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

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

13.22 (1) report student growth consistent with this paragraph; and
 13.23 (2) for all student categories, report and compare aggregated and disaggregated
 13.24 state growth data using ~~the nine student categories identified under the federal 2001 No~~
 13.25 ~~Child Left Behind Act~~ the student categories identified under the federal Elementary
 13.26 and Secondary Education Act and two student gender categories of male and female,
 13.27 respectively, following appropriate reporting practices to protect nonpublic student data.

13.28 The commissioner must report measures of student growth, consistent with this
 13.29 paragraph, including the English language development, academic progress, and oral
 13.30 academic development of English learners and their native language development if the
 13.31 native language is used as a language of instruction.

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

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

14.6 (2) a rigorous coursework measure indicating the number and percentage of high
 14.7 school graduates in the most recent school year who successfully completed one or more
 14.8 college-level advanced placement, international baccalaureate, postsecondary enrollment
 14.9 options including concurrent enrollment, other rigorous courses of study under section
 14.10 120B.021, subdivision 1a, or industry certification courses or programs.

14.11 When reporting the core measures under clauses (1) and (2), the commissioner must also
 14.12 analyze and report separate categories of information using ~~the nine student categories~~
 14.13 ~~identified under the federal 2001 No Child Left Behind Act~~ the student categories
 14.14 identified under the federal Elementary and Secondary Education Act and two student
 14.15 gender categories of male and female, respectively, following appropriate reporting
 14.16 practices to protect nonpublic student data.

14.17 (d) When reporting student performance under section 120B.36, subdivision 1, the
 14.18 commissioner annually, beginning July 1, 2014, must report summary data on school
 14.19 safety and students' engagement and connection at school. The summary data under this
 14.20 paragraph are separate from and must not be used for any purpose related to measuring
 14.21 or evaluating the performance of classroom teachers. The commissioner, in consultation
 14.22 with qualified experts on student engagement and connection and classroom teachers,
 14.23 must identify highly reliable variables that generate summary data under this paragraph.
 14.24 The summary data may be used at school, district, and state levels only. Any data on
 14.25 individuals received, collected, or created that are used to generate the summary data
 14.26 under this paragraph are nonpublic data under section 13.02, subdivision 9.

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

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

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

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

- 15.1 (i) identifying at-risk and off-track student populations by grade;
- 15.2 (ii) providing successful prevention and intervention strategies for at-risk students;
- 15.3 (iii) providing successful recuperative and recovery or reenrollment strategies for
- 15.4 off-track students; and
- 15.5 (iv) improving the graduation outcomes of at-risk and off-track students.

15.6 The commissioner may include in the annual report summary data on other education

15.7 providers serving a majority of students eligible to participate in a learning year program.

15.8 (f) The commissioner, in consultation with recognized experts with knowledge and

15.9 experience in assessing the language proficiency and academic performance of English

15.10 learners, must identify and report appropriate and effective measures to improve current

15.11 categories of language difficulty and assessments, and monitor and report data on students'

15.12 English proficiency levels, program placement, and academic language development,

15.13 including oral academic language.

15.14 Sec. 19. Minnesota Statutes 2014, section 120B.36, as amended by Laws 2015, First

15.15 Special Session chapter 3, article 2, section 8, is amended to read:

15.16 **120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.**

15.17 Subdivision 1. **School performance reports.** (a) The commissioner shall report

15.18 student academic performance under section 120B.35, subdivision 2; the percentages of

15.19 students showing low, medium, and high growth under section 120B.35, subdivision

15.20 3, paragraph (b); school safety and student engagement and connection under section

15.21 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,

15.22 subdivision 3, paragraph (c); the percentage of students under section 120B.35,

15.23 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are

15.24 meeting career and college readiness benchmarks under sections 120B.30, subdivision 1,

15.25 and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible

15.26 districts in reducing disparities in students' academic achievement and realizing racial

15.27 and economic integration under section 124D.861; the acquisition of English, and

15.28 where practicable, native language academic literacy, including oral academic language,

15.29 and the academic progress of English learners under section 124D.59, subdivisions

15.30 2 and 2a; two separate student-to-teacher ratios that clearly indicate the definition of

15.31 teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these

15.32 ratios; staff characteristics excluding salaries; student enrollment demographics; student

15.33 homelessness and district mobility; and extracurricular activities. The report also must

15.34 indicate a school's adequate yearly progress status under applicable federal law, and must

16.1 ~~not set any designations applicable to high- and low-performing schools due solely to~~
 16.2 ~~adequate yearly progress status.~~

16.3 (b) The commissioner shall develop, annually update, and post on the department
 16.4 Web site school performance reports.

16.5 (c) The commissioner must make available performance reports by the beginning
 16.6 of each school year.

16.7 (d) A school or district may appeal its ~~adequate yearly progress status in writing~~
 16.8 ~~to the commissioner within 30 days of receiving the notice of its status~~ results in a form
 16.9 and manner determined by the commissioner and consistent with federal law. The
 16.10 commissioner's decision to uphold or deny an appeal is final.

16.11 (e) School performance data are nonpublic data under section 13.02, subdivision 9,
 16.12 until the commissioner publicly releases the data. The commissioner shall annually post
 16.13 school performance reports to the department's public Web site no later than September 1,
 16.14 except that in years when the reports reflect new performance standards, the commissioner
 16.15 shall post the school performance reports no later than October 1.

16.16 Subd. 2. ~~Adequate yearly progress~~ **Federal expectations and other data.** All
 16.17 data the department receives, collects, or creates to determine ~~adequate yearly progress~~
 16.18 ~~status~~ federal expectations under ~~Public Law 107-110, section 1116~~ the Elementary
 16.19 and Secondary Education Act, set state growth targets, and determine student growth
 16.20 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly
 16.21 releases the data. Districts must provide parents sufficiently detailed summary data
 16.22 to permit parents to appeal under ~~Public Law 107-110, section 1116(b)(2)~~ the federal
 16.23 Elementary and Secondary Education Act. The commissioner shall annually post ~~federal~~
 16.24 ~~adequate yearly progress~~ data on federal expectations and state student growth data to
 16.25 the department's public Web site no later than September 1, except that in years when
 16.26 ~~adequate yearly progress~~ data on federal expectations reflects new performance standards,
 16.27 the commissioner shall post ~~federal adequate yearly progress~~ data on federal expectations
 16.28 and state student growth data no later than October 1.

16.29 Sec. 20. Minnesota Statutes 2014, section 121A.61, subdivision 3, is amended to read:

16.30 Subd. 3. **Policy components.** The policy must include at least the following
 16.31 components:

16.32 (a) rules governing student conduct and procedures for informing students of the
 16.33 rules;

16.34 (b) the grounds for removal of a student from a class;

- 17.1 (c) the authority of the classroom teacher to remove students from the classroom
17.2 pursuant to procedures and rules established in the district's policy;
- 17.3 (d) the procedures for removal of a student from a class by a teacher, school
17.4 administrator, or other school district employee;
- 17.5 (e) the period of time for which a student may be removed from a class, which may
17.6 not exceed five class periods for a violation of a rule of conduct;
- 17.7 (f) provisions relating to the responsibility for and custody of a student removed
17.8 from a class;
- 17.9 (g) the procedures for return of a student to the specified class from which the
17.10 student has been removed;
- 17.11 (h) the procedures for notifying a student and the student's parents or guardian of
17.12 violations of the rules of conduct and of resulting disciplinary actions;
- 17.13 (i) any procedures determined appropriate for encouraging early involvement of
17.14 parents or guardians in attempts to improve a student's behavior;
- 17.15 (j) any procedures determined appropriate for encouraging early detection of
17.16 behavioral problems;
- 17.17 (k) any procedures determined appropriate for referring a student in need of special
17.18 education services to those services;
- 17.19 (l) the procedures for consideration of whether there is a need for a further
17.20 assessment or of whether there is a need for a review of the adequacy of a current
17.21 individualized education program of a student with a disability who is removed from class;
- 17.22 (m) procedures for detecting and addressing chemical abuse problems of a student
17.23 while on the school premises;
- 17.24 (n) the minimum consequences for violations of the code of conduct;
- 17.25 (o) procedures for immediate and appropriate interventions tied to violations of
17.26 the code;
- 17.27 (p) a provision that states that a teacher, school employee, school bus driver, or
17.28 other agent of a district may use reasonable force in compliance with section 121A.582
17.29 and other laws; ~~and~~
- 17.30 (q) an agreement regarding procedures to coordinate crisis services to the extent
17.31 funds are available with the county board responsible for implementing sections 245.487
17.32 to 245.4889 for students with a serious emotional disturbance or other students who
17.33 have an individualized education program whose behavior may be addressed by crisis
17.34 intervention; and
- 17.35 (r) a provision that states a student must be removed from class immediately if the
17.36 student engages in assault or violent behavior. For purposes of this paragraph, "assault"

18.1 has the meaning given it in section 609.02, subdivision 10. The removal shall be for a
 18.2 period of time deemed appropriate by the principal, in consultation with the teacher.

18.3 Sec. 21. Minnesota Statutes 2014, section 122A.16, is amended to read:

18.4 **122A.16 HIGHLY QUALIFIED TEACHER DEFINED.**

18.5 (a) A qualified teacher is one holding a valid license, under this chapter, to perform
 18.6 the particular service for which the teacher is employed in a public school.

18.7 ~~(b) For the purposes of the federal No Child Left Behind Act, a highly qualified~~
 18.8 ~~teacher is one who holds a valid license under this chapter, including under section~~

18.9 ~~122A.245, among other sections and is determined by local administrators as having~~
 18.10 ~~highly qualified status according to the approved Minnesota highly qualified plan.~~

18.11 ~~Teachers delivering core content instruction must be deemed highly qualified at the local~~
 18.12 ~~level and reported to the state via the staff automated reporting system.~~

18.13 Sec. 22. Minnesota Statutes 2015 Supplement, section 122A.30, is amended to read:

18.14 **122A.30 EXEMPTION FOR TECHNICAL EDUCATION INSTRUCTORS.**

18.15 (a) Notwithstanding section 122A.15, subdivision 1, and upon approval of the local
 18.16 employer school board, a person who teaches ~~in~~ as a part-time vocational or career and
 18.17 technical education ~~program~~ teacher is exempt from a license requirement. Nothing in
 18.18 this section shall exclude licensed career and technical educators from the definition of
 18.19 "teacher" in section 122A.40, 122A.41, or 179A.03.

18.20 (b) This section expires June 30, 2020.

18.21 Sec. 23. Minnesota Statutes 2015 Supplement, section 122A.414, subdivision 1,
 18.22 is amended to read:

18.23 Subdivision 1. **Restructured pay system.** A restructured alternative teacher
 18.24 professional pay system is established under subdivision 2 to provide incentives to
 18.25 encourage teachers to improve their knowledge and instructional skills in order to improve
 18.26 student learning and for school districts, intermediate school districts, cooperative units,
 18.27 as defined in section 123A.24, subdivision 2, and charter schools to recruit and retain
 18.28 ~~highly~~ qualified teachers, encourage ~~highly~~ qualified teachers to undertake challenging
 18.29 assignments, and support teachers' roles in improving students' educational achievement.

18.30 Sec. 24. Minnesota Statutes 2015 Supplement, section 122A.414, subdivision 2,
 18.31 is amended to read:

19.1 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this
 19.2 program, a school district, intermediate school district, school site, or charter school must
 19.3 have ~~an educational improvement plan under section 122A.413~~ a world's best workforce
 19.4 plan under section 120B.11 and an alternative teacher professional pay system agreement
 19.5 under paragraph (b). A charter school participant also must comply with subdivision 2a.

19.6 (b) The alternative teacher professional pay system agreement must:

19.7 (1) describe how teachers can achieve career advancement and additional
 19.8 compensation;

19.9 (2) describe how the school district, intermediate school district, school site, or
 19.10 charter school will provide teachers with career advancement options that allow teachers
 19.11 to retain primary roles in student instruction and facilitate site-focused professional
 19.12 development that helps other teachers improve their skills;

19.13 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation
 19.14 paid before implementing the pay system from being reduced as a result of participating in
 19.15 this system, base at least 60 percent of any compensation increase on teacher performance
 19.16 using:

19.17 (i) schoolwide student achievement gains under section 120B.35 or locally selected
 19.18 standardized assessment outcomes, or both;

19.19 (ii) measures of student growth and literacy that may include value-added models
 19.20 or student learning goals, consistent with section 122A.40, subdivision 8, paragraph
 19.21 (b), clause (9), or 122A.41, subdivision 5, paragraph (b), clause (9), and other measures
 19.22 that include the academic literacy, oral academic language, and achievement of English
 19.23 learners under section 122A.40, subdivision 8, paragraph (b), clause (10), or 122A.41,
 19.24 subdivision 5, paragraph (b), clause (10); and

19.25 (iii) an objective evaluation program under section 122A.40, subdivision 8,
 19.26 paragraph (b), clause (2), or 122A.41, subdivision 5, paragraph (b), clause (2);

19.27 (4) provide for participation in job-embedded learning opportunities such as
 19.28 professional learning communities to improve instructional skills and learning that are
 19.29 aligned with student needs under section ~~122A.413~~ 120B.11, consistent with the staff
 19.30 development plan under section 122A.60 and led during the school day by trained teacher
 19.31 leaders such as master or mentor teachers;

19.32 (5) allow any teacher in a participating school district, intermediate school district,
 19.33 school site, or charter school that implements an alternative pay system to participate in
 19.34 that system without any quota or other limit; and

19.35 (6) encourage collaboration rather than competition among teachers.

19.36 (c) The alternative teacher professional pay system may:

20.1 (1) include a hiring bonus or other added compensation for teachers who are
20.2 identified as effective or highly effective under the local teacher professional review
20.3 cycle and work in a hard-to-fill position or in a hard-to-staff school such as a school with
20.4 a majority of students whose families meet federal poverty guidelines, a geographically
20.5 isolated school, or a school identified by the state as eligible for targeted programs or
20.6 services for its students; and

20.7 (2) include incentives for teachers to obtain a master's degree or other advanced
20.8 certification in their content field of licensure, pursue the training or education necessary
20.9 to obtain an additional licensure in shortage areas identified by the district or charter
20.10 school, or help fund a "grow your own" new teacher initiative.

20.11 Sec. 25. Minnesota Statutes 2015 Supplement, section 122A.414, subdivision 2b,
20.12 is amended to read:

20.13 Subd. 2b. **Approval process.** (a) Consistent with the requirements of this section
20.14 and ~~sections 122A.413 and~~ section 122A.415, the department must prepare and transmit
20.15 to interested school districts, intermediate school districts, cooperatives, school sites,
20.16 and charter schools a standard form for applying to participate in the alternative teacher
20.17 professional pay system. The commissioner annually must establish three dates as
20.18 deadlines by which interested applicants must submit an application to the commissioner
20.19 under this section. An interested school district, intermediate school district, cooperative,
20.20 school site, or charter school must submit to the commissioner a completed application
20.21 executed by the district superintendent and the exclusive bargaining representative of the
20.22 teachers if the applicant is a school district, intermediate school district, or school site, or
20.23 executed by the charter school board of directors if the applicant is a charter school or
20.24 executed by the governing board if the applicant is a cooperative unit. The application
20.25 must include the proposed alternative teacher professional pay system agreement under
20.26 subdivision 2. The department must review a completed application within 30 days of
20.27 the most recent application deadline and recommend to the commissioner whether to
20.28 approve or disapprove the application. The commissioner must approve applications
20.29 on a first-come, first-served basis. The applicant's alternative teacher professional pay
20.30 system agreement must be legally binding on the applicant and the collective bargaining
20.31 representative before the applicant receives alternative compensation revenue. The
20.32 commissioner must approve or disapprove an application based on the requirements
20.33 under subdivisions 2 and 2a.

20.34 (b) If the commissioner disapproves an application, the commissioner must give the
20.35 applicant timely notice of the specific reasons in detail for disapproving the application.

21.1 The applicant may revise and resubmit its application and related documents to the
 21.2 commissioner within 30 days of receiving notice of the commissioner's disapproval and
 21.3 the commissioner must approve or disapprove the revised application, consistent with this
 21.4 subdivision. Applications that are revised and then approved are considered submitted on
 21.5 the date the applicant initially submitted the application.

21.6 Sec. 26. Minnesota Statutes 2015 Supplement, section 122A.414, subdivision 3,
 21.7 is amended to read:

21.8 Subd. 3. **Report; continued funding.** (a) Participating districts, intermediate school
 21.9 districts, cooperatives, school sites, and charter schools must report on the implementation
 21.10 and effectiveness of the alternative teacher professional pay system, particularly
 21.11 addressing each requirement under subdivision 2 and make annual recommendations by
 21.12 June 15 to their school boards. ~~The school board, board of directors, or governing board~~
 21.13 ~~shall transmit a copy of the report with a summary of the findings and recommendations~~
 21.14 ~~of the district, intermediate school district, cooperative, school site, or charter school to~~
 21.15 ~~the commissioner in the form and manner determined by the commissioner.~~

21.16 (b) ~~If the commissioner determines that a school district, intermediate school district,~~
 21.17 ~~cooperative, school site, or charter school that receives alternative teacher compensation~~
 21.18 ~~revenue is not complying with the requirements of this section, the commissioner~~
 21.19 ~~may withhold funding from that participant. Before making the determination, the~~
 21.20 ~~commissioner must notify the participant of any deficiencies and provide the participant~~
 21.21 ~~an opportunity to comply. A district must include the report required under paragraph (a)~~
 21.22 ~~as part of the world's best workforce report under section 120B.11, subdivision 5.~~

21.23 Sec. 27. Minnesota Statutes 2014, section 122A.4144, is amended to read:

21.24 **122A.4144 SUPPLEMENTAL AGREEMENTS; ALTERNATIVE TEACHER**
 21.25 **PAY.**

21.26 Notwithstanding section 179A.20 or other law to the contrary, a school board and
 21.27 the exclusive representative of the teachers may agree to reopen a collective bargaining
 21.28 agreement for the purpose of entering into an alternative teacher professional pay system
 21.29 agreement under sections ~~122A.413~~, 122A.414, and 122A.415. Negotiations for a contract
 21.30 reopened under this section must be limited to issues related to the alternative teacher
 21.31 professional pay system.

22.1 Sec. 28. Minnesota Statutes 2014, section 122A.416, is amended to read:

22.2 **122A.416 ALTERNATIVE TEACHER COMPENSATION REVENUE**
 22.3 **FOR PERPICH CENTER FOR ARTS EDUCATION AND MULTIDISTRICT**
 22.4 **INTEGRATION COLLABORATIVES.**

22.5 Notwithstanding sections ~~122A.413~~, 122A.414, 122A.415, and 126C.10,
 22.6 multidistrict integration collaboratives and the Perpich Center for Arts Education are
 22.7 eligible to receive alternative teacher compensation revenue as if they were intermediate
 22.8 school districts. To qualify for alternative teacher compensation revenue, a multidistrict
 22.9 integration collaborative or the Perpich Center for Arts Education must meet all of the
 22.10 requirements of sections ~~122A.413~~, 122A.414, and 122A.415 that apply to intermediate
 22.11 school districts, must report its enrollment as of October 1 of each year to the department,
 22.12 and must annually report its expenditures for the alternative teacher professional pay
 22.13 system consistent with the uniform financial accounting and reporting standards to the
 22.14 department by November 30 of each year.

22.15 Sec. 29. Minnesota Statutes 2015 Supplement, section 122A.60, subdivision 4, is
 22.16 amended to read:

22.17 Subd. 4. **Staff development report.** (a) ~~By October 15 of each year,~~ The district
 22.18 and site staff development committees shall write ~~and submit~~ a report of staff development
 22.19 activities and expenditures for the previous year, ~~in the form and manner determined by~~
 22.20 ~~the commissioner.~~ The report, signed by the district superintendent and staff development
 22.21 chair, must include assessment and evaluation data indicating progress toward district and
 22.22 site staff development goals based on teaching and learning outcomes, including the
 22.23 percentage of teachers and other staff involved in instruction who participate in effective
 22.24 staff development activities under subdivision 3 as part of the district's world's best
 22.25 workforce report under section 120B.11, subdivision 5.

22.26 (b) The report must break down expenditures for:

22.27 (1) curriculum development and curriculum training programs; and

22.28 (2) staff development training models, workshops, and conferences, and the cost of
 22.29 releasing teachers or providing substitute teachers for staff development purposes.

22.30 The report also must indicate whether the expenditures were incurred at the district
 22.31 level or the school site level, and whether the school site expenditures were made possible
 22.32 by grants to school sites that demonstrate exemplary use of allocated staff development
 22.33 revenue. These expenditures must be reported using the uniform financial and accounting
 22.34 and reporting standards.

23.1 ~~(e) The commissioner shall report the staff development progress and expenditure~~
23.2 ~~data to the house of representatives and senate committees having jurisdiction over~~
23.3 ~~education by February 15 each year.~~

23.4 Sec. 30. Minnesota Statutes 2014, section 122A.72, subdivision 5, is amended to read:

23.5 Subd. 5. **Center functions.** (a) A teacher center shall perform functions according
23.6 to this subdivision. The center shall assist teachers, diagnose learning needs, experiment
23.7 with the use of multiple instructional approaches, assess pupil outcomes, assess staff
23.8 development needs and plans, and teach school personnel about effective pedagogical
23.9 approaches. The center shall develop and produce curricula and curricular materials
23.10 designed to meet the educational needs of pupils being served, by applying educational
23.11 research and new and improved methods, practices, and techniques. The center shall
23.12 provide programs to improve the skills of teachers to meet the special educational needs of
23.13 pupils. The center shall provide programs to familiarize teachers with developments in
23.14 curriculum formulation and educational research, including how research can be used to
23.15 improve teaching skills. The center shall facilitate sharing of resources, ideas, methods,
23.16 and approaches directly related to classroom instruction and improve teachers' familiarity
23.17 with current teaching materials and products for use in their classrooms. The center shall
23.18 provide in-service programs.

23.19 (b) Each teacher center must provide a professional development program to train
23.20 interested and highly qualified elementary, middle, and secondary teachers, selected by the
23.21 employing school district, to assist other teachers in that district with mathematics and
23.22 science curriculum, standards, and instruction so that all teachers have access to:

23.23 (1) high quality professional development programs in mathematics and science that
23.24 address curriculum, instructional methods, alignment of standards, and performance
23.25 measurements, enhance teacher and student learning, and support state mathematics and
23.26 science standards; and

23.27 (2) research-based mathematics and science programs and instructional models
23.28 premised on best practices that inspire teachers and students and have practical classroom
23.29 application.

23.30 Sec. 31. Minnesota Statutes 2014, section 122A.74, subdivision 1, is amended to read:

23.31 Subdivision 1. **Establishment.** (a) The commissioner of education may contract
23.32 with the Minnesota State University Mankato or the regents of the University of Minnesota
23.33 to establish a Principals' Leadership Institute to provide professional development to
23.34 school principals by:

24.1 (1) creating a network of leaders in the educational and business communities to
 24.2 communicate current and future trends in leadership techniques;

24.3 (2) helping to create a vision for the school that is aligned with the community
 24.4 and district priorities;

24.5 (3) developing strategies to retain highly qualified teachers and ensure that diverse
 24.6 student populations, including at-risk students, children with disabilities, English learners,
 24.7 and gifted students, among others, have equal access to these highly qualified teachers; and

24.8 (4) providing training to analyze data using culturally competent tools.

24.9 (b) The University of Minnesota must cooperate with participating members of the
 24.10 business community to provide funding and content for the institute.

24.11 (c) Participants must agree to attend the Principals' Leadership Institute for four
 24.12 weeks during the academic summer.

24.13 (d) The Principals' Leadership Institute must incorporate program elements offered
 24.14 by leadership programs at the University of Minnesota and program elements used by
 24.15 the participating members of the business community to enhance leadership within their
 24.16 businesses.

24.17 Sec. 32. Minnesota Statutes 2014, section 124D.03, subdivision 5a, is amended to read:

24.18 Subd. 5a. **Lotteries.** If a school district has more applications than available seats at
 24.19 a specific grade level, it must hold an impartial lottery following the January 15 deadline
 24.20 to determine which students will receive seats. Siblings of currently enrolled students and
 24.21 applications related to an approved integration and achievement plan, and children of the
 24.22 school district's staff must receive priority in the lottery. The process for the school district
 24.23 lottery must be established in school district policy, approved by the school board, and
 24.24 posted on the school district's Web site.

24.25 **EFFECTIVE DATE.** This section is effective the day following final enactment for
 24.26 nonresident pupil applications not yet accepted or rejected by the school district.

24.27 Sec. 33. Minnesota Statutes 2014, section 124D.15, subdivision 3a, is amended to read:

24.28 Subd. 3a. **Application and reporting requirements.** (a) A school readiness
 24.29 program provider must submit include a biennial plan ~~for approval by the commissioner~~
 24.30 ~~before receiving aid under section 124D.16.~~ The plan must describe in the district's
 24.31 world's best workforce plan under section 120B.11, describing how the school readiness
 24.32 program meets the program requirements under subdivision 3. ~~A school district by April 1~~
 24.33 ~~must submit the plan for approval by the commissioner in the form and manner prescribed~~
 24.34 ~~by the commissioner. One-half the districts must first submit the plan by April 1, 2006,~~

25.1 ~~and one-half the districts must first submit the plan by April 1, 2007, as determined by~~
25.2 ~~the commissioner.~~

25.3 (b) Programs receiving school readiness funds annually must submit a report to
25.4 the department.

25.5 **EFFECTIVE DATE.** This section is effective July 1, 2016.

25.6 Sec. 34. Minnesota Statutes 2015 Supplement, section 124D.231, subdivision 2,
25.7 is amended to read:

25.8 Subd. 2. **Full-service community school program.** (a) The commissioner shall
25.9 provide funding to eligible school sites to plan, implement, and improve full-service
25.10 community schools. Eligible school sites must meet one of the following criteria:

25.11 (1) the school is on a development plan for continuous improvement under section
25.12 120B.35, subdivision 2; or

25.13 (2) the school is in a district that has an achievement and integration plan approved
25.14 by the commissioner of education under sections 124D.861 and 124D.862.

25.15 (b) An eligible school site may receive up to \$100,000 annually. School sites
25.16 receiving funding under this section shall hire or contract with a partner agency to hire a
25.17 site coordinator to coordinate services at each covered school site.

25.18 (c) Implementation funding of up to \$20,000 must be available for up to one year for
25.19 planning for school sites. At the end of this period, the school must submit a full-service
25.20 community school plan, pursuant to paragraph (g).

25.21 (d) The commissioner shall dispense the funds to schools with significant populations
25.22 of students receiving free or reduced-price lunches. Schools with significant homeless and
25.23 highly mobile students shall also be a priority. The commissioner must also dispense the
25.24 funds in a manner to ensure equity among urban, suburban, and greater Minnesota schools.

25.25 (e) A school site must establish a school leadership team responsible for developing
25.26 school-specific programming goals, assessing program needs, and overseeing the process
25.27 of implementing expanded programming at each covered site. The school leadership team
25.28 shall have between 12 to 15 members and shall meet the following requirements:

25.29 (1) at least 30 percent of the members are parents and 30 percent of the members
25.30 are teachers at the school site and must include the school principal and representatives
25.31 from partner agencies; and

25.32 (2) the school leadership team must be responsible for overseeing the baseline
25.33 analyses under paragraph (f). A school leadership team must have ongoing responsibility
25.34 for monitoring the development and implementation of full-service community school
25.35 operations and programming at the school site and shall issue recommendations to schools

26.1 on a regular basis and summarized in an annual report. These reports shall also be made
26.2 available to the public at the school site and on school and district Web sites.

26.3 (f) School sites must complete a baseline analysis prior to beginning programming
26.4 as a full-service community school. The analysis shall include:

26.5 (1) a baseline analysis of needs at the school site, led by the school leadership team,
26.6 which shall include the following elements:

26.7 (i) identification of challenges facing the school;

26.8 (ii) analysis of the student body, including:

26.9 (A) number and percentage of students with disabilities and needs of these students;

26.10 (B) number and percentage of students who are English learners and the needs of
26.11 these students;

26.12 (C) number of students who are homeless or highly mobile; and

26.13 (D) number and percentage of students receiving free or reduced-price lunch and the
26.14 needs of these students;

26.15 (iii) analysis of enrollment and retention rates for students with disabilities,
26.16 English learners, homeless and highly mobile students, and students receiving free or
26.17 reduced-price lunch;

26.18 (iv) analysis of suspension and expulsion data, including the justification for such
26.19 disciplinary actions and the degree to which particular populations, including, but not
26.20 limited to, students of color, students with disabilities, students who are English learners,
26.21 and students receiving free or reduced-price lunch are represented among students subject
26.22 to such actions;

26.23 (v) analysis of school achievement data disaggregated by major demographic
26.24 categories, including, but not limited to, race, ethnicity, English learner status, disability
26.25 status, and free or reduced-price lunch status;

26.26 (vi) analysis of current parent engagement strategies and their success; and

26.27 (vii) evaluation of the need for and availability of wraparound services, including,
26.28 but not limited to:

26.29 (A) mechanisms for meeting students' social, emotional, and physical health needs,
26.30 which may include coordination of existing services as well as the development of new
26.31 services based on student needs; and

26.32 (B) strategies to create a safe and secure school environment and improve school
26.33 climate and discipline, such as implementing a system of positive behavioral supports, and
26.34 taking additional steps to eliminate bullying;

26.35 (2) a baseline analysis of community assets and a strategic plan for utilizing
26.36 and aligning identified assets. This analysis should include, but is not limited to, a

27.1 documentation of individuals in the community, faith-based organizations, community and
 27.2 neighborhood associations, colleges, hospitals, libraries, businesses, and social service
 27.3 agencies who may be able to provide support and resources; and

27.4 (3) a baseline analysis of needs in the community surrounding the school, led by
 27.5 the school leadership team, including, but not limited to:

27.6 (i) the need for high-quality, full-day child care and early childhood education
 27.7 programs;

27.8 (ii) the need for physical and mental health care services for children and adults; and

27.9 (iii) the need for job training and other adult education programming.

27.10 (g) Each school site receiving funding under this section must establish at least two
 27.11 of the following types of programming:

27.12 (1) early childhood:

27.13 (i) early childhood education; and

27.14 (ii) child care services;

27.15 (2) academic:

27.16 (i) academic support and enrichment activities, including expanded learning time;

27.17 (ii) summer or after-school enrichment and learning experiences;

27.18 (iii) job training, internship opportunities, and career counseling services;

27.19 (iv) programs that provide assistance to students who have been truant, suspended,
 27.20 or expelled; and

27.21 (v) specialized instructional support services;

27.22 (3) parental involvement:

27.23 (i) programs that promote parental involvement and family literacy, ~~including the~~

27.24 ~~Reading First and Early Reading First programs authorized under part B of title I of the~~

27.25 ~~Elementary and Secondary Education Act of 1965, United States Code, title 20, section~~

27.26 ~~6361, et seq.;~~

27.27 (ii) parent leadership development activities; and

27.28 (iii) parenting education activities;

27.29 (4) mental and physical health:

27.30 (i) mentoring and other youth development programs, including peer mentoring and
 27.31 conflict mediation;

27.32 (ii) juvenile crime prevention and rehabilitation programs;

27.33 (iii) home visitation services by teachers and other professionals;

27.34 (iv) developmentally appropriate physical education;

27.35 (v) nutrition services;

27.36 (vi) primary health and dental care; and

- 28.1 (vii) mental health counseling services;
- 28.2 (5) community involvement:
- 28.3 (i) service and service-learning opportunities;
- 28.4 (ii) adult education, including instruction in English as a second language; and
- 28.5 (iii) homeless prevention services;
- 28.6 (6) positive discipline practices; and
- 28.7 (7) other programming designed to meet school and community needs identified in
- 28.8 the baseline analysis and reflected in the full-service community school plan.
- 28.9 (h) The school leadership team at each school site must develop a full-service
- 28.10 community school plan detailing the steps the school leadership team will take, including:
- 28.11 (1) timely establishment and consistent operation of the school leadership team;
- 28.12 (2) maintenance of attendance records in all programming components;
- 28.13 (3) maintenance of measurable data showing annual participation and the impact
- 28.14 of programming on the participating children and adults;
- 28.15 (4) documentation of meaningful and sustained collaboration between the school
- 28.16 and community stakeholders, including local governmental units, civic engagement
- 28.17 organizations, businesses, and social service providers;
- 28.18 (5) establishment and maintenance of partnerships with institutions, such as
- 28.19 universities, hospitals, museums, or not-for-profit community organizations to further the
- 28.20 development and implementation of community school programming;
- 28.21 (6) ensuring compliance with the district nondiscrimination policy; and
- 28.22 (7) plan for school leadership team development.

28.23 Sec. 35. Minnesota Statutes 2015 Supplement, section 124D.73, subdivision 4, is

28.24 amended to read:

28.25 Subd. 4. **Participating school; American Indian school.** "Participating school"

28.26 and "American Indian school" mean a school that:

- 28.27 (1) is not operated by a school district; and
- 28.28 (2) is eligible for a grant under federal Title ~~VH~~ VI of the Elementary and Secondary
- 28.29 Education Act for the education of American Indian children.

28.30 Sec. 36. Minnesota Statutes 2014, section 127A.095, is amended to read:

28.31 **127A.095 IMPLEMENTATION OF NO CHILD LEFT BEHIND ACT**

28.32 **ELEMENTARY AND SECONDARY EDUCATION ACT.**

29.1 Subdivision 1. **Continued implementation.** The Department of Education shall
29.2 continue to implement the federal ~~No Child Left Behind Act, Public Law 107-110,~~
29.3 Elementary and Secondary Education Act without interruption.

29.4 ~~Subd. 2. **No Child Left Behind review.** (a) The legislature intends to require~~
29.5 ~~the Department of Education to conduct a comprehensive review of the consolidated~~
29.6 ~~state plan the state submitted to the federal Department of Education to implement the~~
29.7 ~~No Child Left Behind Act. The Minnesota Department of Education shall seek waivers~~
29.8 ~~under paragraph (b). If the Department of Education is unable to obtain waivers under~~
29.9 ~~paragraph (b), it should recommend in its report under paragraph (b) whether the state~~
29.10 ~~should opt out of the No Child Left Behind Act.~~

29.11 ~~(b) The commissioner, by January 15, 2008, shall report to the house of~~
29.12 ~~representatives and senate committees having jurisdiction over kindergarten through grade~~
29.13 ~~12 education policy and finance whether the department has received approval from~~
29.14 ~~the federal Department of Education to:~~

29.15 ~~(1) participate in the growth model pilot program;~~

29.16 ~~(2) exclude from sanctions schools that have not made adequate yearly progress due~~
29.17 ~~solely to a subgroup of students with disabilities not testing at a proficient level;~~

29.18 ~~(3) identify a school as not making adequate yearly progress only after the school has~~
29.19 ~~missed the adequate yearly progress targets in the same subgroup for two consecutive years;~~

29.20 ~~(4) determine when to hold schools accountable for including an English learner~~
29.21 ~~in adequate yearly progress calculations;~~

29.22 ~~(5) allow a district not making adequate yearly progress to offer supplemental~~
29.23 ~~educational services as an option before offering school choice;~~

29.24 ~~(6) allow a district not making adequate yearly progress to also be the supplemental~~
29.25 ~~educational services provider;~~

29.26 ~~(7) allow the state to maintain a subgroup size to 40 for the purposes of calculating~~
29.27 ~~adequate yearly progress for subgroups of English learners and subgroups of students~~
29.28 ~~with disabilities; and~~

29.29 ~~(8) create flexibility to enable the state to define and identify highly qualified teachers.~~

29.30 Subd. 3. **Department of Management and Budget certification.** If the federal
29.31 Department of Education does not transmit to the commissioner of education its approval
29.32 of the conditions in subdivision 2, paragraph (b), The commissioner of management and
29.33 budget shall certify and report to the legislature annually beginning January 1, 2008, the
29.34 amount of federal revenue, if any, that the federal government may withhold as a result
29.35 of a potential state decision to discontinue implementation of the ~~No Child Left Behind~~
29.36 Act Elementary and Secondary Education Act. The report shall also specify the intended

30.1 purpose of the federal revenue and the amount of revenue that the federal government may
30.2 withhold from the state, each school district, and each charter school in each fiscal year.

30.3 **Sec. 37. STUDENT DISCIPLINE WORKING GROUP.**

30.4 (a) A Student Discipline Working Group is created to review the substance,
30.5 application, and effect of Minnesota's Pupil Fair Dismissal Act under Minnesota Statutes,
30.6 sections 121A.40 to 121A.56, and related student discipline provisions in Minnesota
30.7 Statutes, chapter 121A, and submit written recommendations to the chairs and ranking
30.8 minority members of the committees in the house of representatives and the senate with
30.9 jurisdiction over education by February 1, 2017, on improving disciplinary policies,
30.10 practices, and procedures as they affect students and school officials and the effects on
30.11 student outcomes.

30.12 (b) Consistent with paragraph (a), the working group must analyze:

30.13 (1) available summary data on elementary and secondary students' removal from
30.14 class, suspensions, exclusions, and expulsions, disaggregated by categories of race,
30.15 ethnicity, poverty, disabilities, homelessness, English language proficiency, gender, age,
30.16 and foster care status;

30.17 (2) the meaning and effect of "willful" in establishing grounds for dismissal under
30.18 Minnesota Statutes, section 121A.45;

30.19 (3) the impact of student misconduct on teacher safety;

30.20 (4) the impact of established policies and due process procedures on teacher safety
30.21 and student outcomes;

30.22 (5) students' need for and access to professional support service providers such
30.23 as school counselors, school social workers, school psychologists, and mental health
30.24 professionals;

30.25 (6) the presence of school resource officers in school buildings, their role in effecting
30.26 student discipline, and their impact on teacher safety and student outcomes;

30.27 (7) policies for retaining and destroying student disciplinary data;

30.28 (8) best practices for school discipline; and

30.29 (9) other related school discipline matters that are of concern to working group
30.30 members.

30.31 (c) The working group consists of 21 members. By June 1, 2016, the executive
30.32 director of each of the following organizations shall appoint one representative of
30.33 that organization to serve as a member of the working group: the Minnesota School
30.34 Boards Association; the Minnesota Association of School Administrators; Education
30.35 Minnesota; the Minnesota Board of Peace Officer Standards and Training; the Minnesota

31.1 Disability Law Center; the National Alliance of Mental Illness Minnesota; the Minnesota
 31.2 Association of Secondary School Principals; the Minnesota Elementary School Principals'
 31.3 Association; the Association of Metropolitan School Districts; the Minnesota Rural
 31.4 Education Association; the Minnesota School Counselors Association; the Minnesota
 31.5 School Psychologists Association; the Parent Advocacy Coalition for Educational Rights;
 31.6 Minnesota Administrators for Special Education; Schools for Equity in Education;
 31.7 Minnesota Education Equity Partnership; Educators for Excellence; the School Nurse
 31.8 Organization of Minnesota; the Minnesota Association of Charter Schools; the Minnesota
 31.9 Youth Council; and the Minnesota School Social Workers Association. Working
 31.10 group members must seek advice from experts and stakeholders in developing their
 31.11 recommendations.

31.12 (d) The commissioner of education, or the commissioner's designee, must convene
 31.13 the first meeting of the working group. The working group must select a chair or cochair
 31.14 from among its members at the first meeting. The working group must meet periodically.
 31.15 The commissioner must provide technical and administrative assistance to the working
 31.16 group upon request. Working group members are not eligible to receive expenses or per
 31.17 diem payments for serving on the working group.

31.18 (e) The working group expires February 2, 2017.

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

31.20 **Sec. 38. ASSESSMENT REPORT.**

31.21 By January 1, 2017, the commissioner of education must report to the chairs
 31.22 and ranking minority members of the legislative committees having jurisdiction
 31.23 over kindergarten through grade 12 education on whether to replace the Minnesota
 31.24 Comprehensive Assessments (MCAs) that are administered to high school students with a
 31.25 nationally recognized college entrance exam. The report must include the reason for the
 31.26 recommendation. If the recommendation is to replace the MCAs, then the commissioner
 31.27 must include in the report which nationally recognized college entrance exam should be
 31.28 used as the replacement assessment, in what grade or grades the assessment should be
 31.29 administered, and the cost for using the nationally recognized college entrance exam.

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

31.31 **Sec. 39. REPEALER.**

31.32 (a) Minnesota Statutes 2014, sections 120B.299, subdivision 5; 120B.35, subdivision
 31.33 4; 122A.413, subdivision 3; 122A.43, subdivision 6; and 123B.06, are repealed.

32.1 (b) Minnesota Statutes 2015 Supplement, section 122A.413, subdivisions 1 and
 32.2 2, are repealed.

32.3 **ARTICLE 3**

32.4 **CHARTER SCHOOLS**

32.5 Section 1. Minnesota Statutes 2015 Supplement, section 124E.05, subdivision 1, is
 32.6 amended to read:

32.7 Subdivision 1. **Eligible authorizers.** The following organizations may authorize
 32.8 one or more charter schools:

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

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

32.17 (i) ~~is a member of the Minnesota Council of Nonprofits or the Minnesota Council on~~
 32.18 ~~Foundations;~~

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

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

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

32.27 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
 32.28 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
 32.29 of 1986, may authorize one or more charter schools if the charter school has operated
 32.30 for at least three years under a different authorizer and if the nonprofit corporation has
 32.31 existed for at least 25 years; or

32.32 (5) single-purpose authorizers formed as charitable, nonsectarian organizations
 32.33 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state
 32.34 of Minnesota under chapter 317A as a corporation with no members or under section
 32.35 322B.975 as a nonprofit limited liability company for the sole purpose of chartering schools.

33.1 Sec. 2. Minnesota Statutes 2015 Supplement, section 124E.05, subdivision 4, is
 33.2 amended to read:

33.3 Subd. 4. **Application content.** (a) An applicant must include in its application to
 33.4 the commissioner to be an approved authorizer at least the following:

33.5 (1) how chartering schools is a way for the organization to carry out its mission;

33.6 ~~(2) a description of the capacity of the organization to serve as an authorizer,
 33.7 including the personnel who will perform the authorizing duties, their qualifications, the
 33.8 amount of time they will be assigned to this responsibility, and the financial resources
 33.9 allocated by the organization to this responsibility;~~

33.10 (2) a description of the capacity of the organization to serve as an authorizer,
 33.11 including the positions allocated to authorizing duties, the qualifications for those
 33.12 positions, the full-time equivalencies of those positions, and the financial resources
 33.13 available to fund the positions;

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

33.16 (4) a description of the type of contract it will arrange with the schools it charters
 33.17 that meets the provisions of section 124E.10;

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

33.21 (6) a description of the criteria and process the authorizer will use to grant expanded
 33.22 applications under section 124E.06, subdivision 5;

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

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

33.29 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy
 33.30 the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a
 33.31 conflict of interest between an authorizer and its charter schools or ongoing evaluation or
 33.32 continuing education of an administrator or other professional support staff by submitting
 33.33 to the commissioner a written promise to comply with the requirements.

33.34 **EFFECTIVE DATE.** This section is effective January 1, 2017.

34.1 Sec. 3. Minnesota Statutes 2015 Supplement, section 124E.05, subdivision 5, is
34.2 amended to read:

34.3 Subd. 5. **Review by commissioner.** (a) The commissioner shall review an
34.4 authorizer's performance every five years in a manner and form determined by the
34.5 commissioner, subject to paragraphs (b) and (c), and may review an authorizer's
34.6 performance more frequently at the commissioner's own initiative or at the request of a
34.7 charter school operator, charter school board member, or other interested party. The
34.8 commissioner, after completing the review, shall transmit a report with findings to the
34.9 authorizer.

34.10 (b) Consistent with this section, the commissioner must:

34.11 (1) use criteria appropriate to the authorizer and the schools it charters to review
34.12 the authorizer's performance; and

34.13 (2) consult with authorizers, charter school operators, and other charter school
34.14 stakeholders in developing and evaluating the review process, criteria, and scoring system
34.15 under this paragraph.

34.16 (c) The commissioner's form must use existing department data on the authorizer
34.17 to minimize duplicate reporting to the extent practicable.

34.18 **EFFECTIVE DATE.** This section is effective January 1, 2017.

34.19 Sec. 4. Minnesota Statutes 2015 Supplement, section 124E.05, subdivision 7, is
34.20 amended to read:

34.21 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to
34.22 withdraw as an approved authorizer for a reason unrelated to any cause under section
34.23 124E.10, subdivision 4, the authorizer must notify all its chartered schools and the
34.24 commissioner in writing by ~~July 15~~ March 1 of its intent to withdraw as an authorizer on
34.25 June 30 in the next calendar year, regardless of when the authorizer's five-year term of
34.26 approval ends. The commissioner may approve the transfer of a charter school to a new
34.27 authorizer ~~under this subdivision after the new authorizer submits an affidavit to the~~
34.28 ~~commissioner~~ section 124E.10, subdivision 5.

34.29 Sec. 5. Minnesota Statutes 2015 Supplement, section 124E.10, subdivision 1, is
34.30 amended to read:

34.31 Subdivision 1. **Contents.** (a) The authorization for a charter school must be in the
34.32 form of a written contract signed by the authorizer and the board of directors of the charter
34.33 school. The contract must be completed within 45 business days of the commissioner's
34.34 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a

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

35.3 (1) a declaration that the charter school will carry out the primary purpose in section
35.4 124E.01, subdivision 1, and how the school will report its implementation of the primary
35.5 purpose;

35.6 (2) a declaration of the additional purpose or purposes in section 124E.01,
35.7 subdivision 1, that the school intends to carry out and how the school will report its
35.8 implementation of those purposes;

35.9 (3) a description of the school program and the specific academic and nonacademic
35.10 outcomes that pupils must achieve;

35.11 (4) a statement of admission policies and procedures;

35.12 (5) a governance, management, and administration plan for the school;

35.13 (6) signed agreements from charter school board members to comply with all
35.14 federal and state laws governing organizational, programmatic, and financial requirements
35.15 applicable to charter schools;

35.16 (7) the criteria, processes, and procedures that the authorizer will use to monitor and
35.17 evaluate the fiscal, operational, and academic performance consistent with subdivision
35.18 3, paragraphs (a) and (b);

35.19 (8) for contract renewal, the formal written performance evaluation of the school
35.20 that is a prerequisite for reviewing a charter contract under subdivision 3;

35.21 (9) types and amounts of insurance liability coverage to be obtained by the charter
35.22 school, consistent with section 124E.03, subdivision 2, paragraph (d);

35.23 (10) consistent with section 124E.09, paragraph (d), a provision to indemnify and
35.24 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,
35.25 or liability arising from any operation of the charter school, and the commissioner and
35.26 department officers, agents, and employees notwithstanding section 3.736;

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

35.31 (12) how the board of directors or the operators of the charter school will provide
35.32 special instruction and services for children with a disability under sections 125A.03
35.33 to 125A.24, and 125A.65, a description of the financial parameters within which the
35.34 charter school will operate to provide the special instruction and services to children
35.35 with a disability;

36.1 (13) the specific conditions for contract renewal that identify performance of all
36.2 students under the primary purpose of section 124E.01, subdivision 1, as the most
36.3 important factor in determining contract renewal;

36.4 (14) the additional purposes under section 124E.01, subdivision 1, and related
36.5 performance obligations under clause (7) contained in the charter contract as additional
36.6 factors in determining contract renewal; and

36.7 (15) the plan for an orderly closing of the school under chapter 317A, whether
36.8 the closure is a termination for cause, a voluntary termination, or a nonrenewal of the
36.9 contract, that includes establishing the responsibilities of the school board of directors
36.10 and the authorizer and notifying the commissioner, authorizer, school district in which the
36.11 charter school is located, and parents of enrolled students about the closure, information
36.12 and assistance sufficient to enable the student to re-enroll in another school, the transfer
36.13 of student records under section 124E.03, subdivision 5, paragraph (b), and procedures
36.14 for closing financial operations.

36.15 (b) A charter school must design its programs to at least meet the outcomes adopted
36.16 by the commissioner for public school students, including world's best workforce goals
36.17 under section 120B.11, subdivision 1. In the absence of the commissioner's requirements,
36.18 the school must meet the outcomes contained in the contract with the authorizer. The
36.19 achievement levels of the outcomes contained in the contract may exceed the achievement
36.20 levels of any outcomes adopted by the commissioner for public school students.

36.21 Sec. 6. Minnesota Statutes 2015 Supplement, section 124E.10, subdivision 5, is
36.22 amended to read:

36.23 Subd. 5. **Mutual nonrenewal.** If the authorizer and the charter school board of
36.24 directors mutually agree not to renew the contract, or if the governing board of an approved
36.25 authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause
36.26 under subdivision 4, a change in authorizers is allowed. The authorizer and the school
36.27 board must jointly submit a written and signed letter of their intent to the commissioner to
36.28 mutually not renew the contract. The authorizer that is a party to the existing contract must
36.29 inform the proposed authorizer about the fiscal, operational, and student performance status
36.30 of the school, ~~as well as any~~ including unmet contract outcomes and other outstanding
36.31 contractual obligations that exist. The charter contract between the proposed authorizer
36.32 and the school must identify and provide a plan to address any outstanding obligations from
36.33 the previous contract. The proposed contract must be submitted at least 105 business days
36.34 before the end of the existing charter contract. The commissioner shall have 30 business
36.35 days to review and make a determination. The proposed authorizer and the school shall

37.1 have 15 business days to respond to the determination and address any issues identified by
 37.2 the commissioner. A final determination by the commissioner shall be made no later than
 37.3 45 business days before the end of the current charter contract. If no change in authorizer
 37.4 is approved, the school and the current authorizer may withdraw their letter of nonrenewal
 37.5 and enter into a new contract. If the transfer of authorizers is not approved and the current
 37.6 authorizer and the school do not withdraw their letter and enter into a new contract, the
 37.7 school must be dissolved according to applicable law and the terms of the contract.

37.8 Sec. 7. Minnesota Statutes 2015 Supplement, section 124E.16, subdivision 2, is
 37.9 amended to read:

37.10 Subd. 2. **Annual public reports.** (a) A charter school must publish an annual report
 37.11 approved by the board of directors. The annual report must at least include information
 37.12 on school enrollment, student attrition, governance and management, staffing, finances,
 37.13 academic performance, innovative practices and implementation, and future plans. A
 37.14 charter school may combine this report with the reporting required under section 120B.11.
 37.15 A charter school must post the annual report on the school's official Web site. A charter
 37.16 school must also distribute the annual report by publication, mail, or electronic means to
 37.17 its authorizer, school employees, and parents and legal guardians of students enrolled in
 37.18 the charter school. The reports are public data under chapter 13.

37.19 (b) ~~The commissioner shall establish specifications for~~ An authorizer must submit an
 37.20 authorizer's annual public report that in a manner specified by the commissioner by January
 37.21 15 for the previous school year ending June 30 that shall at least include key indicators of
 37.22 school academic, operational, and financial performance. The report is part of the system
 37.23 to evaluate authorizer performance under section 124E.05, subdivision 5. The report shall
 37.24 at least include key indicators of school academic, operational, and financial performance.

37.25 ARTICLE 4

37.26 SPECIAL EDUCATION

37.27 Section 1. Minnesota Statutes 2015 Supplement, section 120B.125, is amended to read:

37.28 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION** 37.29 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL** 37.30 **LEARNING PLANS.**

37.31 (a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15,
 37.32 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections, school
 37.33 districts, beginning in the 2013-2014 school year, must assist all students by no later

38.1 than grade 9 to explore their educational, college, and career interests, aptitudes, and
38.2 aspirations and develop a plan for a smooth and successful transition to postsecondary
38.3 education or employment. All students' plans must:

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

38.8 (2) emphasize academic rigor and high expectations;

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

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

38.14 (5) help students access education and career options;

38.15 (6) integrate strong academic content into career-focused courses and applied and
38.16 experiential learning opportunities and integrate relevant career-focused courses and
38.17 applied and experiential learning opportunities into strong academic content;

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

38.22 (8) help identify collaborative partnerships among prekindergarten through grade
38.23 12 schools, postsecondary institutions, economic development agencies, and local and
38.24 regional employers that support students' transition to postsecondary education and
38.25 employment and provide students with applied and experiential learning opportunities; and

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

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

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

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

39.9 (e) A student with a disability that has an individualized education program (IEP)
 39.10 or standardized written plan that meets the plan components of this section does not
 39.11 need an additional plan.

39.12 Sec. 2. Minnesota Statutes 2014, section 122A.31, subdivision 3, is amended to read:

39.13 Subd. 3. **Qualified interpreters.** The Department of Education ~~and the resource~~
 39.14 ~~center:~~ state specialist for deaf and hard-of-hearing hard-of-hearing shall work with
 39.15 existing interpreter/transliterator training programs, other training/educational institutions,
 39.16 and the regional service centers to ensure that ongoing staff development training for
 39.17 educational interpreters/transliterators is provided throughout the state.

39.18 Sec. 3. Minnesota Statutes 2014, section 124D.15, subdivision 15, is amended to read:

39.19 Subd. 15. **Eligibility.** A child is eligible to participate in a school readiness program
 39.20 if the child:

39.21 (1) is at least three years old on September 1;

39.22 (2) has completed health and developmental screening within 90 days of program
 39.23 enrollment under sections 121A.16 to 121A.19; and

39.24 (3) has one or more of the following risk factors:

39.25 (i) qualifies for free or reduced-price lunch;

39.26 (ii) is an English learner;

39.27 (iii) is homeless;

39.28 (iv) has an individualized education program (IEP) or ~~an individual interagency~~
 39.29 ~~intervention plan (IHP)~~ standardized written plan;

39.30 (v) is identified, through health and developmental screenings under sections
 39.31 121A.16 to 121A.19, with a potential risk factor that may influence learning; or

39.32 (vi) is defined as ~~at-risk~~ at risk by the school district.

40.1 Sec. 4. Minnesota Statutes 2015 Supplement, section 125A.08, is amended to read:

40.2 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

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

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

40.6 (1) all students with disabilities are provided the special instruction and services
40.7 which are appropriate to their needs. Where the individualized education program team
40.8 has determined appropriate goals and objectives based on the student's needs, including the
40.9 extent to which the student can be included in the least restrictive environment, and where
40.10 there are essentially equivalent and effective instruction, related services, or assistive
40.11 technology devices available to meet the student's needs, cost to the district may be among
40.12 the factors considered by the team in choosing how to provide the appropriate services,
40.13 instruction, or devices that are to be made part of the student's individualized education
40.14 program. The individualized education program team shall consider and may authorize
40.15 services covered by medical assistance according to section 256B.0625, subdivision 26.
40.16 The student's needs and the special education instruction and services to be provided must
40.17 be agreed upon through the development of an individualized education program. The
40.18 program must address the student's need to develop skills to live and work as independently
40.19 as possible within the community. The individualized education program team must
40.20 consider positive behavioral interventions, strategies, and supports that address behavior
40.21 needs for children. During grade 9, the program must address the student's needs for
40.22 transition from secondary services to postsecondary education and training, employment,
40.23 community participation, recreation, and leisure and home living. In developing the
40.24 program, districts must inform parents of the full range of transitional goals and related
40.25 services that should be considered. The program must include a statement of the needed
40.26 transition services, including a statement of the interagency responsibilities or linkages or
40.27 both before secondary services are concluded. If the IEP meets the plan components in
40.28 section 120B.125, the IEP satisfies the requirement and no additional plan is needed;

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

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

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

41.4 (5) to the maximum extent appropriate, children with a disability, including those
 41.5 in public or private institutions or other care facilities, are educated with children who
 41.6 are not disabled, and that special classes, separate schooling, or other removal of children
 41.7 with a disability from the regular educational environment occurs only when and to the
 41.8 extent that the nature or severity of the disability is such that education in regular classes
 41.9 with the use of supplementary services cannot be achieved satisfactorily;

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

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

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

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

41.24 (2) annual training opportunities are required to enable the paraprofessional to
 41.25 continue to further develop the knowledge and skills that are specific to the students with
 41.26 whom the paraprofessional works, including understanding disabilities, the unique and
 41.27 individual needs of each student according to the student's disability and how the disability
 41.28 affects the student's education and behavior, following lesson plans, and implementing
 41.29 follow-up instructional procedures and activities; and

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

41.33 Sec. 5. Minnesota Statutes 2014, section 125A.091, subdivision 11, is amended to read:

41.34 Subd. 11. **Facilitated team meeting.** A facilitated team meeting is an IEP, IFSP, or
 41.35 ~~HHP~~ multiagency team meeting led by an impartial state-provided facilitator to promote

42.1 effective communication and assist a team in developing an individualized education
42.2 program.

42.3 Sec. 6. Minnesota Statutes 2015 Supplement, section 125A.0942, subdivision 3,
42.4 is amended to read:

42.5 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be
42.6 used only in an emergency. A school that uses physical holding or seclusion shall meet the
42.7 following requirements:

42.8 (1) physical holding or seclusion is the least intrusive intervention that effectively
42.9 responds to the emergency;

42.10 (2) physical holding or seclusion is not used to discipline a noncompliant child;

42.11 (3) physical holding or seclusion ends when the threat of harm ends and the staff
42.12 determines the child can safely return to the classroom or activity;

42.13 (4) staff directly observes the child while physical holding or seclusion is being used;

42.14 (5) each time physical holding or seclusion is used, the staff person who implements
42.15 or oversees the physical holding or seclusion documents, as soon as possible after the
42.16 incident concludes, the following information:

42.17 (i) a description of the incident that led to the physical holding or seclusion;

42.18 (ii) why a less restrictive measure failed or was determined by staff to be
42.19 inappropriate or impractical;

42.20 (iii) the time the physical holding or seclusion began and the time the child was
42.21 released; and

42.22 (iv) a brief record of the child's behavioral and physical status;

42.23 (6) the room used for seclusion must:

42.24 (i) be at least six feet by five feet;

42.25 (ii) be well lit, well ventilated, adequately heated, and clean;

42.26 (iii) have a window that allows staff to directly observe a child in seclusion;

42.27 (iv) have tamperproof fixtures, electrical switches located immediately outside the
42.28 door, and secure ceilings;

42.29 (v) have doors that open out and are unlocked, locked with keyless locks that
42.30 have immediate release mechanisms, or locked with locks that have immediate release
42.31 mechanisms connected with a fire and emergency system; and

42.32 (vi) not contain objects that a child may use to injure the child or others; and

42.33 (7) before using a room for seclusion, a school must:

42.34 (i) receive written notice from local authorities that the room and the locking
42.35 mechanisms comply with applicable building, fire, and safety codes; and

43.1 (ii) register the room with the commissioner, who may view that room; ~~and,~~

43.2 (8) until August 1, 2015, a school district may use prone restraints with children
43.3 age five or older if:

43.4 (i) the district has provided to the department a list of staff who have had specific
43.5 training on the use of prone restraints;

43.6 (ii) the district provides information on the type of training that was provided and
43.7 by whom;

43.8 (iii) only staff who received specific training use prone restraints;

43.9 (iv) each incident of the use of prone restraints is reported to the department within
43.10 five working days on a form provided by the department; and

43.11 (v) the district, before using prone restraints, must review any known medical or
43.12 psychological limitations that contraindicate the use of prone restraints.

43.13 The department must collect data on districts' use of prone restraints and publish the
43.14 data in a readily accessible format on the department's Web site on a quarterly basis.

43.15 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
43.16 recommend to the commissioner specific and measurable implementation and outcome
43.17 goals for reducing the use of restrictive procedures and the commissioner must submit to
43.18 the legislature a report on districts' progress in reducing the use of restrictive procedures
43.19 that recommends how to further reduce these procedures and eliminate the use of
43.20 ~~prone restraints~~ seclusion. The statewide plan includes the following components:
43.21 measurable goals; the resources, training, technical assistance, mental health services,
43.22 and collaborative efforts needed to significantly reduce districts' use of ~~prone restraints~~
43.23 seclusion; and recommendations to clarify and improve the law governing districts' use
43.24 of restrictive procedures. The commissioner must consult with interested stakeholders
43.25 when preparing the report, including representatives of advocacy organizations, special
43.26 education directors, teachers, paraprofessionals, intermediate school districts, school
43.27 boards, day treatment providers, county social services, state human services department
43.28 staff, mental health professionals, and autism experts. ~~By June 30~~ Beginning with the
43.29 2016-2017 school year, in a form and manner determined by the commissioner, districts
43.30 must report data quarterly to the department by January 15, April 15, July 15, and October
43.31 15, about individual students who have been secluded. By July 15 each year, districts
43.32 must report summary data on their use of restrictive procedures to the department for
43.33 the prior school year, July 1 through June 30, in a form and manner determined by the
43.34 commissioner. The summary data must include information about the use of restrictive
43.35 procedures, including use of reasonable force under section 121A.582.

44.1 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 44.2 later.

44.3 Sec. 7. Minnesota Statutes 2014, section 125A.0942, subdivision 4, is amended to read:

44.4 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

44.5 (1) engaging in conduct prohibited under section 121A.58;

44.6 (2) requiring a child to assume and maintain a specified physical position, activity,
 44.7 or posture that induces physical pain;

44.8 (3) totally or partially restricting a child's senses as punishment;

44.9 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
 44.10 substance, or spray as punishment;

44.11 (5) denying or restricting a child's access to equipment and devices such as walkers,
 44.12 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
 44.13 except when temporarily removing the equipment or device is needed to prevent injury
 44.14 to the child or others or serious damage to the equipment or device, in which case the
 44.15 equipment or device shall be returned to the child as soon as possible;

44.16 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or
 44.17 physical abuse under section 626.556;

44.18 (7) withholding regularly scheduled meals or water;

44.19 (8) denying access to bathroom facilities; ~~and~~

44.20 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or
 44.21 impairs a child's ability to communicate distress, places pressure or weight on a child's
 44.22 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in
 44.23 straddling a child's torso; and

44.24 (10) prone restraint.

44.25 **EFFECTIVE DATE.** The section is effective the day following final enactment.

44.26 Sec. 8. Minnesota Statutes 2015 Supplement, section 125A.63, subdivision 4, is
 44.27 amended to read:

44.28 Subd. 4. **Advisory committees.** (a) The commissioner shall establish advisory
 44.29 committees for the deaf and hard-of-hearing and for the blind and visually impaired. The
 44.30 advisory committees shall develop recommendations and submit an annual report to the
 44.31 commissioner on the form and in the manner prescribed by the commissioner.

44.32 (b) The advisory committees for the deaf and hard of hearing and for the blind and
 44.33 visually impaired shall meet periodically at least four times per year ~~and~~. The committees
 44.34 must each review, approve, and submit an annual a biennial report to the commissioner,

45.1 the education policy and finance committees of the legislature, and the Commission of
45.2 Deaf, DeafBlind, and Hard-of-Hearing Minnesotans. The reports must, at least:

45.3 (1) identify and report the aggregate, data-based education outcomes for children
45.4 with the primary disability classification of deaf and hard of hearing or of blind and
45.5 visually impaired, consistent with the commissioner's child count reporting practices, the
45.6 commissioner's state and local outcome data reporting system by district and region, and
45.7 the school performance report cards under section 120B.36, subdivision 1; and

45.8 (2) describe the implementation of a data-based plan for improving the education
45.9 outcomes of deaf and hard of hearing or blind and visually impaired children that is
45.10 premised on evidence-based best practices, and provide a cost estimate for ongoing
45.11 implementation of the plan.

45.12 ARTICLE 5

45.13 FACILITIES AND TECHNOLOGY

45.14 Section 1. Minnesota Statutes 2014, section 123B.52, subdivision 1, is amended to read:

45.15 Subdivision 1. **Contracts.** A contract for work or labor, or for the purchase of
45.16 furniture, fixtures, or other property, except books registered under the copyright laws and
45.17 information systems software, or for the construction or repair of school houses, the
45.18 estimated cost or value of which shall exceed that specified in section 471.345, subdivision
45.19 3, must not be made by the school board without first advertising for bids or proposals by
45.20 two weeks' published notice in the official newspaper. This notice must state the time and
45.21 place of receiving bids and contain a brief description of the subject matter.

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

45.24 After taking into consideration conformity with the specifications, terms of delivery,
45.25 and other conditions imposed in the call for bids, every such contract for which a call for
45.26 bids has been issued must be awarded to the lowest responsible bidder, be duly executed
45.27 in writing, and be otherwise conditioned as required by law. The person to whom the
45.28 contract is awarded shall give a sufficient bond to the board for its faithful performance.
45.29 Notwithstanding section 574.26 or any other law to the contrary, on a contract limited to the
45.30 purchase of a finished tangible product, a board may require, at its discretion, a performance
45.31 bond of a contractor in the amount the board considers necessary. A record must be kept of
45.32 all bids, with names of bidders and amount of bids, and with the successful bid indicated
45.33 thereon. A bid containing an alteration or erasure of any price contained in the bid which
45.34 is used in determining the lowest responsible bid must be rejected unless the alteration or
45.35 erasure is corrected as provided in this section. An alteration or erasure may be crossed out

46.1 and the correction thereof printed in ink or typewritten adjacent thereto and initialed in ink
 46.2 by the person signing the bid. In the case of identical low bids from two or more bidders,
 46.3 the board may, at its discretion, utilize negotiated procurement methods with the tied low
 46.4 bidders for that particular transaction, so long as the price paid does not exceed the low tied
 46.5 bid price. In the case where only a single bid is received, the board may, at its discretion,
 46.6 negotiate a mutually agreeable contract with the bidder so long as the price paid does not
 46.7 exceed the original bid. If no satisfactory bid is received, the board may readvertise.

46.8 Standard requirement price contracts established for supplies or services to be purchased
 46.9 by the district must be established by competitive bids. Such standard requirement price
 46.10 contracts may contain escalation clauses and may provide for a negotiated price increase
 46.11 or decrease based upon a demonstrable industrywide or regional increase or decrease in
 46.12 the vendor's costs. Either party to the contract may request that the other party demonstrate
 46.13 such increase or decrease. The term of such contracts must not exceed two years with an
 46.14 option on the part of the district to renew for an additional two years. Contracts for the
 46.15 purchase of perishable food items, except milk for school lunches and vocational training
 46.16 programs, in any amount may be made by direct negotiation by obtaining two or more
 46.17 written quotations for the purchase or sale, when possible, without advertising for bids or
 46.18 otherwise complying with the requirements of this section or section 471.345, subdivision
 46.19 3. All quotations obtained shall be kept on file for a period of at least one year after receipt.

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

46.24 Sec. 2. Minnesota Statutes 2015 Supplement, section 123B.53, subdivision 1, is
 46.25 amended to read:

46.26 Subdivision 1. **Definitions.** (a) For purposes of this section, the eligible debt service
 46.27 revenue of a district is defined as follows:

46.28 (1) the amount needed to produce between five and six percent in excess of the
 46.29 amount needed to meet when due the principal and interest payments on the obligations
 46.30 of the district for eligible projects according to subdivision 2, including the amounts
 46.31 necessary for repayment of ~~energy loans according to section 216C.37 or sections 298.292~~
 46.32 ~~to 298.298~~, debt service loans, capital loans, and lease purchase payments under section
 46.33 126C.40, subdivision 2, excluding long-term facilities maintenance levies under section
 46.34 123B.595, minus

47.1 (2) the amount of debt service excess levy reduction for that school year calculated
47.2 according to the procedure established by the commissioner.

47.3 (b) The obligations in this paragraph are excluded from eligible debt service revenue:

47.4 (1) obligations under section 123B.61;

47.5 (2) the part of debt service principal and interest paid from the taconite environmental
47.6 protection fund or Douglas J. Johnson economic protection trust, excluding the portion of
47.7 taconite payments from the Iron Range school consolidation and cooperatively operated
47.8 school account under section 298.28, subdivision 7a;

47.9 (3) obligations issued under Laws 1991, chapter 265, article 5, section 18, as
47.10 amended by Laws 1992, chapter 499, article 5, section 24;

47.11 (4) obligations under section 123B.62; and

47.12 (5) obligations equalized under section 123B.535.

47.13 (c) For purposes of this section, if a preexisting school district reorganized under
47.14 sections 123A.35 to 123A.43, 123A.46, and 123A.48 is solely responsible for retirement
47.15 of the preexisting district's bonded indebtedness, capital loans or debt service loans, debt
47.16 service equalization aid must be computed separately for each of the preexisting districts.

47.17 (d) For purposes of this section, the adjusted net tax capacity determined according
47.18 to sections 127A.48 and 273.1325 shall be adjusted to include the tax capacity of property
47.19 generally exempted from ad valorem taxes under section 272.02, subdivision 64.

47.20 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
47.21 later.

47.22 Sec. 3. Minnesota Statutes 2014, section 123B.571, subdivision 2, is amended to read:

47.23 Subd. 2. **Radon testing.** A school district may include radon testing as a part of
47.24 its ~~health and safety~~ ten-year facility plan under section 123B.595, subdivision 4. If a
47.25 school district receives authority to use ~~health and safety~~ long-term facilities maintenance
47.26 revenue to conduct radon testing, the district shall conduct the testing according to the
47.27 radon testing plan developed by the commissioners of health and education.

47.28 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
47.29 later.

47.30 Sec. 4. **[123B.572] SOLAR PANEL FIRE SAFETY.**

47.31 A solar photovoltaic system installed at a school under this section must comply
47.32 with chapter 690 of the most current edition of NFPA 70, the National Electrical Code,
47.33 adopted under the authority given in section 326B.32, subdivision 2.

48.1 Sec. 5. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 4, is
48.2 amended to read:

48.3 Subd. 4. **Facilities plans.** (a) To qualify for revenue under this section, a school
48.4 district or intermediate district, not including a charter school, must have a ten-year facility
48.5 plan adopted by the school board and approved by the commissioner. The plan must include
48.6 provisions for implementing a health and safety program that complies with health, safety,
48.7 and environmental regulations and best practices, including indoor air quality management.

48.8 (b) The district must annually update the plan, ~~biennially~~ submit a ~~facility~~
48.9 ~~maintenance~~ the plan to the commissioner for approval by July 31, and indicate whether
48.10 the district will issue bonds to finance the plan or levy for the costs.

48.11 (c) For school districts issuing bonds to finance the plan, the plan must include a
48.12 debt service schedule demonstrating that the debt service revenue required to pay the
48.13 principal and interest on the bonds each year will not exceed the projected long-term
48.14 facilities revenue for that year.

48.15 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
48.16 later.

48.17 Sec. 6. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 7, is
48.18 amended to read:

48.19 Subd. 7. **Long-term facilities maintenance equalization revenue.** (a) For fiscal
48.20 year 2017 only, a district's long-term facilities maintenance equalization revenue equals
48.21 the lesser of (1) \$193 times the adjusted pupil units or (2) the district's revenue under
48.22 subdivision 1.

48.23 (b) For fiscal year 2018 only, a district's long-term facilities maintenance
48.24 equalization revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2)
48.25 the district's revenue under subdivision 1.

48.26 (c) For fiscal year 2019 and later, a district's long-term facilities maintenance
48.27 equalization revenue equals the lesser of (1) \$380 times the adjusted pupil units or (2)
48.28 the district's revenue under subdivision 1.

48.29 (d) Notwithstanding paragraphs (a) to (c), a district's long-term facilities maintenance
48.30 equalization revenue must not be less than the lesser of the district's long-term facilities
48.31 maintenance revenue or the amount of aid the district received for fiscal year 2015 under
48.32 section 123B.59, subdivision 6.

48.33 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
48.34 later.

49.1 Sec. 7. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 8, is
49.2 amended to read:

49.3 Subd. 8. **Long-term facilities maintenance equalized levy.** (a) For fiscal year 2017
49.4 and later, a district's long-term facilities maintenance equalized levy equals the district's
49.5 long-term facilities maintenance equalization revenue minus the greater of:

49.6 (1) the lesser of the district's long-term facilities maintenance equalization revenue
49.7 or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes
49.8 2014, section 123B.59, subdivision 6; or

49.9 (2) the district's long-term facilities maintenance equalization revenue times the
49.10 greater of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted
49.11 pupil unit in the year preceding the year the levy is certified to 123 percent of the state
49.12 average adjusted net tax capacity per adjusted pupil unit for all school districts in the
49.13 year preceding the year the levy is certified.

49.14 (b) For purposes of this subdivision, "adjusted net tax capacity" means the value
49.15 described in section 126C.01, subdivision 2, paragraph (b).

49.16 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
49.17 later.

49.18 Sec. 8. Minnesota Statutes 2015 Supplement, section 123B.595, is amended by adding
49.19 a subdivision to read:

49.20 Subd. 8a. **Long-term facilities maintenance unequalized levy.** For fiscal year
49.21 2017 and later, a district's long-term facilities maintenance unequalized levy equals the
49.22 difference between the district's revenue under subdivision 1 and the district's equalization
49.23 revenue under subdivision 7.

49.24 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
49.25 later.

49.26 Sec. 9. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 9, is
49.27 amended to read:

49.28 Subd. 9. **Long-term facilities maintenance equalized aid.** For fiscal year 2017
49.29 and later, a district's long-term facilities maintenance equalized aid equals its long-term
49.30 facilities maintenance equalization revenue minus its long-term facilities maintenance
49.31 equalized levy times the ratio of the actual equalized amount levied to the permitted
49.32 equalized levy.

50.1 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 50.2 later.

50.3 Sec. 10. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 10,
 50.4 is amended to read:

50.5 Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A
 50.6 district may use revenue under this section for any of the following:

50.7 (1) deferred capital expenditures and maintenance projects necessary to prevent
 50.8 further erosion of facilities;

50.9 (2) increasing accessibility of school facilities; ~~or~~

50.10 (3) health and safety capital projects under section 123B.57; or

50.11 (4) by board resolution, to transfer money from the general fund reserve for long-term
 50.12 facilities maintenance to the debt redemption fund to pay the amounts needed to meet,
 50.13 when due, principal and interest on general obligation bonds issued under subdivision 5.

50.14 (b) A charter school may use revenue under this section for any purpose related
 50.15 to the school.

50.16 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 50.17 later.

50.18 Sec. 11. Minnesota Statutes 2015 Supplement, section 123B.595, subdivision 11,
 50.19 is amended to read:

50.20 Subd. 11. **Restrictions on long-term facilities maintenance revenue.**

50.21 Notwithstanding subdivision ~~11~~ 10, long-term facilities maintenance revenue may not
 50.22 be used:

50.23 (1) for the construction of new facilities, remodeling of existing facilities, or the
 50.24 purchase of portable classrooms;

50.25 (2) to finance a lease purchase agreement, installment purchase agreement, or other
 50.26 deferred payments agreement;

50.27 (3) for energy-efficiency projects under section 123B.65, for a building or property
 50.28 or part of a building or property used for postsecondary instruction or administration, or
 50.29 for a purpose unrelated to elementary and secondary education; or

50.30 (4) for violence prevention and facility security, ergonomics, or emergency
 50.31 communication devices.

50.32 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 50.33 later.

51.1 Sec. 12. Minnesota Statutes 2014, section 123B.60, subdivision 1, is amended to read:

51.2 Subdivision 1. **Bonds.** When a building owned by a district is substantially damaged
 51.3 by an act of God or other means beyond the control of the district, the district may issue
 51.4 general obligation bonds without an election to provide money immediately to carry
 51.5 out its adopted ~~health and safety~~ long-term facilities maintenance program. Each year
 51.6 the district must pledge an attributable share of its ~~health and safety~~ long-term facilities
 51.7 maintenance revenue to the repayment of principal and interest on the bonds. The pledged
 51.8 revenue must be ~~transferred to~~ recognized in the debt redemption fund of the district. The
 51.9 district must submit to the department the repayment schedule for any bonds issued under
 51.10 this section. The district must deposit in the debt redemption fund all proceeds received
 51.11 for specific costs for which the bonds were issued, including but not limited to:

- 51.12 (1) insurance proceeds;
 51.13 (2) restitution proceeds; and
 51.14 (3) proceeds of litigation or settlement of a lawsuit.

51.15 Before bonds are issued, the district must submit ~~a combined~~ an amended
 51.16 application to the commissioner for ~~health and safety~~ long-term facilities maintenance
 51.17 revenue, according to section ~~123B.57, and requesting review and comment, according~~
 51.18 ~~to section 123B.71, subdivisions 8, 9, 11, and 12~~ 123B.595. The commissioner shall
 51.19 complete all procedures concerning the combined application within 20 days of receiving
 51.20 the application. The publication provisions of section 123B.71, subdivision 12, do not
 51.21 apply to bonds issued under this section.

51.22 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 51.23 later.

51.24 Sec. 13. Minnesota Statutes 2014, section 123B.71, subdivision 8, is amended to read:

51.25 Subd. 8. **Review and comment.** A school district, a special education cooperative,
 51.26 or a cooperative unit of government, as defined in section 123A.24, subdivision 2,
 51.27 must not initiate an installment contract for purchase or a lease agreement, hold a
 51.28 referendum for bonds, nor solicit bids for new construction, expansion, or remodeling of
 51.29 an educational facility that requires an expenditure in excess of \$500,000 per school site if
 51.30 it has a capital loan outstanding, or \$2,000,000 per school site if it does not have a capital
 51.31 loan outstanding, prior to review and comment by the commissioner. A facility addition,
 51.32 maintenance project, or remodeling project funded only with general education revenue,
 51.33 ~~deferred maintenance revenue, alternative facilities bonding and levy program revenue,~~
 51.34 lease levy proceeds, capital facilities bond proceeds, or ~~health and safety~~ long-term
 51.35 facilities maintenance revenue is exempt from this provision. A capital project under

52.1 section 123B.63 addressing only technology is exempt from this provision if the district
 52.2 submits a school board resolution stating that funds approved by the voters will be used
 52.3 only as authorized in section 126C.10, subdivision 14. A school board shall not separate
 52.4 portions of a single project into components to avoid the requirements of this subdivision.

52.5 **EFFECTIVE DATE.** This section is effective the day following final enactment
 52.6 and applies to review and comments for projects funded with revenue for fiscal year
 52.7 2017 and later.

52.8 Sec. 14. Minnesota Statutes 2014, section 123B.79, subdivision 5, is amended to read:

52.9 Subd. 5. **Deficits; exception.** For the purposes of this section, a permanent transfer
 52.10 includes creating a deficit in a nonoperating fund for a period past the end of the current
 52.11 fiscal year which is covered by moneys in an operating fund. ~~However,~~ A deficit in the
 52.12 ~~capital expenditure fund~~ reserve for operating capital account pursuant to section 123B.78,
 52.13 subdivision 5, does not constitute a permanent transfer.

52.14 Sec. 15. Minnesota Statutes 2014, section 123B.79, subdivision 8, is amended to read:

52.15 Subd. 8. **Account transfer for reorganizing districts.** A district that has
 52.16 reorganized according to sections 123A.35 to 123A.43, 123A.46, or 123A.48, or has
 52.17 conducted a successful referendum on the question of combination under section
 52.18 123A.37, subdivision 2, or consolidation under section 123A.48, subdivision 15, or has
 52.19 been assigned an identification number by the commissioner under section 123A.48,
 52.20 subdivision 16, may make permanent transfers between any of the funds or accounts in
 52.21 the newly created or enlarged district with the exception of the debt redemption fund,
 52.22 building construction fund, food service fund, and health and safety long-term facilities
 52.23 maintenance account of the ~~capital expenditure~~ general fund. Fund transfers under this
 52.24 section may be made for up to one year prior to the effective date of combination or
 52.25 consolidation by the consolidating boards and during the year following the effective date
 52.26 of reorganization by the consolidated board. The newly formed board of the combined
 52.27 district may adopt a resolution on or before August 30 of the year of the reorganization
 52.28 authorizing a transfer among accounts or funds of the previous independent school
 52.29 districts which transfer or transfers shall be reported in the affected districts' audited
 52.30 financial statements for the year immediately preceding the consolidation.

52.31 Sec. 16. Minnesota Statutes 2014, section 123B.79, subdivision 9, is amended to read:

52.32 Subd. 9. **Elimination of reserve accounts.** ~~A school board shall eliminate all~~
 52.33 ~~reserve accounts established in the school district's general fund under Minnesota Statutes~~

53.1 ~~before July 1, 2006, for which no specific authority remains in statute as of June 30, 2007.~~
 53.2 ~~Any balance in the district's reserved for bus purchases account for deferred maintenance~~
 53.3 ~~as of June 30, 2007 2016, shall be transferred to the reserved account for operating capital~~
 53.4 ~~long-term facilities maintenance in the school district's general fund. Any balance in~~
 53.5 ~~other reserved accounts established in the school district's general fund under Minnesota~~
 53.6 ~~Statutes before July 1, 2006, for which no specific authority remains in statute as of June~~
 53.7 ~~30, 2007, shall be transferred to the school district's unreserved general fund balance.~~
 53.8 ~~A school board may, upon adoption of a resolution by the school board, establish a~~
 53.9 ~~designated account for any program for which a reserved account has been eliminated.~~
 53.10 Any balance in the district's reserved account for health and safety as of June 30, 2019,
 53.11 shall be transferred to the unassigned fund balance account in the district's general fund.
 53.12 Any balance in the district's reserved account for alternative facilities as of June 30, 2016,
 53.13 shall be transferred to the reserved account for long-term facilities maintenance in the
 53.14 district's building construction fund.

53.15 **EFFECTIVE DATE.** This section is effective July 1, 2016, for fiscal year 2017
 53.16 and later.

53.17 Sec. 17. **[125B.27] STUDENT-USER PRIVACY IN EDUCATION RIGHTS.**

53.18 Subdivision 1. **Definitions.** (a) The definitions in this subdivision and section 13.32,
 53.19 subdivision 1, apply to this section.

53.20 (b) "Online educational service" means a Web site, online service or application, or
 53.21 mobile application that a student or the student's parent or legal guardian can access via
 53.22 the Internet for school purposes. Online educational service includes a cloud computing
 53.23 service.

53.24 (c) "Operator" means, to the extent it is operating in this capacity, a person who
 53.25 operates an online educational service with actual knowledge that it is used primarily for
 53.26 school purposes and was designed and marketed for these purposes. Operator includes
 53.27 a vendor.

53.28 (d) "Protected information" means materials or information that is linked to
 53.29 personally identifiable information or materials, in any media or format that is not publicly
 53.30 available; and

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

53.34 (2) is created or provided by an employee or agent of the school to an operator in the
 53.35 course of the use of the operator's site, service, or application for school purposes; or

54.1 (3) is gathered by an operator through the operation of an online educational
 54.2 service and personally identifies a student, including, but not limited to, information
 54.3 in the student's educational record or e-mail, first and last name, home address,
 54.4 telephone number, e-mail address, or other information that allows physical or online
 54.5 contact, discipline records, test results, special education data, juvenile records, grades,
 54.6 evaluations, criminal records, health records, Social Security number, biometric
 54.7 information, disabilities, socioeconomic information, food purchases, political affiliations,
 54.8 religious information, text messages, documents, student identifiers, search activity,
 54.9 photos, voice recordings, or geolocation information.

54.10 (e) "School purposes" means purposes that (1) are directed by or customarily take
 54.11 place at the direction of the school, teacher, or school district or aid in the administration
 54.12 of school activities, including instruction in the classroom or at home, administrative
 54.13 activities, and collaboration between students, school personnel, or parents or legal
 54.14 guardians, or (2) are for the use and benefit of the school.

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

54.16 (g) "Vendor" means a person who enters into a contract with a school to provide an
 54.17 online educational service.

54.18 (h) "Targeted advertising" means presenting advertisements to a student where
 54.19 the advertisement is selected based on information obtained or inferred over time from
 54.20 that student's online behavior, usage of applications, or covered information. It does not
 54.21 include advertising to a student at an online location based upon that student's current
 54.22 visit to that location, or in response to that student's request for information or feedback,
 54.23 without the retention of that student's online activities or requests over time for the
 54.24 purpose of targeting subsequent ads.

54.25 **Subd. 2. Prohibited activities; targeted advertising; creation of student profiles;**
 54.26 **sale or unauthorized disclosure of information.** (a) An operator must not engage in
 54.27 any of the following activities:

54.28 (1)(i) targeted advertising on the operator's online educational service; or

54.29 (ii) targeted advertising on any other site, service, or application when the targeting
 54.30 of the advertising is based upon information, including protected information and unique
 54.31 identifiers, that the operator has acquired or created because of the use of that operator's
 54.32 online educational service;

54.33 (2) gather, use, or share information, including persistent unique identifiers, acquired
 54.34 or created by the operator's online educational service, to create a profile about a student,
 54.35 except in furtherance of school purposes. "Create a profile" does not include the collection

55.1 and retention of account information that remains under the control of the student, the
55.2 student's parent or guardian, or kindergarten through grade 12 school;

55.3 (3) sell a student's information, including protected information. This prohibition
55.4 does not apply to the purchase, merger, or other type of acquisition of an operator by
55.5 another person, provided that the operator or successor continues to be subject to this
55.6 section with respect to previously acquired student information or to national assessment
55.7 providers if the provider secures the express written consent of the parent or student, given
55.8 in response to clear and conspicuous notice, solely to provide access to employment,
55.9 educational scholarships or financial aid, or postsecondary educational opportunities; or

55.10 (4) disclose protected information, unless the disclosure:

55.11 (i) is made in furtherance of the educational purpose of the site, service, or
55.12 application, provided the recipient of the protected information must not further disclose
55.13 the information unless done to allow or improve operability and functionality of the
55.14 operator's online educational service;

55.15 (ii) is legally required to comply with subdivision 3;

55.16 (iii) is made to ensure legal and regulatory compliance, to respond to or participate
55.17 in judicial process, or to protect the safety of users or others or the security or integrity
55.18 of the site;

55.19 (iv) is for a school, educational, or employment purpose requested by the student
55.20 or the student's parent or guardian, provided that the information is not used or further
55.21 disclosed for any other purposes; or

55.22 (v) is made pursuant to a contract between the operator and a service provider. A
55.23 contract must prohibit the service provider from using protected information for any
55.24 purpose other than providing the contracted service to, or on behalf of, the operator;
55.25 prohibit the service provider from disclosing protected information provided by the
55.26 operator to third parties; and require the service provider to implement and maintain
55.27 reasonable security procedures and practices as provided in subdivision 3.

55.28 (b) This subdivision does not prohibit the operator's use of information for
55.29 maintaining, developing, supporting, improving, or diagnosing the operator's site, service,
55.30 or application.

55.31 Subd. 3. **Security procedures and practices.** An operator shall:

55.32 (1) implement and maintain reasonable security procedures and practices appropriate
55.33 to the nature of the protected information designed to protect that information from
55.34 unauthorized access, destruction, use, modification, or disclosure; and

56.1 (2) delete a student's protected information within a reasonable period of time
 56.2 and in any case within 45 days if the school requests deletion of data under the control
 56.3 of the school.

56.4 Subd. 4. **Permissible disclosures.** Notwithstanding subdivision 2, paragraph (a),
 56.5 clause (4), an operator may use or disclose protected information of a student under the
 56.6 following circumstances:

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

56.10 (2) as long as no covered information is used for advertising or to create a profile on
 56.11 the student for purposes other than educational purposes, for legitimate research purposes:

56.12 (i) as required by state or federal law and subject to the restrictions under applicable
 56.13 law; or

56.14 (ii) as allowed by state or federal law and in furtherance of educational purposes or
 56.15 postsecondary educational purposes; and

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

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

56.20 (1) using protected information within the operator's site, service, or application or
 56.21 other sites, services, or applications owned by the operator to improve educational products;

56.22 (2) using protected information that is not associated with an identified student to
 56.23 demonstrate the effectiveness of the operator's products or services, including marketing;

56.24 (3) sharing aggregate information that does not directly, indirectly, or in combination
 56.25 with other information identify a student for the development and improvement of
 56.26 educational sites, services, or applications;

56.27 (4) using recommendation engines to recommend to a student either of the following:

56.28 (i) additional content relating to an educational, other learning, or employment
 56.29 opportunity purpose within an online site, service, or application if the recommendation is
 56.30 not determined in whole or in part by payment or other consideration from a third party; or

56.31 (ii) additional services relating to an educational, other learning, or employment
 56.32 opportunity purpose within an online site, service, or application if the recommendation is
 56.33 not determined in whole or in part by payment or other consideration from a third party; or

56.34 (5) responding to a student's request for information or for feedback without the
 56.35 information or response being determined in whole or in part by payment or other
 56.36 consideration from a third party.

57.1 Subd. 6. **Certain activities not affected.** (a) This section does not limit the
 57.2 authority of a law enforcement agency to obtain information from an operator as
 57.3 authorized by law or pursuant to a court order.

57.4 (b) This section does not limit the ability of an operator to use student information,
 57.5 including protected information, for adaptive learning or customized student learning
 57.6 purposes.

57.7 (c) This section does not apply to general audience Web sites, general audience
 57.8 online services, general audience online applications, or general audience mobile
 57.9 applications, even if log-in credentials created for an operator's online educational service
 57.10 may be used to access those general audience Web sites, services, or applications.

57.11 (d) This section does not limit Internet service providers from providing Internet
 57.12 connectivity to schools or students and their families.

57.13 (e) This section does not prohibit an operator of a Web site, online service, online
 57.14 application, or mobile application from the general marketing of educational products to
 57.15 parents or legal guardians so long as the marketing is not based on the use of protected
 57.16 information obtained by the operator through the provision of services governed by this
 57.17 section.

57.18 (f) This section does not impose a duty upon a provider of an electronic store, gateway,
 57.19 marketplace, or other means of purchasing or downloading software or applications to
 57.20 review or enforce compliance with this section on those applications or software.

57.21 (g) This section does not impose a duty on a provider of an interactive computer
 57.22 service, as defined in United States Code, title 47, section 230, to review or enforce
 57.23 compliance with this section by third-party content providers.

57.24 (h) This section does not impede the ability of students to download, transfer, export,
 57.25 or otherwise save or maintain their own data or documents.

57.26 Sec. 18. Minnesota Statutes 2014, section 126C.40, subdivision 5, is amended to read:

57.27 Subd. 5. **Energy conservation.** For loans approved before March 1, 1998, the
 57.28 district may annually include as revenue under section 123B.53, without the approval of a
 57.29 majority of the voters in the district, an amount sufficient to repay the annual principal and
 57.30 interest of the loan made pursuant to sections 216C.37 and 298.292 to 298.298. For energy
 57.31 loans approved after March 1, 1998, under sections 216C.37 and 298.292 to 298.298,
 57.32 school districts must annually transfer from the general fund to the debt redemption fund
 57.33 the amount sufficient to pay interest and principal on the loans.

57.34 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 57.35 later.

58.1 Sec. 19. Minnesota Statutes 2015 Supplement, section 126C.48, subdivision 8, is
58.2 amended to read:

58.3 Subd. 8. **Taconite payment and other reductions.** (1) Reductions in levies
58.4 pursuant to subdivision 1 must be made prior to the reductions in clause (2).

58.5 (2) Notwithstanding any other law to the contrary, districts that have revenue
58.6 pursuant to sections 298.018; 298.225; 298.24 to 298.28, except an amount distributed
58.7 under sections 298.26; 298.28, subdivision 4, paragraphs (c), clause (ii), and (d); 298.34 to
58.8 298.39; 298.391 to 298.396; 298.405; 477A.15; and any law imposing a tax upon severed
58.9 mineral values must reduce the levies authorized by this chapter and chapters 120B, 122A,
58.10 123A, 123B, 124A, 124D, 125A, and 127A, excluding the student achievement levy
58.11 under section 126C.13, subdivision 3b, by 95 percent of the sum of the previous year's
58.12 revenue specified under this clause and the amount attributable to the same production
58.13 year distributed to the cities and townships within the school district under section 298.28,
58.14 subdivision 2, paragraph (c).

58.15 (3) The amount of any voter approved referendum, facilities down payment, and
58.16 debt levies shall not be reduced by more than 50 percent under this subdivision, except
58.17 that payments under section 298.28, subdivision 7a, may reduce the debt service levy by
58.18 more than 50 percent. In administering this paragraph, the commissioner shall first reduce
58.19 the nonvoter approved levies of a district; then, if any payments, severed mineral value
58.20 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall
58.21 reduce any voter approved referendum levies authorized under section 126C.17; then, if
58.22 any payments, severed mineral value tax revenue or recognized revenue under paragraph
58.23 (2) remains, the commissioner shall reduce any voter approved facilities down payment
58.24 levies authorized under section 123B.63 and then, if any payments, severed mineral value
58.25 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall
58.26 reduce any voter approved debt levies.

58.27 (4) Before computing the reduction pursuant to this subdivision of the ~~health and~~
58.28 ~~safety long-term facilities maintenance~~ levy authorized by sections 123B.57 and 126C.40,
58.29 ~~subdivision 5 section 123B.595~~, the commissioner shall ascertain from each affected
58.30 school district the amount it proposes to levy ~~under each section or subdivision~~. The
58.31 reduction shall be computed on the basis of the amount so ascertained.

58.32 (5) To the extent the levy reduction calculated under paragraph (2) exceeds the
58.33 limitation in paragraph (3), an amount equal to the excess must be distributed from the
58.34 school district's distribution under sections 298.225, 298.28, and 477A.15 in the following
58.35 year to the cities and townships within the school district in the proportion that their
58.36 taxable net tax capacity within the school district bears to the taxable net tax capacity of

59.1 the school district for property taxes payable in the year prior to distribution. No city or
 59.2 township shall receive a distribution greater than its levy for taxes payable in the year prior
 59.3 to distribution. The commissioner of revenue shall certify the distributions of cities and
 59.4 towns under this paragraph to the county auditor by September 30 of the year preceding
 59.5 distribution. The county auditor shall reduce the proposed and final levies of cities and
 59.6 towns receiving distributions by the amount of their distribution. Distributions to the cities
 59.7 and towns shall be made at the times provided under section 298.27.

59.8 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 59.9 later.

59.10 Sec. 20. Minnesota Statutes 2014, section 126C.63, subdivision 7, is amended to read:

59.11 Subd. 7. **Required debt service levy.** "Required debt service levy" means the total
 59.12 dollar amount needed to be included in the taxes levied by the district in any year for
 59.13 payment of interest and principal falling due on its debts prior to collection of the next
 59.14 ensuing year's debt service levy excluding the debt service levy for obligations under
 59.15 sections 123B.595, 123B.61, and 123B.62.

59.16 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2017 and
 59.17 later.

59.18 Sec. 21. **REPEALER.**

59.19 Minnesota Statutes 2014, sections 123B.60, subdivision 2; and 123B.79,
 59.20 subdivisions 2 and 6, are repealed for fiscal year 2017 and later.

59.21 **ARTICLE 6**

59.22 **SELF-SUFFICIENCY AND LIFELONG LEARNING**

59.23 Section 1. Minnesota Statutes 2014, section 124D.52, subdivision 1, is amended to read:

59.24 Subdivision 1. **Program requirements.** (a) An adult basic education program is
 59.25 a day or evening program offered by a district that is for people ~~over 16 years of age~~
 59.26 who do not attend an elementary or secondary school and are not subject to compulsory
 59.27 attendance. The program offers academic and English language instruction necessary to
 59.28 earn a high school diploma or equivalency certificate.

59.29 (b) Notwithstanding any law to the contrary, a school board or the governing body of
 59.30 a consortium offering an adult basic education program may adopt a sliding fee schedule
 59.31 based on a family's income, but must waive the fee for participants who are under the age
 59.32 of 21 or unable to pay. The fees charged must be designed to enable individuals of all

60.1 socioeconomic levels to participate in the program. A program may charge a security
60.2 deposit to assure return of materials, supplies, and equipment.

60.3 (c) Each approved adult basic education program must develop a memorandum of
60.4 understanding with the local workforce development centers located in the approved
60.5 program's service delivery area. The memorandum of understanding must describe how
60.6 the adult basic education program and the workforce development centers will cooperate
60.7 and coordinate services to provide unduplicated, efficient, and effective services to clients.

60.8 (d) Adult basic education aid must be spent for adult basic education purposes as
60.9 specified in sections 124D.518 to 124D.531.

60.10 (e) A state-approved adult basic education program must count and submit student
60.11 contact hours for a program that offers high school credit toward an adult high school
60.12 diploma according to student eligibility requirements and measures of student progress
60.13 toward work-based competency and, where appropriate, English language proficiency
60.14 requirements established by the commissioner and posted on the department Web site in
60.15 a readily accessible location and format.

60.16 Sec. 2. Minnesota Statutes 2014, section 124D.52, subdivision 2, is amended to read:

60.17 Subd. 2. **Program approval.** (a) To receive aid under this section, a district, a
60.18 ~~consortium of districts~~, the Department of Corrections, ~~or~~ a private nonprofit organization,
60.19 or a consortium including districts, nonprofit organizations, or both must submit an
60.20 application by June 1 describing the program, on a form provided by the department. The
60.21 program must be approved by the commissioner according to the following criteria:

- 60.22 (1) how the needs of different levels of learning and English language proficiency
60.23 will be met;
- 60.24 (2) for continuing programs, an evaluation of results;
- 60.25 (3) anticipated number and education level of participants;
- 60.26 (4) coordination with other resources and services;
- 60.27 (5) participation in a consortium, if any, and money available from other participants;
- 60.28 (6) management and program design;
- 60.29 (7) volunteer training and use of volunteers;
- 60.30 (8) staff development services;
- 60.31 (9) program sites and schedules;
- 60.32 (10) program expenditures that qualify for aid;
- 60.33 (11) program ability to provide data related to learner outcomes as required by
60.34 law; and

61.1 (12) a copy of the memorandum of understanding described in subdivision 1
61.2 submitted to the commissioner.

61.3 (b) Adult basic education programs may be approved under this subdivision for
61.4 up to five years. Five-year program approval must be granted to an applicant who has
61.5 demonstrated the capacity to:

61.6 (1) offer comprehensive learning opportunities and support service choices
61.7 appropriate for and accessible to adults at all basic skill and English language levels of need;

61.8 (2) provide a participatory and experiential learning approach based on the strengths,
61.9 interests, and needs of each adult, that enables adults with basic skill needs to:

61.10 (i) identify, plan for, and evaluate their own progress toward achieving their defined
61.11 educational and occupational goals;

61.12 (ii) master the basic academic reading, writing, and computational skills, as well
61.13 as the problem-solving, decision making, interpersonal effectiveness, and other life and
61.14 learning skills they need to function effectively in a changing society;

61.15 (iii) locate and be able to use the health, governmental, and social services and
61.16 resources they need to improve their own and their families' lives; and

61.17 (iv) continue their education, if they desire, to at least the level of secondary school
61.18 completion, with the ability to secure and benefit from continuing education that will
61.19 enable them to become more employable, productive, and responsible citizens;

61.20 (3) plan, coordinate, and develop cooperative agreements with community resources
61.21 to address the needs that the adults have for support services, such as transportation, English
61.22 language learning, flexible course scheduling, convenient class locations, and child care;

61.23 (4) collaborate with business, industry, labor unions, and employment-training
61.24 agencies, as well as with family and occupational education providers, to arrange for
61.25 resources and services through which adults can attain economic self-sufficiency;

61.26 (5) provide sensitive and well trained adult education personnel who participate in
61.27 local, regional, and statewide adult basic education staff development events to master
61.28 effective adult learning and teaching techniques;

61.29 (6) participate in regional adult basic education peer program reviews and evaluations;

61.30 (7) submit accurate and timely performance and fiscal reports;

61.31 (8) submit accurate and timely reports related to program outcomes and learner
61.32 follow-up information; and

61.33 (9) spend adult basic education aid on adult basic education purposes only, which
61.34 are specified in sections 124D.518 to 124D.531.

61.35 (c) The commissioner shall require each district to provide notification by February
61.36 1, 2001, of its intent to apply for funds under this section as a single district or as part of

62.1 ~~an identified~~ a consortium of districts. A district receiving funds under this section must
 62.2 notify the commissioner by February 1 of its intent to change its application status for
 62.3 applications due the following June 1.

62.4 **ARTICLE 7**

62.5 **TEACHERS**

62.6 Section 1. Minnesota Statutes 2014, section 120B.11, as amended by Laws 2015, First
 62.7 Special Session chapter 3, article 3, section 5, is amended to read:

62.8 **120B.11 SCHOOL DISTRICT PROCESS FOR REVIEWING CURRICULUM,**
 62.9 **INSTRUCTION, AND STUDENT ACHIEVEMENT; STRIVING FOR THE**
 62.10 **WORLD'S BEST WORKFORCE.**

62.11 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10,
 62.12 the following terms have the meanings given them.

62.13 (a) "Instruction" means methods of providing learning experiences that enable
 62.14 a student to meet state and district academic standards and graduation requirements
 62.15 including applied and experiential learning.

62.16 (b) "Curriculum" means district or school adopted programs and written plans for
 62.17 providing students with learning experiences that lead to expected knowledge and skills
 62.18 and career and college readiness.

62.19 (c) "World's best workforce" means striving to: meet school readiness goals; have
 62.20 all third grade students achieve grade-level literacy; close the academic achievement gap
 62.21 among all racial and ethnic groups of students and between students living in poverty
 62.22 and students not living in poverty; have all students attain career and college readiness
 62.23 before graduating from high school; ~~and~~ have all students graduate from high school; and
 62.24 provide all enrolled students with equitable access to effective and more diverse teachers,
 62.25 including teachers who are members of populations underrepresented among the licensed
 62.26 teachers in the district or school, and who reflect the diversity of students under section
 62.27 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in the district or school.

62.28 (d) "Experiential learning" means learning for students that includes career
 62.29 exploration through a specific class or course or through work-based experiences such as
 62.30 job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships,
 62.31 other cooperative work experience, youth apprenticeship, or employment.

62.32 Subd. 1a. **Performance measures.** Measures to determine school district and
 62.33 school site progress in striving to create the world's best workforce must include at least:

- 63.1 (1) student performance on the National Assessment of Education Progress where
 63.2 applicable;
- 63.3 (2) the size of the academic achievement gap, rigorous course taking under section
 63.4 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student
 63.5 subgroup;
- 63.6 (3) student performance on the Minnesota Comprehensive Assessments;
- 63.7 (4) high school graduation rates; ~~and~~
- 63.8 (5) career and college readiness under section 120B.30, subdivision 1; and
- 63.9 (6) the number and percent of teachers who are members of populations
 63.10 underrepresented among the licensed teachers in the district or school and who reflect the
 63.11 diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2),
 63.12 enrolled in the district or school.

63.13 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, shall
 63.14 adopt a comprehensive, long-term strategic plan to support and improve teaching and
 63.15 learning that is aligned with creating the world's best workforce and includes:

- 63.16 (1) clearly defined district and school site goals and benchmarks for instruction and
 63.17 student achievement for all student subgroups identified in section 120B.35, subdivision 3,
 63.18 paragraph (b), clause (2);
- 63.19 (2) a process for assessing and evaluating each student's progress toward meeting state
 63.20 and local academic standards and identifying the strengths and weaknesses of instruction
 63.21 in pursuit of student and school success and curriculum affecting students' progress and
 63.22 growth toward career and college readiness and leading to the world's best workforce;
- 63.23 (3) a system to periodically review and evaluate the effectiveness of all instruction
 63.24 and curriculum, taking into account strategies and best practices, student outcomes, school
 63.25 principal evaluations under section 123B.147, subdivision 3, students' access to effective
 63.26 teachers who are members of populations underrepresented among the licensed teachers
 63.27 in the district or school and who reflect the diversity of enrolled students under section
 63.28 120B.35, subdivision 3, paragraph (b), clause (2), and teacher evaluations under section
 63.29 122A.40, subdivision 8, or 122A.41, subdivision 5;
- 63.30 (4) strategies for improving instruction, curriculum, and student achievement,
 63.31 including the English and, where practicable, the native language development and the
 63.32 academic achievement of English learners;
- 63.33 (5) education effectiveness practices that integrate high-quality instruction, rigorous
 63.34 curriculum, technology, and a collaborative professional culture that develops and
 63.35 supports teacher quality, performance, and effectiveness; and
- 63.36 (6) an annual budget for continuing to implement the district plan.

64.1 Subd. 3. **District advisory committee.** Each school board shall establish an
64.2 advisory committee to ensure active community participation in all phases of planning
64.3 and improving the instruction and curriculum affecting state and district academic
64.4 standards, consistent with subdivision 2. A district advisory committee, to the extent
64.5 possible, shall reflect the diversity of the district and its school sites, include teachers,
64.6 parents, support staff, students, and other community residents, and provide translation
64.7 to the extent appropriate and practicable. The district advisory committee shall pursue
64.8 community support to accelerate the academic and native literacy and achievement of
64.9 English learners with varied needs, from young children to adults, consistent with section
64.10 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees
64.11 of the district advisory committee under subdivision 4. The district advisory committee
64.12 shall recommend to the school board rigorous academic standards, student achievement
64.13 goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a
64.14 and 1b, and 120B.35, district assessments, means to improve students' equitable access to
64.15 effective and more diverse teachers, and program evaluations. School sites may expand
64.16 upon district evaluations of instruction, curriculum, assessments, or programs. Whenever
64.17 possible, parents and other community residents shall comprise at least two-thirds of
64.18 advisory committee members.

64.19 Subd. 4. **Site team.** A school may establish a site team to develop and implement
64.20 strategies and education effectiveness practices to improve instruction, curriculum,
64.21 cultural fluencies and competencies, including cultural awareness and cross-cultural
64.22 communication, and student achievement at the school site, consistent with subdivision
64.23 2. The team advises the board and the advisory committee about developing the
64.24 annual budget and revising an instruction and curriculum improvement plan that aligns
64.25 curriculum, assessment of student progress, and growth in meeting state and district
64.26 academic standards and instruction.

64.27 Subd. 5. **Report.** Consistent with requirements for school performance reports
64.28 under section 120B.36, subdivision 1, the school board shall publish a report in the local
64.29 newspaper with the largest circulation in the district, by mail, or by electronic means on
64.30 the district Web site. The school board shall hold an annual public meeting to review, and
64.31 revise where appropriate, student achievement goals, local assessment outcomes, plans,
64.32 strategies, and practices for improving curriculum and instruction and cultural competency
64.33 and all students' increased and equitable access to effective and more diverse teachers, and
64.34 to review district success in realizing the previously adopted student achievement goals
64.35 and related benchmarks and the improvement plans leading to the world's best workforce.

65.1 The school board must transmit an electronic summary of its report to the commissioner in
 65.2 the form and manner the commissioner determines.

65.3 Subd. 7. **Periodic report.** Each school district shall periodically survey affected
 65.4 constituencies, in their native languages where appropriate and practicable, about their
 65.5 connection to and level of satisfaction with school. The district shall include the results of
 65.6 this evaluation in the summary report required under subdivision 5.

65.7 Subd. 9. **Annual evaluation.** (a) The commissioner must identify effective
 65.8 strategies, practices, and use of resources by districts and school sites in striving for the
 65.9 world's best workforce. The commissioner must assist districts and sites throughout the
 65.10 state in implementing these effective strategies, practices, and use of resources, and in
 65.11 providing all enrolled students, including low-income students, American Indian students,
 65.12 and students of color with improved and equitable access to effective and more diverse
 65.13 teachers.

65.14 (b) The commissioner must identify those districts in any consecutive three-year
 65.15 period not making sufficient progress toward improving teaching and learning for all
 65.16 students, including English learners with varied needs, consistent with section 124D.59,
 65.17 subdivisions 2 and 2a, and striving for the world's best workforce. The commissioner, in
 65.18 collaboration with the identified district, may require the district to use up to two percent
 65.19 of its basic general education revenue per fiscal year during the proximate three school
 65.20 years to implement commissioner-specified strategies and practices, consistent with
 65.21 paragraph (a), to improve and accelerate its progress in realizing its goals under this
 65.22 section. In implementing this section, the commissioner must consider districts' budget
 65.23 constraints and legal obligations.

65.24 (c) The commissioner shall report by January 25 of each year to the committees of
 65.25 the legislature having jurisdiction over kindergarten through grade 12 education the list of
 65.26 school districts that have not submitted their report to the commissioner under subdivision
 65.27 5 and the list of school districts not achieving their performance goals established in
 65.28 their plan under subdivision 2.

65.29 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 65.30 later.

65.31 Sec. 2. Minnesota Statutes 2014, section 120B.11, subdivision 5, is amended to read:

65.32 Subd. 5. **Report.** (a) Consistent with requirements for school performance reports
 65.33 under section 120B.36, subdivision 1, and paragraph (b), the school board shall publish
 65.34 a report in the local newspaper with the largest circulation in the district, by mail, or
 65.35 by electronic means on the district Web site. The school board shall hold an annual

66.1 public meeting to review, and revise where appropriate, student achievement goals,
 66.2 local assessment outcomes, plans, strategies, and practices for improving curriculum
 66.3 and instruction and cultural competency, and to review district success in realizing
 66.4 the previously adopted student achievement goals and related benchmarks and the
 66.5 improvement plans leading to the world's best workforce. The school board must transmit
 66.6 an electronic summary of its report to the commissioner in the form and manner the
 66.7 commissioner determines.

66.8 (b) Each school board must include in its annual report under paragraph (a) data on:

66.9 (1) the number of licensed teachers employed by the district who self-identify as
 66.10 non-Caucasian and who are members of a population underrepresented among licensed
 66.11 teachers in the district;

66.12 (2) the number of community experts providing instruction in the district during the
 66.13 school year and the subject areas they teach;

66.14 (3) the school year testing schedule for the district showing grade levels and
 66.15 assessments and the time allotted for each assessment; and

66.16 (4) the class sizes for the district's prekindergarten through grade 6 classrooms.

66.17 The format for reporting the data must comply with the model data-reporting format
 66.18 developed by the commissioner.

66.19 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 66.20 later.

66.21 Sec. 3. Minnesota Statutes 2014, section 120B.35, subdivision 3, is amended to read:

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

66.27 (b) The commissioner, in consultation with a stakeholder group that includes
 66.28 assessment and evaluation directors, district staff, experts in culturally responsive teaching,
 66.29 and researchers, must implement a model that uses a value-added growth indicator ~~and~~
 66.30 ~~includes criteria for identifying schools and school districts that demonstrate medium and~~
 66.31 ~~high growth under section 120B.299, subdivisions 8 and 9, and may recommend other~~
 66.32 value-added measures under section 120B.299, subdivision 3. The model may be used
 66.33 to advance educators' professional development and replicate programs that succeed in

67.1 meeting students' diverse learning needs. Data on individual teachers generated under the
67.2 model are personnel data under section 13.43. The model must allow users to:

- 67.3 (1) report student growth consistent with this paragraph; and
67.4 (2) for all student categories, report and compare aggregated and disaggregated state
67.5 growth data using the ~~nine~~ student categories identified under the federal ~~2001 No Child~~
67.6 ~~Left Behind Act~~ and two student gender categories of male and female, respectively
67.7 Elementary and Secondary Education Act, as most recently reauthorized, following
67.8 appropriate reporting practices to protect nonpublic student data.

67.9 The commissioner must report measures of student growth, consistent with this
67.10 paragraph, including the English language development, academic progress, and oral
67.11 academic development of English learners and their native language development if the
67.12 native language is used as a language of instruction.

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

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

67.22 (2) a rigorous coursework measure indicating the number and percentage of high
67.23 school graduates in the most recent school year who successfully completed one or more
67.24 college-level advanced placement, international baccalaureate, postsecondary enrollment
67.25 options including concurrent enrollment, other rigorous courses of study under section
67.26 120B.021, subdivision 1a, or industry certification courses or programs.

67.27 When reporting the core measures under clauses (1) and (2), the commissioner must also
67.28 analyze and report separate categories of information using the nine student categories
67.29 identified under the federal ~~2001 No Child Left Behind Act~~ and two student gender
67.30 ~~categories of male and female, respectively~~ Elementary and Secondary Education Act, as
67.31 most recently reauthorized, following appropriate reporting practices to protect nonpublic
67.32 student data.

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

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

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

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

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

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

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

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

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

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

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

68.24 (f) The commissioner, in consultation with recognized experts with knowledge and
68.25 experience in assessing the language proficiency and academic performance of English
68.26 learners, must identify and report appropriate and effective measures to improve current
68.27 categories of language difficulty and assessments, and monitor and report data on students'
68.28 English proficiency levels, program placement, and academic language development,
68.29 including oral academic language.

68.30 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
68.31 later.

69.1 Sec. 4. Minnesota Statutes 2014, section 122A.09, as amended by Laws 2015, chapter
69.2 69, article 2, section 3, and Laws 2015, First Special Session chapter 3, article 2, sections
69.3 9 to 11, is amended to read:

69.4 **122A.09 DUTIES.**

69.5 Subdivision 1. **Code of ethics.** The Board of Teaching must develop by rule a code
69.6 of ethics covering standards of professional teaching practices, including areas of ethical
69.7 conduct and professional performance and methods of enforcement.

69.8 Subd. 2. **Advise members of profession.** The board must act in an advisory
69.9 capacity to members of the profession in matters of interpretation of the code of ethics.

69.10 Subd. 3. **Election of chair and officers.** The board shall elect a chair and such
69.11 other officers as it may deem necessary.

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

69.14 (b) The board must require all candidates for teacher licensure to demonstrate a
69.15 passing score on a board-adopted skills examination in reading, writing, and mathematics,
69.16 as a requirement for an initial teacher licensure professional five-year teaching license,
69.17 except that the board may issue up to four ~~temporary~~, initial professional one-year teaching
69.18 licenses to an otherwise qualified candidate who has not yet passed the board-adopted
69.19 skills exam. The board must require colleges and universities offering a board-approved
69.20 teacher preparation program to provide remedial assistance to persons who did not achieve
69.21 a qualifying score on the board-adopted skills examination, including those for whom
69.22 English is a second language. The requirement to pass a board-adopted reading, writing,
69.23 and mathematics skills examination does not apply to nonnative English speakers, as
69.24 verified by qualified Minnesota school district personnel or Minnesota higher education
69.25 faculty, who, after meeting the content and pedagogy requirements under this subdivision,
69.26 apply for a teaching license to provide direct instruction in their native language or world
69.27 language instruction under section 120B.022, subdivision 1. The Board of Teaching and
69.28 the entity administering the content, pedagogy, and skills examinations must allow any
69.29 individual who produces documentation of a disability in the form of an evaluation, 504
69.30 plan, or individual education program (IEP) to receive the same testing accommodations
69.31 on the content, pedagogy, and skills examinations that the applicant received during their
69.32 secondary or postsecondary education.

69.33 (c) The board must adopt rules to approve teacher preparation programs. The board,
69.34 upon the request of a postsecondary student preparing for teacher licensure or a licensed
69.35 graduate of a teacher preparation program, shall assist in resolving a dispute between the
69.36 person and a postsecondary institution providing a teacher preparation program when the

70.1 dispute involves an institution's recommendation for licensure affecting the person or the
70.2 person's credentials. At the board's discretion, assistance may include the application
70.3 of chapter 14.

70.4 (d) The board must provide the leadership and adopt rules for the redesign of teacher
70.5 education programs to implement a research based, results-oriented curriculum that
70.6 focuses on the skills teachers need in order to be effective. Among other components,
70.7 teacher preparation programs may use the Minnesota State Colleges and Universities
70.8 program model to provide a school-year-long student teaching program that combines
70.9 clinical opportunities with academic coursework and in-depth student teaching
70.10 experiences to offer students ongoing mentorship, coaching, and assessment, help to
70.11 prepare a professional development plan, and structured learning experiences. The board
70.12 shall implement new systems of teacher preparation program evaluation to assure program
70.13 effectiveness based on proficiency of graduates in demonstrating attainment of program
70.14 outcomes. Teacher preparation programs including alternative teacher preparation
70.15 programs under section 122A.245, among other programs, must include a content-specific,
70.16 board-approved, performance-based assessment that measures teacher candidates in three
70.17 areas: planning for instruction and assessment; engaging students and supporting learning;
70.18 and assessing student learning. The board's redesign rules must include creating flexible,
70.19 specialized teaching licenses, credentials, and other endorsement forms to increase
70.20 students' participation in language immersion programs, world language instruction,
70.21 career development opportunities, work-based learning, early college courses and careers,
70.22 career and technical programs, Montessori schools, and project and place-based learning,
70.23 among other career and college ready learning offerings.

70.24 (e) The board must adopt rules requiring candidates for ~~initial~~ professional
70.25 five-year teaching licenses to pass an examination of general pedagogical knowledge
70.26 and examinations of licensure-specific teaching skills. The rules shall be effective by
70.27 September 1, 2001. The rules under this paragraph also must require candidates for initial
70.28 licenses to teach prekindergarten or elementary students to pass, as part of the examination
70.29 of licensure-specific teaching skills, test items assessing the candidates' knowledge,
70.30 skill, and ability in comprehensive, scientifically based reading instruction under section
70.31 122A.06, subdivision 4, and their knowledge and understanding of the foundations of
70.32 reading development, the development of reading comprehension, and reading assessment
70.33 and instruction, and their ability to integrate that knowledge and understanding.

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

71.1 (g) The board must grant licenses to interns and to candidates for ~~initial~~ professional
 71.2 five-year teaching licenses based on appropriate professional competencies that are
 71.3 aligned with the board's licensing system and students' diverse learning needs. All teacher
 71.4 candidates must have preparation in English language development and content instruction
 71.5 for English learners in order to be able to effectively instruct the English learners in their
 71.6 classrooms. The board must include these licenses in a statewide differentiated licensing
 71.7 system that creates new leadership roles for successful experienced teachers premised on a
 71.8 collaborative professional culture dedicated to meeting students' diverse learning needs
 71.9 in the 21st century, recognizes the importance of cultural and linguistic competencies,
 71.10 including the ability to teach and communicate in culturally competent and aware ways,
 71.11 and formalizes mentoring and induction for newly licensed teachers provided through a
 71.12 teacher support framework.

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

71.16 ~~(i)~~ (h) The board must receive recommendations from local committees as established
 71.17 by the board for the renewal of teaching licenses. The board must require a licensed
 71.18 ~~teachers~~ teacher who are is renewing a continuing license professional five-year teaching
 71.19 license to include in the renewal requirements further preparation in English language
 71.20 development and specially designed content instruction in English for English learners.

71.21 ~~(j)~~ (i) The board must grant life lifetime substitute licenses to those who qualify
 71.22 according to board requirements ~~established by the board~~, and suspend or revoke licenses
 71.23 ~~pursuant to~~ under sections 122A.20 and 214.10. The board must not establish any
 71.24 expiration date for application for life lifetime substitute licenses.

71.25 ~~(k)~~ (j) The board must adopt rules that require all licensed teachers who are renewing
 71.26 their continuing license professional five-year teaching licenses to include in their renewal
 71.27 requirements further preparation in the areas of using positive behavior interventions
 71.28 and in accommodating, modifying, and adapting curricula, materials, and strategies to
 71.29 appropriately meet the needs of individual students and ensure adequate progress toward
 71.30 the state's graduation rule.

71.31 ~~(l)~~ (k) In adopting rules to license public school teachers who provide health-related
 71.32 services for disabled children, the board shall adopt rules consistent with license or
 71.33 registration requirements of the commissioner of health and the health-related boards who
 71.34 license personnel who perform similar services outside of the school.

71.35 ~~(m)~~ (l) The board must adopt rules that require all licensed teachers who are
 71.36 renewing their continuing license professional five-year teaching licenses to include in

72.1 their renewal requirements further reading preparation, consistent with section 122A.06,
 72.2 subdivision 4. The rules do not take effect until they are approved by law. Teachers who
 72.3 do not provide direct instruction including, at least, counselors, school psychologists,
 72.4 school nurses, school social workers, audiovisual directors and coordinators, and
 72.5 recreation personnel are exempt from this section.

72.6 ~~(n)~~ (m) The board must adopt rules that require all licensed teachers who are
 72.7 renewing their ~~continuing license~~ professional five-year teaching licenses to include
 72.8 in their renewal requirements at least one hour of suicide prevention best practices in
 72.9 each licensure renewal period that are based on nationally recognized evidence-based
 72.10 programs and practices and further preparation, first, in understanding the key warning
 72.11 signs of early-onset mental illness in children and adolescents and then, during
 72.12 subsequent licensure renewal periods, preparation may include providing a more in-depth
 72.13 understanding of students' mental illness trauma, accommodations for students' mental
 72.14 illness, parents' role in addressing students' mental illness, Fetal Alcohol Spectrum
 72.15 Disorders, autism, the requirements of section 125A.0942 governing restrictive
 72.16 procedures, and de-escalation methods, among other similar topics.

72.17 ~~(o)~~ (n) The board must adopt rules by January 1, 2016, to license applicants under
 72.18 sections 122A.23 and 122A.245. The rules must permit applicants to demonstrate their
 72.19 qualifications through the board's recognition of a teaching license from another state
 72.20 in a similar content field, completion of a state-approved teacher preparation program,
 72.21 teaching experience as the teacher of record in a similar licensure field, depth of content
 72.22 knowledge, depth of content methods or general pedagogy, subject-specific professional
 72.23 development and contribution to the field, or classroom performance as determined by
 72.24 documented student growth on normed assessments or documented effectiveness on
 72.25 evaluations. The rules must adopt criteria for determining a "similar content field" and
 72.26 "similar licensure area."

72.27 Subd. 4a. **Teacher and administrator preparation and performance data;**
 72.28 **report.** (a) The Board of Teaching and the Board of School Administrators, in cooperation
 72.29 with the Minnesota Association of Colleges of Teacher Education and Minnesota colleges
 72.30 and universities offering board-adopted teacher or administrator preparation programs,
 72.31 annually must collect and report summary data on teacher and administrator preparation
 72.32 and performance outcomes, consistent with this subdivision. The Board of Teaching
 72.33 and the Board of School Administrators annually by June 1 must update and post the
 72.34 reported summary preparation and performance data on teachers and administrators from
 72.35 the preceding school years on a Web site hosted jointly by the boards.

73.1 (b) Publicly reported summary data on teacher preparation programs must include:
73.2 student entrance requirements for each Board of Teaching-approved program, including
73.3 grade point average for enrolling students in the preceding year; the average board-adopted
73.4 skills examination or ACT or SAT scores of students entering the program in the preceding
73.5 year; summary data on faculty qualifications, including at least the content areas of faculty
73.6 undergraduate and graduate degrees and their years of experience either as kindergarten
73.7 through grade 12 classroom teachers or school administrators; the average time resident
73.8 and nonresident program graduates in the preceding year needed to complete the program;
73.9 the current number and percent of students by program who graduated, received a standard
73.10 Minnesota teaching license, and were hired to teach full time in their licensure field in a
73.11 Minnesota district or school in the preceding year; the number of content area credits and
73.12 other credits by undergraduate program that students in the preceding school year needed
73.13 to complete to graduate; students' pass rates on skills and subject matter exams required for
73.14 graduation in each program and licensure area in the preceding school year; survey results
73.15 measuring student and graduate satisfaction with the program in the preceding school
73.16 year; a standard measure of the satisfaction of school principals or supervising teachers
73.17 with the student teachers assigned to a school or supervising teacher; and information
73.18 under paragraphs (d) and (e). Program reporting must be consistent with subdivision 11.

73.19 (c) Publicly reported summary data on administrator preparation programs
73.20 approved by the Board of School Administrators must include: summary data on faculty
73.21 qualifications, including at least the content areas of faculty undergraduate and graduate
73.22 degrees and their years of experience either as kindergarten through grade 12 classroom
73.23 teachers or school administrators; the average time program graduates in the preceding
73.24 year needed to complete the program; the current number and percent of students who
73.25 graduated, received a standard Minnesota administrator license, and were employed as an
73.26 administrator in a Minnesota school district or school in the preceding year; the number of
73.27 credits by graduate program that students in the preceding school year needed to complete
73.28 to graduate; survey results measuring student, graduate, and employer satisfaction with
73.29 the program in the preceding school year; and information under paragraphs (f) and (g).
73.30 Program reporting must be consistent with section 122A.14, subdivision 10.

73.31 (d) School districts annually by October 1 must report to the Board of Teaching
73.32 the following information for all teachers who finished the probationary period and
73.33 accepted a continuing contract position with the district from September 1 of the previous
73.34 year through August 31 of the current year: the effectiveness category or rating of the
73.35 teacher on the summative evaluation under section 122A.40, subdivision 8, or 122A.41,
73.36 subdivision 5; the licensure area in which the teacher primarily taught during the

74.1 three-year evaluation cycle; and the teacher preparation program preparing the teacher in
74.2 the teacher's primary areas of instruction and licensure.

74.3 (e) School districts annually by October 1 must report to the Board of Teaching the
74.4 following information for all probationary teachers in the district who were released or
74.5 whose contracts were not renewed from September 1 of the previous year through August
74.6 31 of the current year: the licensure areas in which the probationary teacher taught; and
74.7 the teacher preparation program preparing the teacher in the teacher's primary areas of
74.8 instruction and licensure.

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

74.16 (g) School districts annually by October 1 must report to the Board of School
74.17 Administrators all probationary school principals and assistant principals in the district
74.18 who were released or whose contracts were not renewed from September 1 of the previous
74.19 year through August 31 of the current year.

74.20 Subd. 5. **Commissioner's representative to comment on proposed rule.** ~~Prior~~
74.21 ~~to the adoption by~~ Before the Board of Teaching ~~of~~ adopts any rule ~~which~~ that must be
74.22 submitted to public hearing, a representative of the commissioner shall appear before the
74.23 Board of Teaching and at the hearing required ~~pursuant to~~ under section 14.14, subdivision
74.24 1, to comment on the cost and educational implications of that proposed rule.

74.25 Subd. 6. **Register of persons licensed.** The executive secretary of the Board of
74.26 Teaching shall keep a record of the proceedings of and a register of all persons licensed
74.27 pursuant to the provisions of this chapter. The register must show the name, address,
74.28 license number and the renewal of the license. The board must on July 1, of each year
74.29 or as soon thereafter as is practicable, compile a list of such duly licensed teachers and
74.30 transmit a copy of the list to the board. A copy of the register must be available during
74.31 business hours at the office of the board to any interested person.

74.32 Subd. 7. **Commissioner's assistance; board money.** The commissioner shall
74.33 provide all necessary materials and assistance for the transaction of the business of the
74.34 Board of Teaching and all moneys received by the Board of Teaching shall be paid into
74.35 the state treasury as provided by law. The expenses of administering sections 122A.01,
74.36 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.20, 122A.21, 122A.22,

75.1 122A.23, 122A.26, 122A.30, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, 122A.54,
75.2 122A.55, 122A.56, 122A.57, and 122A.58 which are incurred by the Board of Teaching
75.3 shall be paid for from appropriations made to the Board of Teaching.

75.4 Subd. 8. **Fraud; gross misdemeanor.** A person who claims to be a licensed teacher
75.5 without a valid existing license issued by the board or any person who employs fraud or
75.6 deception in applying for or securing a license is guilty of a gross misdemeanor.

75.7 Subd. 9. **Board may adopt rules.** The Board of Teaching may adopt rules subject
75.8 to the provisions of chapter 14 to implement sections 122A.05 to 122A.09, 122A.16,
75.9 122A.17, 122A.18, 122A.20, 122A.21, and 122A.23.

75.10 Subd. 10. ~~Variances~~ **Permissions.** (a) Notwithstanding subdivision 9 and section
75.11 ~~14.05, subdivision 4~~ 14.055, the Board of Teaching may grant ~~a variance~~ waivers to its
75.12 rules upon application by a school district for purposes of implementing experimental
75.13 programs in learning or management.

75.14 (b) To enable a school district to meet the needs of students enrolled in an alternative
75.15 education program and to enable licensed teachers instructing those students to satisfy
75.16 content area licensure requirements, the Board of Teaching annually may permit a licensed
75.17 teacher teaching in an alternative education program to instruct students in a content area
75.18 for which the teacher is not licensed, consistent with paragraph (a).

75.19 (c) A special education license ~~variance~~ permission issued by the Board of Teaching
75.20 for a primary employer's low-incidence region shall be valid in all low-incidence regions.

75.21 (d) The Board of Teaching may grant a one-year professional license under paragraph
75.22 (a) restricted to allow a person holding a full credential from the American Montessori
75.23 Society, a diploma from Association Montessori Internationale, or a certificate of
75.24 completion from a program accredited by the Montessori Accreditation Council for Teacher
75.25 Education to teach in a Montessori program operated by a school district or charter school.

75.26 Subd. 11. **Teacher preparation program reporting.** By December 31, 2018, and
75.27 annually thereafter, the Board of Teaching shall report and publish on its Web site the
75.28 cumulative summary results of at least three consecutive years of data reported to the board
75.29 under subdivision 4a, paragraph (b). Where the data are sufficient to yield statistically
75.30 reliable information and the results would not reveal personally identifiable information
75.31 about an individual teacher, the board shall report the data by teacher preparation program.

75.32 **EFFECTIVE DATE.** Subdivision 4, paragraph (m), is effective the day following
75.33 final enactment and applies to teachers renewing their teaching licenses beginning August
75.34 1, 2017. Subdivision 10, paragraph (d), of this section is effective for the 2016-2017
75.35 through 2018-2019 school years.

76.1 Sec. 5. Minnesota Statutes 2014, section 122A.09, is amended by adding a subdivision
76.2 to read:

76.3 Subd. 12. **Endorsement; dual enrollment instruction.** The Board of Teaching
76.4 must issue an endorsement for dual enrollment instruction to a high school teacher
76.5 licensed in a content-specific field who successfully completes the faculty qualification
76.6 requirements established by the Higher Learning Commission. The licensure endorsement
76.7 must allow the teacher to provide dual enrollment instruction in the teacher's licensure
76.8 field, consistent with board-adopted standards. The board must adopt standards for this
76.9 endorsement in consultation with eligible public postsecondary institutions participating
76.10 in course agreements under section 124D.09, subdivision 10. The endorsement means a
76.11 change in the teacher's license that allows the teacher to teach postsecondary college in the
76.12 schools dual credit courses under section 124D.09, subdivision 10.

76.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.
76.14 The Board of Teaching must start issuing endorsements by September 1, 2017.

76.15 Sec. 6. Minnesota Statutes 2014, section 122A.18, as amended by Laws 2015, First
76.16 Special Session chapter 3, article 2, sections 14 and 15, is amended to read:

76.17 **122A.18 BOARD TO ISSUE LICENSES.**

76.18 Subdivision 1. **Authority to license.** (a) The Board of Teaching must license
76.19 teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel,
76.20 as defined in section 122A.15, subdivision 2.

76.21 (b) The Board of School Administrators must license supervisory personnel as
76.22 defined in section 122A.15, subdivision 2, except for athletic coaches.

76.23 (c) Licenses under the jurisdiction of the Board of Teaching, the Board of School
76.24 Administrators, and the commissioner of education must be issued through the licensing
76.25 section of the department.

76.26 (d) The Board of Teaching and the Department of Education must enter into a data
76.27 sharing agreement to share educational data at the E-12 level for the limited purpose
76.28 of program approval and improvement for teacher education programs. The program
76.29 approval process must include targeted redesign of teacher preparation programs to
76.30 address identified E-12 student areas of concern.

76.31 (e) The Board of School Administrators and the Department of Education must enter
76.32 into a data sharing agreement to share educational data at the E-12 level for the limited
76.33 purpose of program approval and improvement for education administration programs.

77.1 The program approval process must include targeted redesign of education administration
77.2 preparation programs to address identified E-12 student areas of concern.

77.3 (f) For purposes of the data sharing agreements under paragraphs (d) and (e), the
77.4 Board of Teaching, Board of School Administrators, and Department of Education may
77.5 share private data, as defined in section 13.02, subdivision 12, on teachers and school
77.6 administrators. The data sharing agreements must not include educational data, as defined
77.7 in section 13.32, subdivision 1, but may include summary data, as defined in section
77.8 13.02, subdivision 19, derived from educational data.

77.9 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching
77.10 must issue licenses under its jurisdiction to persons the board finds to be qualified and
77.11 competent for their respective positions, including those meeting the standards adopted
77.12 under section 122A.09, subdivision 4, paragraph ~~(o)~~ (n).

77.13 (b) The board must require a candidate for teacher licensure to demonstrate a passing
77.14 score on a board-adopted examination of skills in reading, writing, and mathematics,
77.15 before being granted ~~an initial~~ a professional five-year teaching license to provide direct
77.16 instruction to pupils in prekindergarten, elementary, secondary, or special education
77.17 programs, except that the board may issue up to four temporary, one-year teaching licenses
77.18 to an otherwise qualified candidate who has not yet passed a board-adopted skills exam.
77.19 At the request of the employing school district or charter school, the Board of Teaching
77.20 may issue ~~a restricted~~ an initial professional one-year teaching license to an otherwise
77.21 qualified teacher not passing or demonstrating a passing score on a board-adopted skills
77.22 examination in reading, writing, and mathematics. For purposes of this section, the
77.23 ~~restricted~~ initial professional one-year teaching license issued by the board is limited to the
77.24 current subject or content matter the teacher is employed to teach and limited to the district
77.25 or charter school requesting the ~~restricted~~ initial professional one-year teaching license. If
77.26 the board denies the request, it must provide a detailed response to the school administrator
77.27 as to the reasons for the denial. The board must require colleges and universities offering
77.28 a board approved teacher preparation program to make available upon request remedial
77.29 assistance that includes a formal diagnostic component to persons enrolled in their
77.30 institution who did not achieve a qualifying score on a board-adopted skills examination,
77.31 including those for whom English is a second language. The colleges and universities
77.32 must make available assistance in the specific academic areas of candidates' deficiency.
77.33 School districts may make available upon request similar, appropriate, and timely remedial
77.34 assistance that includes a formal diagnostic component to those persons employed by the
77.35 district who completed their teacher education program, who did not achieve a qualifying
77.36 score on a board-adopted skills examination, and who received ~~a temporary~~ an initial

78.1 professional one-year teaching license to teach in Minnesota. The Board of Teaching
78.2 shall report annually to the education committees of the legislature on the total number
78.3 of teacher candidates during the most recent school year taking a board-adopted skills
78.4 examination, the number who achieve a qualifying score on the examination, the number
78.5 who do not achieve a qualifying score on the examination, and the candidates who have
78.6 not passed a content or pedagogy exam, disaggregated by categories of race, ethnicity,
78.7 and eligibility for financial aid.

78.8 (c) The Board of Teaching must grant ~~continuing~~ professional five-year teaching
78.9 licenses only to those persons who have met board criteria for ~~granting a continuing~~ that
78.10 license, which includes passing a board-adopted skills examination in reading, writing, and
78.11 mathematics, and the exceptions in section 122A.09, subdivision 4, paragraph (b), that are
78.12 consistent with this paragraph. The requirement to pass a board-adopted reading, writing,
78.13 and mathematics skills examination, does not apply to nonnative English speakers, as
78.14 verified by qualified Minnesota school district personnel or Minnesota higher education
78.15 faculty, who, after meeting the content and pedagogy requirements under this subdivision,
78.16 apply for a professional five-year teaching license to provide direct instruction in their
78.17 native language or world language instruction under section 120B.022, subdivision 1.

78.18 (d) All colleges and universities approved by the board of teaching to prepare persons
78.19 for teacher licensure must include in their teacher preparation programs a common core
78.20 of teaching knowledge and skills to be acquired by all persons recommended for teacher
78.21 licensure. Among other requirements, teacher candidates must demonstrate the knowledge
78.22 and skills needed to provide appropriate instruction to English learners to support and
78.23 accelerate their academic literacy, including oral academic language, and achievement in
78.24 content areas in a regular classroom setting. This common core shall meet the standards
78.25 developed by the interstate new teacher assessment and support consortium in its 1992
78.26 "model standards for beginning teacher licensing and development." Amendments to
78.27 standards adopted under this paragraph are covered by chapter 14. The board of teaching
78.28 shall report annually to the education committees of the legislature on the performance
78.29 of teacher candidates on common core assessments of knowledge and skills under this
78.30 paragraph during the most recent school year.

78.31 Subd. 2a. **Reading strategies.** (a) All colleges and universities approved by the
78.32 Board of Teaching to prepare persons for classroom teacher licensure must include in
78.33 their teacher preparation programs research-based best practices in reading, consistent
78.34 with section 122A.06, subdivision 4, that enable the licensure candidate to know how to
78.35 teach reading in the candidate's content areas. Teacher candidates must be instructed
78.36 in using students' native languages as a resource in creating effective differentiated

79.1 instructional strategies for English learners developing literacy skills. These colleges and
79.2 universities also must prepare early childhood and elementary teacher candidates for initial
79.3 professional five-year teaching licenses to teach prekindergarten or elementary students
79.4 for the assessment of reading instruction portion of the examination of licensure-specific
79.5 teaching skills under section 122A.09, subdivision 4, paragraph (e), covering assessment
79.6 of reading instruction.

79.7 (b) Board-approved teacher preparation programs for teachers of elementary
79.8 education must require instruction ~~in the application of~~ in applying comprehensive,
79.9 scientifically based, and balanced reading instruction programs that:

79.10 (1) teach students to read using foundational knowledge, practices, and strategies
79.11 consistent with section 122A.06, subdivision 4, so that all students ~~will~~ achieve continuous
79.12 progress in reading; and

79.13 (2) teach specialized instruction in reading strategies, interventions, and remediations
79.14 that enable students of all ages and proficiency levels to become proficient readers.

79.15 (c) Nothing in this section limits the authority of a school district to select a school's
79.16 reading program or curriculum.

79.17 Subd. 2b. **Reading specialist.** Not later than July 1, 2002, the Board of Teaching
79.18 must adopt rules providing for the reading teacher licensure ~~of teachers of reading~~.

79.19 Subd. 3. **Supervisory and coach qualifications; code of ethics.** The commissioner
79.20 of education must issue licenses under its jurisdiction to persons the commissioner finds
79.21 to be qualified and competent for their respective positions under the rules it adopts.
79.22 The commissioner of education may develop, by rule, a code of ethics for supervisory
79.23 personnel covering standards of professional practices, including areas of ethical conduct
79.24 and professional performance and methods of enforcement.

79.25 Subd. 3a. **Technology strategies.** All colleges and universities approved by the
79.26 Board of Teaching to prepare persons for classroom teacher licensure must include in their
79.27 teacher preparation programs the knowledge and skills teacher candidates need to deliver
79.28 digital and blended learning and curriculum and engage students with technology.

79.29 Subd. 4. **Expiration and renewal.** (a) Each license the Department of Education
79.30 issues through its licensing section must bear the date of issue and the name of the
79.31 state-approved teacher training provider. Licenses must expire and be renewed according
79.32 to the respective rules the Board of Teaching, the Board of School Administrators, or the
79.33 commissioner of education adopts. Requirements for renewing a license must include
79.34 showing satisfactory evidence of successful teaching or administrative experience for
79.35 at least one school year during the period covered by the license in grades or subjects
79.36 for which the license is valid or completing such additional preparation as the Board of

80.1 Teaching prescribes. The Board of School Administrators shall establish requirements for
 80.2 renewing the licenses of supervisory personnel except athletic coaches. The State Board
 80.3 of Teaching shall establish requirements for renewing the licenses of athletic coaches.

80.4 (b) ~~Relicensure~~ Applicants for license renewal who have been employed as a teacher
 80.5 during the renewal period of their expiring license, as a condition of ~~relicensure~~ license
 80.6 renewal, must present to their local continuing education and relicensure committee
 80.7 or other local relicensure committee evidence of work that demonstrates professional
 80.8 reflection and growth in best teaching practices, including among other things, practices in
 80.9 meeting the varied needs of English learners, from young children to adults under section
 80.10 124D.59, subdivisions 2 and 2a. The applicant must include a reflective statement of
 80.11 professional accomplishment and the applicant's own assessment of professional growth
 80.12 showing evidence of:

80.13 (1) support for student learning;

80.14 (2) use of best practices techniques and their applications to student learning;

80.15 (3) collaborative work with colleagues that includes examples of collegiality such as
 80.16 attested-to committee work, collaborative staff development programs, and professional
 80.17 learning community work; or

80.18 (4) continual professional development that may include (i) job-embedded or other
 80.19 ongoing formal professional learning or (ii) for teachers employed for only part of the
 80.20 renewal period of their expiring license, other similar professional development efforts
 80.21 made during the relicensure period.

80.22 The Board of Teaching must ensure that its teacher relicensing requirements also include
 80.23 this paragraph.

80.24 (c) The Board of Teaching shall offer alternative ~~continuing relicensure~~ options for
 80.25 license renewal for teachers who are accepted into and complete the National Board for
 80.26 Professional Teaching Standards certification process, and offer additional continuing
 80.27 relicensure options for teachers who earn National Board for Professional Teaching
 80.28 Standards certification. Continuing relicensure requirements for teachers who do not
 80.29 maintain National Board for Professional Teaching Standards certification are those the
 80.30 board prescribes, consistent with this section.

80.31 ~~Subd. 4a. **Limited provisional licenses.** The board may grant two-year provisional~~
 80.32 ~~licenses to licensure candidates in a field in which they were not previously licensed or in a~~
 80.33 ~~field in which a shortage of licensed teachers exists. A shortage is defined as an inadequate~~
 80.34 ~~supply of licensed personnel in a given licensure area as determined by the commissioner.~~

80.35 ~~Subd. 5. **Effective date.** Nothing contained herein shall be construed as affecting~~
 80.36 ~~the validity of a permanent certificate or license issued prior to July 1, 1969.~~

81.1 Subd. 6. **Human relations.** The Board of Teaching and the commissioner of
 81.2 education shall accept training programs completed through Peace Corps, VISTA, or
 81.3 Teacher Corps in lieu of ~~completion of~~ completing the human relations component of the
 81.4 training program for purposes of issuing or renewing a teaching license in education.

81.5 ~~Subd. 7. **Limited provisional licenses.** The Board of Teaching may grant~~
 81.6 ~~provisional licenses, which shall be valid for two years, in fields in which licenses were not~~
 81.7 ~~issued previously or in fields in which a shortage of licensed teachers exists. A shortage is~~
 81.8 ~~defined as a lack of or an inadequate supply of licensed personnel within a given licensure~~
 81.9 ~~area in a school district that has notified the Board of Teaching of the shortage and has~~
 81.10 ~~applied to the Board of Teaching for provisional licenses for that district's licensed staff.~~

81.11 Subd. 7a. **Permission to substitute teach.** (a) The Board of Teaching may allow a
 81.12 person who is enrolled in and making satisfactory progress in a board-approved teacher
 81.13 program and who has successfully completed student teaching to be employed as a
 81.14 short-call substitute teacher.

81.15 (b) The Board of Teaching may issue a lifetime ~~qualified short-call~~ substitute
 81.16 teaching license to a person who:

81.17 (1) was a qualified teacher under section 122A.16 while holding a ~~continuing~~
 81.18 professional five-year teaching license issued by the board, and receives a retirement
 81.19 annuity from the Teachers Retirement Association or the St. Paul Teachers Retirement
 81.20 Fund Association;

81.21 (2) holds an out-of-state teaching license and receives a retirement annuity as a
 81.22 result of the person's teaching experience; or

81.23 (3) held a ~~continuing~~ professional five-year teaching license issued by the board,
 81.24 taught at least three school years in an accredited nonpublic school in Minnesota, and
 81.25 receives a retirement annuity as a result of the person's teaching experience.

81.26 A person holding a lifetime qualified short-call substitute teaching license is not required
 81.27 to complete continuing education clock hours. A person holding this license may reapply
 81.28 to the board for a ~~continuing~~ professional five-year teaching license and must again
 81.29 complete continuing education clock hours one school year after receiving the ~~continuing~~
 81.30 professional five-year teaching license.

81.31 Subd. 7b. ~~**Temporary limited licenses**~~ **Provisional permission; personnel**
 81.32 **variances variance; emergency permission.** (a) ~~The Board of Teaching must accept~~
 81.33 ~~applications for a temporary limited teaching license beginning July 1 of the school year~~
 81.34 ~~for which the license is requested and must issue or deny the temporary limited teaching~~
 81.35 ~~license within 30 days of receiving the complete application~~ The Board of Teaching
 81.36 may grant a two-year provisional permission to a licensure candidate in a field in which

82.1 a shortage of licensed teachers exists. A shortage is defined as an inadequate supply of
82.2 licensed personnel in a given licensure area as determined by the commissioner.

82.3 (b) The board may grant a one-year personnel variance to a licensed teacher in a
82.4 field in which they were not previously licensed. The Board of Teaching must accept
82.5 applications for a personnel variance beginning July 1 of the school year for which the
82.6 variance is requested and must issue or deny the personnel variance within 30 days of
82.7 receiving the complete application.

82.8 (c) The board may grant a one-year emergency permission to a nonlicensed applicant
82.9 based on a district's satisfactory demonstration of need. The board must accept an
82.10 application for an emergency permission beginning on July 1 of the school year for which
82.11 the permission is requested and must issue or deny the emergency permission within 30
82.12 days of receiving the complete application.

82.13 Subd. 7c. **Temporary military license.** The Board of Teaching shall establish
82.14 a temporary license in accordance with section 197.4552 for teaching. The fee for a
82.15 temporary license under this subdivision shall be \$87.90 for an online application or
82.16 \$86.40 for a paper application.

82.17 Subd. 8. **Background checks.** (a) The Board of Teaching and the commissioner
82.18 of education must request a criminal history background check from the superintendent
82.19 of the Bureau of Criminal Apprehension on all first-time teaching applicants for ~~initial~~
82.20 licenses under their jurisdiction. ~~An application for a license under this section must be~~
82.21 ~~accompanied by~~ Applicants must include with their licensure applications:

82.22 (1) an executed criminal history consent form, including fingerprints; and
82.23 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
82.24 for the fee for conducting the criminal history background check.

82.25 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the
82.26 background check required under paragraph (a) by retrieving criminal history data as
82.27 defined in section 13.87 and shall also conduct a search of the national criminal records
82.28 repository. The superintendent is authorized to exchange fingerprints with the Federal
82.29 Bureau of Investigation for purposes of the criminal history check. The superintendent
82.30 shall recover the cost to the bureau of a background check through the fee charged to
82.31 the applicant under paragraph (a).

82.32 (c) The Board of Teaching or the commissioner of education may issue a license
82.33 pending completion of a background check under this subdivision, but must notify
82.34 the individual that the individual's license may be revoked based on the result of the
82.35 background check.

83.1 Sec. 7. Minnesota Statutes 2014, section 122A.21, as amended by Laws 2015, First
83.2 Special Session chapter 3, article 2, section 17, is amended to read:

83.3 **122A.21 TEACHERS' AND ADMINISTRATORS' LICENSES; FEES.**

83.4 Subdivision 1. **Licensure applications.** Each application for the issuance, renewal,
83.5 or extension of a license to teach, including applications for licensure via portfolio under
83.6 subdivision 2, must be accompanied by a processing fee of \$57. Each application for
83.7 issuing, renewing, or extending the license of a school administrator or supervisor must
83.8 be accompanied by a processing fee in the amount set by the Board of Teaching School
83.9 Administrators. The processing fee for a teacher's license and for the licenses of supervisory
83.10 personnel must be paid to the executive secretary of the appropriate board. The executive
83.11 secretary of the board shall deposit the fees with the commissioner of management and
83.12 budget. The fees as set by the board are nonrefundable for applicants not qualifying for a
83.13 license. However, a fee must be refunded by the commissioner of management and budget
83.14 in any case in which the applicant already holds a valid unexpired license. The board may
83.15 waive or reduce fees for applicants who apply at the same time for more than one license.

83.16 Subd. 2. **Licensure via portfolio.** (a) An eligible candidate may use licensure via
83.17 portfolio to obtain ~~an initial licensure~~ a professional five-year teaching license or to add a
83.18 licensure field, consistent with applicable Board of Teaching licensure rules.

83.19 (b) A candidate for ~~initial licensure~~ a professional five-year teaching license must
83.20 submit to the Educator Licensing Division at the department one portfolio demonstrating
83.21 pedagogical competence and one portfolio demonstrating content competence.

83.22 (c) A candidate seeking to add a licensure field must submit to the Educator
83.23 Licensing Division at the department one portfolio demonstrating content competence.

83.24 (d) The Board of Teaching must notify a candidate who submits a portfolio under
83.25 paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not
83.26 the portfolio was approved. If the portfolio was not approved, the board must immediately
83.27 inform the candidate how to revise the portfolio to successfully demonstrate the requisite
83.28 competence. The candidate may resubmit a revised portfolio at any time and the Educator
83.29 Licensing Division at the department must approve or disapprove the portfolio within
83.30 60 calendar days of receiving it.

83.31 (e) A candidate must pay to the executive secretary of the Board of Teaching a
83.32 \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio
83.33 submitted subsequently. ~~The fees must be paid to the executive secretary of the Board of~~
83.34 ~~Teaching.~~ The revenue generated from the fee must be deposited in an education licensure
83.35 portfolio account in the special revenue fund. The fees set by the Board of Teaching are

84.1 nonrefundable for applicants not qualifying for a license. The Board of Teaching may
84.2 waive or reduce fees for candidates based on financial need.

84.3 Sec. 8. Minnesota Statutes 2015 Supplement, section 122A.23, is amended to read:

84.4 **122A.23 APPLICANTS TRAINED IN OTHER STATES.**

84.5 Subdivision 1. **Preparation equivalency.** When a license to teach is authorized to
84.6 be issued to any holder of a diploma or a degree of a Minnesota state university, or of the
84.7 University of Minnesota, or of a liberal arts university, or a technical training institution,
84.8 such license may also, in the discretion of the Board of Teaching ~~or the commissioner of~~
84.9 ~~education, whichever has jurisdiction,~~ be issued to any holder of a diploma or a degree of a
84.10 teacher training institution of equivalent rank and standing of any other state. The diploma
84.11 or degree must be granted by virtue of completing coursework in teacher preparation as
84.12 preliminary to the granting of a diploma or a degree of the same rank and class. For
84.13 purposes of granting a Minnesota teaching license to a person who receives a diploma or
84.14 degree from a state-accredited, out-of-state teacher training program leading to licensure,
84.15 the Board of Teaching must establish criteria and streamlined policies and procedures by
84.16 January 1, 2016, to recognize the experience and professional credentials of the person
84.17 holding the out-of-state diploma or degree and allow that person to demonstrate to the
84.18 board the person's qualifications for receiving a Minnesota teaching license based on
84.19 performance measures the board adopts by January 1, 2016, under this section.

84.20 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements
84.21 of sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a
84.22 professional five-year teaching license or ~~a temporary~~ an initial professional one-year
84.23 teaching license under paragraphs (c) to (f) to an applicant who holds at least a
84.24 baccalaureate degree from a regionally accredited college or university and holds or
84.25 held an out-of-state teaching license that requires the applicant to successfully complete
84.26 a teacher preparation program approved by the issuing state, which includes either (1)
84.27 field-specific teaching methods, student teaching, or equivalent experience, or (2) at least
84.28 two years of teaching experience as the teacher of record in a similar licensure field area.

84.29 (b) The Board of Teaching may issue a standard professional five-year teaching
84.30 license on the basis of teaching experience and examination requirements only.

84.31 (c) The Board of Teaching must issue a professional five-year teaching license to
84.32 an applicant who:

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

85.1 (2) holds or held an out-of-state teaching license to teach a similar content field and
 85.2 grade levels if the scope of the out-of-state license is no more than two grade levels less
 85.3 than a similar Minnesota license, and either (i) has completed field-specific teaching
 85.4 methods, student teaching, or equivalent experience, or (ii) has at least two years of
 85.5 teaching experience as the teacher of record in a similar licensure ~~field~~ area.

85.6 (d) The Board of Teaching, consistent with board rules and paragraph (i), must
 85.7 issue up to four ~~one-year temporary~~ initial professional one-year teaching licenses to an
 85.8 applicant who holds or held an out-of-state teaching license to teach a similar ~~content field~~
 85.9 licensure area and grade levels, where the scope of the out-of-state license is no more
 85.10 than two grade levels less than a similar Minnesota license, but has not successfully
 85.11 completed all exams and human relations preparation components required by the Board
 85.12 of Teaching. The board must issue a professional five-year teaching license to an applicant
 85.13 who successfully completes the requirements under this paragraph.

85.14 (e) The Board of Teaching, consistent with board rules, must issue up to four initial
 85.15 professional one-year ~~temporary~~ teaching licenses to an applicant who:

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

85.18 (2) holds or held an out-of-state teaching license to teach a similar ~~content field~~
 85.19 licensure area and grade levels, where the scope of the out-of-state license is no more than
 85.20 two grade levels less than a similar Minnesota license, but has not completed field-specific
 85.21 teaching methods or student teaching or equivalent experience.

85.22 The applicant may complete field-specific teaching methods ~~and student teaching~~
 85.23 ~~or equivalent experience~~ by successfully participating in a one-year school district
 85.24 mentorship program consistent with board-adopted standards of effective practice and
 85.25 Minnesota graduation requirements. If no school district mentorship program is available,
 85.26 the applicant must complete field-specific teaching methods coursework while serving
 85.27 as a teacher of record and providing classroom instruction in the applicant's field of
 85.28 licensure. The board must issue a professional five-year teaching license to an applicant
 85.29 who successfully completes the requirements under this paragraph.

85.30 (f) ~~The Board of Teaching must issue a restricted teaching license for only in the~~
 85.31 ~~content field or grade levels specified in the out-of-state license to an applicant who:~~

85.32 (1) ~~successfully completed all exams and human relations preparation components~~
 85.33 ~~required by the Board of Teaching; and~~

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

86.1 (f) The Board of Teaching must issue to an applicant with an out-of-state teaching
86.2 license up to four initial professional one-year teaching licenses that are restricted in
86.3 content or grade levels specified in the out-of-state license if the applicant's out-of-state
86.4 teaching license is more limited than a similar Minnesota license in content field or
86.5 grade levels. The Board of Teaching must issue a professional five-year teaching license
86.6 to an applicant who successfully completes all exams and human relations preparation
86.7 components required by the Board of Teaching. Any content or grade level restriction
86.8 placed on a license under this paragraph remains in effect.

86.9 (g) The Board of Teaching may issue a two-year ~~limited~~ provisional license
86.10 permission to an applicant under this subdivision to teach in a shortage area, consistent
86.11 with section 122A.18, subdivision 4a.

86.12 (h) The Board of Teaching may issue a license under this subdivision if the applicant
86.13 has attained the additional degrees, credentials, or licenses required in a particular
86.14 licensure field and the applicant can demonstrate competency by obtaining qualifying
86.15 scores on the board-adopted skills examination in reading, writing, and mathematics, and
86.16 on applicable board-adopted rigorous content area and pedagogy examinations under
86.17 section 122A.09, subdivision 4, paragraphs (a) and (e).

86.18 (i) The Board of Teaching must require an applicant for a professional five-year
86.19 teaching license or a temporary an initial professional one-year teaching license under
86.20 this subdivision to pass a board-adopted skills examination in reading, writing, and
86.21 mathematics before the board issues the license unless, notwithstanding other provisions
86.22 of this subdivision, an applicable board-approved National Association of State Directors
86.23 of Teacher Education and Certification interstate ~~reciprocity~~ agreement exists to allow
86.24 fully certified teachers from other states to transfer their certification to Minnesota.

86.25 **Subd. 3. Teacher licensure agreements with adjoining states.** (a) Notwithstanding
86.26 any other law to the contrary, the Board of Teaching must enter into a National Association
86.27 of State Directors of Teacher Education and Certification (NASDTEC) interstate
86.28 agreement and other interstate agreements for teacher licensure to allow fully certified
86.29 teachers from adjoining states to transfer their certification to Minnesota. The board must
86.30 enter into these interstate agreements only after determining that the rigor of the teacher
86.31 licensure or certification requirements in the adjoining state is commensurate with the
86.32 rigor of Minnesota's teacher licensure requirements. The board may limit an interstate
86.33 agreement to particular content fields or grade levels based on established priorities or
86.34 identified shortages. This subdivision does not apply to out-of-state applicants holding
86.35 only a provisional teaching license.

87.1 (b) The Board of Teaching must work with designated authorities in adjoining states
87.2 to establish interstate teacher licensure agreements under this section.

87.3 Sec. 9. Minnesota Statutes 2015 Supplement, section 122A.23, subdivision 2, is
87.4 amended to read:

87.5 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements
87.6 of sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a
87.7 teaching license or a temporary teaching license under paragraphs (c) to (f) to an applicant
87.8 who holds at least a baccalaureate degree from a regionally accredited college or university
87.9 and holds or held an out-of-state teaching license that requires the applicant to successfully
87.10 complete a teacher preparation program approved by the issuing state, which includes
87.11 either (1) field-specific teaching methods, student teaching, or equivalent experience, or (2)
87.12 at least two years of teaching experience as the teacher of record in a similar licensure field.

87.13 (b) The Board of Teaching may issue a standard license on the basis of teaching
87.14 experience and examination requirements only.

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

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

87.18 (2) holds or held an out-of-state teaching license to teach a similar content field and
87.19 grade levels if the scope of the out-of-state license is no more than two grade levels less
87.20 than a similar Minnesota license, and either (i) has completed field-specific teaching
87.21 methods, student teaching, or equivalent experience, or (ii) has at least two years of
87.22 teaching experience as the teacher of record in a similar licensure field.

87.23 (d) The Board of Teaching must issue a professional five-year teaching license to
87.24 an applicant who:

87.25 (1) successfully completed all exams required by the Board of Teaching;

87.26 (2) holds an out-of-state teaching license to teach in the same content field and
87.27 grade levels as a Minnesota license; and

87.28 (3) has had at least one full school year of teaching experience as a teacher of record
87.29 in the licensure field during the last five years.

87.30 (e) The Board of Teaching, consistent with board rules and paragraph (i), must
87.31 issue up to four one-year temporary teaching licenses to an applicant who holds or held
87.32 an out-of-state teaching license to teach a similar content field and grade levels, where
87.33 the scope of the out-of-state license is no more than two grade levels less than a similar
87.34 Minnesota license, but has not successfully completed all exams and human relations
87.35 preparation components required by the Board of Teaching.

88.1 ~~(e)~~ (f) The Board of Teaching, consistent with board rules, must issue up to four
88.2 one-year temporary teaching licenses to an applicant who:

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

88.5 (2) holds or held an out-of-state teaching license to teach a similar content field
88.6 and grade levels, where the scope of the out-of-state license is no more than two grade
88.7 levels less than a similar Minnesota license, but has not completed field-specific teaching
88.8 methods or student teaching or equivalent experience.

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

88.13 ~~(f)~~ (g) The Board of Teaching must issue a restricted teaching license for only in the
88.14 content field or grade levels specified in the out-of-state license to an applicant who:

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

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

88.19 ~~(g)~~ (h) The Board of Teaching may issue a two-year limited provisional license to
88.20 an applicant under this subdivision to teach in a shortage area, consistent with section
88.21 122A.18, subdivision 4a.

88.22 ~~(h)~~ (i) The Board of Teaching may issue a license under this subdivision if the
88.23 applicant has attained the additional degrees, credentials, or licenses required in a
88.24 particular licensure field and the applicant can demonstrate competency by obtaining
88.25 qualifying scores on the board-adopted skills examination in reading, writing, and
88.26 mathematics, and on applicable board-adopted rigorous content area and pedagogy
88.27 examinations under section 122A.09, subdivision 4, paragraphs (a) and (e).

88.28 ~~(i)~~ (j) The Board of Teaching must require an applicant for a teaching license
88.29 or a temporary teaching license under this subdivision to pass a board-adopted skills
88.30 examination in reading, writing, and mathematics before the board issues the license
88.31 unless, notwithstanding other provisions of this subdivision, an applicable board-approved
88.32 National Association of State Directors of Teacher Education and Certification interstate
88.33 reciprocity agreement exists to allow fully certified teachers from other states to transfer
88.34 their certification to Minnesota.

89.1 Sec. 10. Minnesota Statutes 2014, section 122A.245, as amended by Laws 2015, First
89.2 Special Session chapter 3, article 2, sections 19 to 21, is amended to read:

89.3 **122A.245 ALTERNATIVE TEACHER PREPARATION PROGRAM AND**
89.4 **~~LIMITED-TERM~~ PRELIMINARY TEACHER LICENSE.**

89.5 Subdivision 1. **Requirements.** (a) To improve academic excellence, improve
89.6 ethnic and cultural diversity in the classroom, and close the academic achievement gap,
89.7 the Board of Teaching must approve qualified teacher preparation programs under this
89.8 section that are a means to acquire a two-year ~~limited-term~~ preliminary teacher license,
89.9 which the board may renew one time for an additional one-year term, and to prepare for
89.10 acquiring a ~~standard~~ professional five-year license. The following entities are eligible
89.11 to participate under this section:

89.12 (1) a school district, charter school, or nonprofit corporation organized under chapter
89.13 317A for an education-related purpose that forms a partnership with a college or university
89.14 that has a board-approved alternative teacher preparation program; or

89.15 (2) a school district or charter school, after consulting with a college or university
89.16 with a board-approved teacher preparation program, that forms a partnership with a
89.17 nonprofit corporation organized under chapter 317A for an education-related purpose that
89.18 has a board-approved teacher preparation program.

89.19 (b) Before becoming a teacher of record, a candidate must:

89.20 (1) have a bachelor's degree with a 3.0 or higher grade point average unless the
89.21 board waives the grade point average requirement based on board-adopted criteria adopted
89.22 by January 1, 2016;

89.23 (2) demonstrate a passing score on a board-adopted reading, writing, and
89.24 mathematics skills examination under section 122A.09, subdivision 4, paragraph (b); and

89.25 (3) obtain qualifying scores on applicable board-approved rigorous content area and
89.26 pedagogy examinations under section 122A.09, subdivision 4, paragraph (e).

89.27 (c) The Board of Teaching must issue a two-year ~~limited-term~~ preliminary teacher
89.28 license to a person who enrolls in an alternative teacher preparation program.

89.29 Subd. 2. **Characteristics.** An alternative teacher preparation program under this
89.30 section must include:

89.31 (1) a minimum 200-hour instructional phase that provides intensive preparation and
89.32 student teaching before the teacher candidate assumes classroom responsibilities;

89.33 (2) a research-based and results-oriented approach focused on best teaching practices
89.34 to increase student proficiency and growth measured against state academic standards;

89.35 (3) strategies to combine pedagogy and best teaching practices to better inform
89.36 teacher candidates' classroom instruction;

90.1 (4) assessment, supervision, and evaluation of teacher candidates to determine
 90.2 their specific needs throughout the program and to support their efforts to successfully
 90.3 complete the program;

90.4 (5) intensive, ongoing, and multiyear professional learning opportunities that
 90.5 accelerate teacher candidates' professional growth, support student learning, and provide a
 90.6 workplace orientation, professional staff development, and mentoring and peer review
 90.7 focused on standards of professional practice and continuous professional growth; and

90.8 (6) a requirement that teacher candidates demonstrate to the local site team under
 90.9 subdivision 5 satisfactory progress toward acquiring ~~a standard license~~ professional
 90.10 five-year teaching licenses from the Board of Teaching.

90.11 Subd. 3. **Program approval; disapproval.** (a) The Board of Teaching must approve
 90.12 alternative teacher preparation programs under this section based on board-adopted
 90.13 criteria that reflect best practices for alternative teacher preparation programs, consistent
 90.14 with this section.

90.15 (b) The board must permit teacher candidates to demonstrate mastery of pedagogy
 90.16 and content standards in school-based settings and through other nontraditional means.
 90.17 "Nontraditional means" must include a portfolio of previous experiences, teaching
 90.18 experience, educator evaluations, certifications marking the completion of education
 90.19 training programs, and essentially equivalent demonstrations.

90.20 (c) The board must use nontraditional criteria to determine the qualifications of
 90.21 program instructors.

90.22 (d) The board may permit instructors to hold a baccalaureate degree only.

90.23 (e) If the Board of Teaching determines that a teacher preparation program under this
 90.24 section does not meet the requirements of this section, it may revoke its approval of the
 90.25 program after it notifies the program provider of any deficiencies and gives the program
 90.26 provider an opportunity to remedy the deficiencies.

90.27 Subd. 4. **Employment conditions.** Where applicable, teacher candidates with
 90.28 ~~a limited-term~~ a preliminary teacher license under this section are members of the
 90.29 local employee organization representing teachers and subject to the terms of the local
 90.30 collective bargaining agreement between the exclusive representative of the teachers and
 90.31 the school board. A collective bargaining agreement between a school board and the
 90.32 exclusive representative of the teachers must not prevent or restrict or otherwise interfere
 90.33 with a school district's ability to employ a teacher prepared under this section.

90.34 Subd. 5. **Approval for ~~standard~~ professional five-year license.** A school board
 90.35 or its designee must appoint members to a local site team that includes teachers, school
 90.36 administrators, and postsecondary faculty under subdivision 1, paragraph (a), clause

91.1 (1), or staff of a participating nonprofit corporation under subdivision 1, paragraph (a),
 91.2 clause (2), to evaluate the performance of the teacher candidate. The evaluation must be
 91.3 consistent with board-adopted performance measures, use the Minnesota state standards
 91.4 of effective practice and subject matter content standards for teachers established in
 91.5 Minnesota Rules, and include a report to the board recommending whether or not to issue
 91.6 the teacher candidate a ~~standard~~ professional five-year teaching license.

91.7 Subd. 6. **Applicants trained in other states.** A person who successfully completes
 91.8 another state's alternative teacher preparation program, consistent with section 122A.23,
 91.9 ~~subdivision 1~~, may apply to the Board of Teaching for a ~~standard~~ an initial professional
 91.10 one-year teaching license ~~under subdivision 7~~ or a professional five-year teaching license.

91.11 Subd. 7. **Standard Professional five-year license.** The Board of Teaching must
 91.12 issue a ~~standard~~ professional five-year teaching license to an otherwise qualified teacher
 91.13 candidate under this section who successfully performs throughout a program under this
 91.14 section, obtains qualifying scores on applicable board-adopted rigorous skills, pedagogy,
 91.15 and content area examinations under section 122A.09, subdivision 4, paragraphs (a) and
 91.16 (e), and is recommended for licensure under subdivision 5 or successfully demonstrates to
 91.17 the board qualifications for licensure under subdivision 6.

91.18 Subd. 8. **Highly qualified teacher.** A person holding a valid limited-term license
 91.19 under this section is a highly qualified teacher and the teacher of record under section
 91.20 122A.16.

91.21 Subd. 9. **Exchange of best practices.** By July 31 in an even-numbered year,
 91.22 ~~a program participant and~~ approved alternative preparation program providers, the
 91.23 Minnesota State Colleges and Universities, the University of Minnesota, the Minnesota
 91.24 Private College Council, and the Department of Education must exchange information
 91.25 about best practices and educational innovations.

91.26 Subd. 10. **Reports.** The Board of Teaching must submit an interim report on the
 91.27 efficacy of this program to the policy and finance committees of the legislature with
 91.28 jurisdiction over kindergarten through grade 12 education by February 15, 2013, and a
 91.29 final report by February 15, 2015.

91.30 Sec. 11. Minnesota Statutes 2014, section 122A.26, subdivision 2, is amended to read:

91.31 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
 91.32 which qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
 91.33 requirements as a teacher. A person who teaches in an early childhood and family
 91.34 education program which is offered through a community education program and which
 91.35 qualifies for community education aid pursuant to section 124D.20 or early childhood

92.1 and family education aid pursuant to section 124D.135 shall continue to meet licensure
 92.2 requirements as a teacher. A person who teaches in a community education course which
 92.3 is offered for credit for graduation to persons under 18 years of age shall continue to
 92.4 meet licensure requirements as a teacher.

92.5 (b) A person who teaches a driver training course which is offered through a
 92.6 community education program to persons under 18 years of age shall be licensed by the
 92.7 Board of Teaching or be subject to section 171.35. A license which is required for an
 92.8 instructor in a community education program pursuant to this ~~subdivision~~ paragraph shall
 92.9 not be construed to bring an individual within the definition of a teacher for purposes of
 92.10 section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

92.11 **EFFECTIVE DATE.** This section is effective July 1, 2016.

92.12 Sec. 12. Minnesota Statutes 2015 Supplement, section 122A.40, subdivision 8, is
 92.13 amended to read:

92.14 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
 92.15 **teachers.** (a) To improve student learning and success, a school board and an exclusive
 92.16 representative of the teachers in the district, consistent with paragraph (b), may develop
 92.17 a teacher evaluation and peer review process for probationary and continuing contract
 92.18 teachers through joint agreement. If a school board and the exclusive representative of the
 92.19 teachers do not agree to an annual teacher evaluation and peer review process, then the
 92.20 school board and the exclusive representative of the teachers must implement the state
 92.21 teacher evaluation plan under paragraph (c). The process must include having trained
 92.22 observers serve as peer coaches or having teachers participate in professional learning
 92.23 communities, consistent with paragraph (b).

92.24 (b) To develop, improve, and support qualified teachers and effective teaching
 92.25 practices ~~and~~, improve student learning and success, and provide all enrolled students
 92.26 in a district or school, including low-income students, American Indian students, and
 92.27 students of color with improved and equitable access to more diverse teachers, the annual
 92.28 evaluation process for teachers:

92.29 (1) must, for probationary teachers, provide for all evaluations required under
 92.30 subdivision 5;

92.31 (2) must establish a three-year professional review cycle for each teacher that
 92.32 includes an individual growth and development plan, a peer review process, and at least
 92.33 one summative evaluation performed by a qualified and trained evaluator such as a school
 92.34 administrator. For the years when a tenured teacher is not evaluated by a qualified and
 92.35 trained evaluator, the teacher must be evaluated by a peer review;

- 93.1 (3) must be based on professional teaching standards established in rule;
- 93.2 (4) must coordinate staff development activities, including those that improve
- 93.3 cultural fluency and competency under sections 122A.60 and 122A.61 with this evaluation
- 93.4 process and teachers' evaluation outcomes;
- 93.5 (5) may provide time during the school day and school year for peer coaching and
- 93.6 teacher collaboration;
- 93.7 (6) may include job-embedded learning opportunities such as professional learning
- 93.8 communities;
- 93.9 (7) may include mentoring and induction programs for teachers, including teachers
- 93.10 who are members of populations underrepresented among the licensed teachers in
- 93.11 the district or school and who reflect the diversity of students under section 120B.35,
- 93.12 subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;
- 93.13 (8) must include an option for teachers to develop and present a portfolio
- 93.14 demonstrating evidence of reflection and professional growth, consistent with section
- 93.15 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
- 93.16 based on student work samples and examples of teachers' work, which may include video
- 93.17 among other activities for the summative evaluation;
- 93.18 (9) must use data from valid and reliable assessments aligned to state and local
- 93.19 academic standards and must use state and local measures of student growth and literacy
- 93.20 that may include value-added models or student learning goals to determine 35 percent of
- 93.21 teacher evaluation results;
- 93.22 (10) must use longitudinal data on student engagement and connection, and other
- 93.23 student outcome measures explicitly aligned with the elements of curriculum, including
- 93.24 culturally responsive curriculum, for which teachers are responsible, including academic
- 93.25 literacy, oral academic language, and achievement of content areas of English learners;
- 93.26 (11) must require qualified and trained evaluators such as school administrators to
- 93.27 perform summative evaluations and ensure school districts and charter schools provide for
- 93.28 effective evaluator training specific to teacher development and evaluation;
- 93.29 (12) must give teachers not meeting professional teaching standards under clauses
- 93.30 (3) through (11) support to improve through a teacher improvement process that includes
- 93.31 established goals and timelines; ~~and~~
- 93.32 (13) must discipline a teacher for not making adequate progress in the teacher
- 93.33 improvement process under clause (12) that may include a last chance warning,
- 93.34 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
- 93.35 other discipline a school administrator determines is appropriate; and

94.1 (14) must include and support cultural competency and the implementation of
94.2 culturally responsive practices through the professional review cycle, staff development,
94.3 and the use of data on student engagement and connection.

94.4 Data on individual teachers generated under this subdivision are personnel data
94.5 under section 13.43. The observation and interview notes of peer coaches may only be
94.6 disclosed to other school officials with the consent of the teacher being coached.

94.7 (c) The department, in consultation with parents who may represent parent
94.8 organizations and teacher and administrator representatives appointed by their respective
94.9 organizations, representing the Board of Teaching, the Minnesota Association of School
94.10 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
94.11 and Secondary Principals Associations, Education Minnesota, and representatives of
94.12 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
94.13 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
94.14 in teacher evaluation, must create and publish a teacher evaluation process that complies
94.15 with the requirements in paragraph (b) and applies to all teachers under this section and
94.16 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher
94.17 evaluation and peer review process. The teacher evaluation process created under this
94.18 subdivision does not create additional due process rights for probationary teachers under
94.19 subdivision 5.

94.20 (d) Consistent with the measures of teacher effectiveness under this subdivision:

94.21 (1) for students in kindergarten through grade 4, a school administrator must not
94.22 place or approve the placement of a student in the classroom of a teacher who is in the
94.23 improvement process referenced in paragraph (b), clause (12), or has not had a summative
94.24 evaluation if, in the prior year, that student was in the classroom of a teacher who received
94.25 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school
94.26 teaches that grade; and

94.27 (2) for students in grades 5 through 12, a school administrator must not place
94.28 or approve the placement of a student in the classroom of a teacher who is in the
94.29 improvement process referenced in paragraph (b), clause (12), or has not had a summative
94.30 evaluation if, in the prior year, that student was in the classroom of a teacher who received
94.31 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school
94.32 teaches that subject area and grade.

94.33 All data created and used under this paragraph retains its classification under chapter 13.

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

95.1 Sec. 13. Minnesota Statutes 2015 Supplement, section 122A.41, subdivision 5, is
95.2 amended to read:

95.3 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
95.4 **teachers.** (a) To improve student learning and success, a school board and an exclusive
95.5 representative of the teachers in the district, consistent with paragraph (b), may develop an
95.6 annual teacher evaluation and peer review process for probationary and nonprobationary
95.7 teachers through joint agreement. If a school board and the exclusive representative of
95.8 the teachers in the district do not agree to an annual teacher evaluation and peer review
95.9 process, then the school board and the exclusive representative of the teachers must
95.10 implement the state teacher evaluation plan developed under paragraph (c). The process
95.11 must include having trained observers serve as peer coaches or having teachers participate
95.12 in professional learning communities, consistent with paragraph (b).

95.13 (b) To develop, improve, and support qualified teachers and effective teaching
95.14 practices and improve student learning and success, and provide all enrolled students
95.15 in a district or school, including low-income students, American Indian students, and
95.16 students of color with improved and equitable access to more diverse teachers, the annual
95.17 evaluation process for teachers:

95.18 (1) must, for probationary teachers, provide for all evaluations required under
95.19 subdivision 2;

95.20 (2) must establish a three-year professional review cycle for each teacher that
95.21 includes an individual growth and development plan, a peer review process, and at least
95.22 one summative evaluation performed by a qualified and trained evaluator such as a school
95.23 administrator;

95.24 (3) must be based on professional teaching standards established in rule;

95.25 (4) must coordinate staff development activities, including those that improve
95.26 cultural fluency and competency under sections 122A.60 and 122A.61 with this evaluation
95.27 process and teachers' evaluation outcomes;

95.28 (5) may provide time during the school day and school year for peer coaching and
95.29 teacher collaboration;

95.30 (6) may include job-embedded learning opportunities such as professional learning
95.31 communities;

95.32 (7) may include mentoring and induction programs for teachers, including teachers
95.33 who are members of populations underrepresented among the licensed teachers in
95.34 the district or school and who reflect the diversity of students under section 120B.35,
95.35 subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

96.1 (8) must include an option for teachers to develop and present a portfolio
96.2 demonstrating evidence of reflection and professional growth, consistent with section
96.3 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
96.4 based on student work samples and examples of teachers' work, which may include video
96.5 among other activities for the summative evaluation;

96.6 (9) must use data from valid and reliable assessments aligned to state and local
96.7 academic standards and must use state and local measures of student growth and literacy
96.8 that may include value-added models or student learning goals to determine 35 percent of
96.9 teacher evaluation results;

96.10 (10) must use longitudinal data on student engagement and connection and other
96.11 student outcome measures explicitly aligned with the elements of curriculum, including
96.12 culturally responsive curriculum, for which teachers are responsible, including academic
96.13 literacy, oral academic language, and achievement of English learners;

96.14 (11) must require qualified and trained evaluators such as school administrators to
96.15 perform summative evaluations and ensure school districts and charter schools provide for
96.16 effective evaluator training specific to teacher development and evaluation;

96.17 (12) must give teachers not meeting professional teaching standards under clauses
96.18 (3) through (11) support to improve through a teacher improvement process that includes
96.19 established goals and timelines; ~~and~~

96.20 (13) must discipline a teacher for not making adequate progress in the teacher
96.21 improvement process under clause (12) that may include a last chance warning,
96.22 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
96.23 other discipline a school administrator determines is appropriate; and

96.24 (14) must include and support cultural competency and the implementation of
96.25 culturally responsive practices through the professional review cycle, staff development,
96.26 and the use of data on student engagement and connection.

96.27 Data on individual teachers generated under this subdivision are personnel data
96.28 under section 13.43. The observation and interview notes of peer coaches may only be
96.29 disclosed to other school officials with the consent of the teacher being coached.

96.30 (c) The department, in consultation with parents who may represent parent
96.31 organizations and teacher and administrator representatives appointed by their respective
96.32 organizations, representing the Board of Teaching, the Minnesota Association of School
96.33 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
96.34 and Secondary Principals Associations, Education Minnesota, and representatives of
96.35 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
96.36 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise

97.1 in teacher evaluation, must create and publish a teacher evaluation process that complies
 97.2 with the requirements in paragraph (b) and applies to all teachers under this section and
 97.3 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher
 97.4 evaluation and peer review process. The teacher evaluation process created under this
 97.5 subdivision does not create additional due process rights for probationary teachers under
 97.6 subdivision 2.

97.7 (d) Consistent with the measures of teacher effectiveness under this subdivision:

97.8 (1) for students in kindergarten through grade 4, a school administrator must not
 97.9 place or approve the placement of a student in the classroom of a teacher who is in the
 97.10 improvement process referenced in paragraph (b), clause (12), or has not had a summative
 97.11 evaluation if, in the prior year, that student was in the classroom of a teacher who received
 97.12 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school
 97.13 teaches that grade; and

97.14 (2) for students in grades 5 through 12, a school administrator must not place
 97.15 or approve the placement of a student in the classroom of a teacher who is in the
 97.16 improvement process referenced in paragraph (b), clause (12), or has not had a summative
 97.17 evaluation if, in the prior year, that student was in the classroom of a teacher who received
 97.18 discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school
 97.19 teaches that subject area and grade.

97.20 All data created and used under this paragraph retains its classification under chapter 13.

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

97.23 Sec. 14. Minnesota Statutes 2015 Supplement, section 122A.60, subdivision 1, is
 97.24 amended to read:

97.25 Subdivision 1. **Staff development committee.** (a) A school board must use the
 97.26 revenue authorized in section 122A.61 for:

97.27 (1) teacher development and evaluation plans under section 122A.40, subdivision 8,
 97.28 or 122A.41, subdivision 5, and at the request of a teacher and their mentor or peer coach,
 97.29 activities relating to the teacher's individual growth plan or recommendations resulting
 97.30 from the peer review process;

97.31 (2) principal development and evaluation under section 123B.147, subdivision 3;

97.32 (3) in-service education programs under section 120B.22, subdivision 2; and

97.33 (4) other staff development needs.

98.1 (b) The board must establish an advisory staff development committee to develop
 98.2 the plan, assist site professional development teams in developing a site plan consistent
 98.3 with the goals of the plan, and evaluate staff development efforts at the site level. A
 98.4 majority of the advisory committee and the site professional development team must be
 98.5 teachers representing various grade levels, subject areas, and special education. The
 98.6 advisory committee must also include nonteaching staff, parents, and administrators.

98.7 (c) "Teacher" under this section includes all individuals classified as teachers under
 98.8 section 179A.03 or section 122A.61.

98.9 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 98.10 later.

98.11 Sec. 15. Minnesota Statutes 2014, section 123B.147, subdivision 3, is amended to read:

98.12 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative,
 98.13 supervisory, and instructional leadership services, under the supervision of the
 98.14 superintendent of schools of the district and according to the policies, rules, and
 98.15 regulations of the school board, for the planning, management, operation, and evaluation
 98.16 of the education program of the building or buildings to which the principal is assigned.

98.17 (b) To enhance a principal's leadership skills and support and improve teaching
 98.18 practices, school performance, and student achievement for diverse student populations,
 98.19 including at-risk students, children with disabilities, English learners, and gifted students,
 98.20 among others, a district must develop and implement a performance-based system for
 98.21 annually evaluating school principals assigned to supervise a school building within the
 98.22 district. The evaluation must be designed to improve teaching and learning by supporting
 98.23 the principal in shaping the school's professional environment and developing teacher
 98.24 quality, performance, ~~and effectiveness,~~ and cultural fluency and competency. The annual
 98.25 evaluation must:

98.26 (1) support and improve a principal's instructional leadership, organizational
 98.27 management, and professional development, and strengthen the principal's capacity in the
 98.28 areas of instruction, supervision, evaluation, and teacher development by, among other
 98.29 things, hiring, supporting, and retaining a diverse teaching staff that reflects the diversity
 98.30 of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are
 98.31 enrolled in the district or school;

98.32 (2) include formative and summative evaluations based on multiple measures of
 98.33 student progress toward career and college readiness;

98.34 (3) be consistent with a principal's job description, a district's long-term plans and
 98.35 goals, and the principal's own professional multiyear growth plans and goals, all of which

99.1 must support the principal's leadership behaviors and practices, rigorous curriculum,
 99.2 school performance, students' improved and equitable access to effective and more diverse
 99.3 teachers, and high-quality instruction;

99.4 (4) include on-the-job observations and previous evaluations;

99.5 (5) allow surveys to help identify a principal's effectiveness, leadership skills and
 99.6 processes, and strengths and weaknesses in exercising leadership in pursuit of school
 99.7 success;

99.8 (6) use longitudinal data on student academic growth as 35 percent of the evaluation
 99.9 and incorporate district achievement goals and targets;

99.10 (7) be linked to professional development that emphasizes improved teaching and
 99.11 learning, curriculum and instruction, student learning, ~~and~~ a collaborative professional
 99.12 culture, and students' increased and equitable access to effective and more diverse
 99.13 teachers, consistent with attaining the world's best workforce under section 120B.11,
 99.14 subdivision 1, paragraph (c); and

99.15 (8) for principals not meeting standards of professional practice or other criteria
 99.16 under this subdivision, implement a plan to improve the principal's performance and
 99.17 specify the procedure and consequence if the principal's performance is not improved.

99.18 The provisions of this paragraph are intended to provide districts with sufficient
 99.19 flexibility to accommodate district needs and goals related to developing, supporting,
 99.20 and evaluating principals.

99.21 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 99.22 later.

99.23 Sec. 16. Minnesota Statutes 2014, section 124D.09, subdivision 10, is amended to read:

99.24 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according
 99.25 to subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or
 99.26 a postsecondary faculty member and offered at a secondary school, or another location,
 99.27 according to an agreement between a public school board and the governing body of an
 99.28 eligible public postsecondary system or an eligible private postsecondary institution,
 99.29 as defined in subdivision 3. All provisions of this section shall apply to a pupil, public
 99.30 school board, district, and the governing body of a postsecondary institution, except as
 99.31 otherwise provided.

99.32 (b) To encourage American Indian students under section 124D.72 and other
 99.33 students to consider teaching as a profession, participating public school boards and
 99.34 the governing boards of eligible public postsecondary systems and eligible private

100.1 postsecondary institutions may develop and offer an "introduction to teaching" course
 100.2 under this subdivision.

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

100.4 Sec. 17. Minnesota Statutes 2014, section 124D.861, as amended by Laws 2015,
 100.5 chapter 21, article 1, section 20, is amended to read:

100.6 **124D.861 ACHIEVEMENT AND INTEGRATION FOR MINNESOTA.**

100.7 Subdivision 1. **Program to close the academic achievement and opportunity gap;**
 100.8 **revenue uses.** (a) The "Achievement and Integration for Minnesota" program is established
 100.9 to pursue racial and economic integration and increase student academic achievement,
 100.10 create equitable educational opportunities, and reduce academic disparities based on
 100.11 students' diverse racial, ethnic, and economic backgrounds in Minnesota public schools.

100.12 (b) For purposes of this section and section 124D.862, "eligible district" means a
 100.13 district required to submit a plan to the commissioner under Minnesota Rules governing
 100.14 school desegregation and integration, or be a member of a multidistrict integration
 100.15 collaborative that files a plan with the commissioner.

100.16 (c) Eligible districts must use the revenue under section 124D.862 to pursue
 100.17 academic achievement and racial and economic integration through:

100.18 (1) integrated learning environments that give students improved and equitable
 100.19 access to effective and more diverse teachers, prepare all students to be effective citizens
 100.20 and enhance social cohesion;

100.21 (2) policies and curricula and trained, culturally fluent and competent instructors,
 100.22 administrators, school counselors, and other advocates to support and enhance integrated
 100.23 learning environments under this section, including through magnet schools, innovative,
 100.24 research-based instruction, differentiated instruction, improved and equitable access to
 100.25 effective and diverse teachers, and targeted interventions to improve achievement; and

100.26 (3) rigorous career and college readiness programs and effective and more diverse
 100.27 instructors for underserved student populations, consistent with section 120B.30,
 100.28 subdivision 1; integrated learning environments to increase student academic achievement;
 100.29 cultural fluency, competency, and interaction; graduation and educational attainment rates;
 100.30 and parent involvement.

100.31 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
 100.32 district must formally develop and implement a long-term plan under this section. The plan
 100.33 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
 100.34 Plan components may include: innovative and integrated prekindergarten through grade 12

101.1 learning environments that offer students school enrollment choices; family engagement
 101.2 initiatives that involve families in their students' academic life and success; professional
 101.3 development opportunities for teachers and administrators focused on improving the
 101.4 academic achievement of all students, including teachers and administrators who are
 101.5 members of populations underrepresented among the licensed teachers or administrators
 101.6 in the district or school and who reflect the diversity of students under section 120B.35,
 101.7 subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;
 101.8 increased programmatic opportunities and effective and more diverse instructors focused
 101.9 on rigor and college and career readiness for underserved students, including students
 101.10 enrolled in alternative learning centers under section 123A.05, public alternative programs
 101.11 under section 126C.05, subdivision 15, and contract alternative programs under section
 101.12 124D.69, among other underserved students; or recruitment and retention of teachers and
 101.13 administrators with diverse racial and ethnic backgrounds. The plan must contain goals for:
 101.14 (1) reducing the disparities in academic achievement among all students and specific
 101.15 categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the
 101.16 student categories of gender, disability, and English learners; ~~and~~
 101.17 (2) increasing racial and economic diversity and integration in schools and districts;
 101.18 and
 101.19 (3) providing students with equitable access to effective and more diverse teachers.
 101.20 (b) Among other requirements, an eligible district must implement effective,
 101.21 research-based interventions that include formative assessment practices to reduce the
 101.22 disparities in student academic performance among the specific categories of students as
 101.23 measured by student progress and growth on state reading and math assessments and
 101.24 as aligned with section 120B.11.

101.25 (c) Eligible districts must create efficiencies and eliminate duplicative programs
 101.26 and services under this section, which may include forming collaborations or a single,
 101.27 seven-county metropolitan areawide partnership of eligible districts for this purpose.

101.28 **Subd. 3. Public engagement; progress report and budget process.** (a) To
 101.29 receive revenue under section 124D.862, the school board of an eligible district must
 101.30 incorporate school and district plan components under section 120B.11 into the district's
 101.31 comprehensive integration plan.

101.32 (b) A school board must hold at least one formal annual hearing to publicly report
 101.33 its progress in realizing the goals identified in its plan. At the hearing, the board must
 101.34 provide the public with longitudinal data demonstrating district and school progress in
 101.35 reducing the disparities in student academic performance among the specified categories
 101.36 of students, in improving students' equitable access to effective and more diverse teachers,

102.1 and in realizing racial and economic diversity and integration, consistent with the district
102.2 plan and the measures in paragraph (a). At least 30 days before the formal hearing under
102.3 this paragraph, the board must post its plan, its preliminary analysis, relevant student
102.4 performance data, and other longitudinal data on the district's Web site. A district must
102.5 hold one hearing to meet the hearing requirements of both this section and section 120B.11.

102.6 (c) The district must submit a detailed budget to the commissioner by March 15 in
102.7 the year before it implements its plan. The commissioner must review, and approve or
102.8 disapprove the district's budget by June 1 of that year.

102.9 (d) The longitudinal data required under paragraph (b) must be based on student
102.10 growth and progress in reading and mathematics, as defined under section 120B.30,
102.11 subdivision 1, and student performance data and achievement reports from fully adaptive
102.12 reading and mathematics assessments for grades 3 through 7 beginning in the 2015-2016
102.13 school year under section 120B.30, subdivision 1a, and either (i) school enrollment
102.14 choices, (ii) the number of world language proficiency or high achievement certificates
102.15 awarded under section 120B.022, subdivision 1a, or the number of state bilingual and
102.16 multilingual seals issued under section 120B.022, subdivision 1b, or (iii) school safety
102.17 and students' engagement and connection at school under section 120B.35, subdivision 3,
102.18 paragraph (d). Additional longitudinal data may be based on: students' progress toward
102.19 career and college readiness under section 120B.30, subdivision 1; or rigorous coursework
102.20 completed under section 120B.35, subdivision 3, paragraph (c), clause (2).

102.21 Subd. 4. **Timeline and implementation.** A board must approve its plan and submit
102.22 it to the department by March 15. If a district that is part of a multidistrict council applies
102.23 for revenue for a plan, the individual district shall not receive revenue unless it ratifies
102.24 the plan adopted by the multidistrict council. Each plan has a term of three years. For
102.25 the 2014-2015 school year, an eligible district under this section must submit its plan to
102.26 the commissioner for review by March 15, 2014. For the 2013-2014 school year only,
102.27 an eligible district may continue to implement its current plan until the commissioner
102.28 approves a new plan under this section.

102.29 Subd. 5. **Evaluation.** The commissioner must evaluate the efficacy of district
102.30 plans in reducing the disparities in student academic performance among the specified
102.31 categories of students within the district, improving students' equitable access to effective
102.32 and diverse teachers, and in realizing racial and economic diversity and integration.
102.33 The commissioner shall report evaluation results to the kindergarten through grade 12
102.34 education committees of the legislature by February 1 of every odd-numbered year.

102.35 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
102.36 later.

103.1 Sec. 18. Minnesota Statutes 2015 Supplement, section 127A.05, subdivision 6, is
 103.2 amended to read:

103.3 Subd. 6. **Survey of districts.** The commissioner of education shall survey the state's
 103.4 school districts and teacher preparation programs and report to the education committees
 103.5 of the legislature by February 1 of each odd-numbered year on the status of teacher early
 103.6 retirement patterns, access to effective and more diverse teachers who reflect the students
 103.7 under section 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in a district or
 103.8 school, the teacher shortage, and the substitute teacher shortage, including teacher hiring
 103.9 and retention patterns and shortages in by subject areas and the economic development
 103.10 regions of the state. The report must also include: aggregate data on teachers' self-reported
 103.11 race and ethnicity; data on how districts are making progress in hiring and providing
 103.12 enrolled students with improved and equitable access to effective and more diverse teachers
 103.13 and substitutes in the areas of shortage; and a five-year projection of teacher demand
 103.14 for each district, taking into account the students under section 120B.35, subdivision 3,
 103.15 paragraph (b), clause (2), expected to enroll in the district during that five-year period.

103.16 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and
 103.17 later.

103.18 Sec. 19. Minnesota Statutes 2015 Supplement, section 136A.1791, subdivision 1,
 103.19 is amended to read:

103.20 Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings
 103.21 given them in this subdivision.

103.22 (b) "Qualified educational loan" means a government, commercial, or foundation
 103.23 loan for actual costs paid for tuition and reasonable educational and living expenses
 103.24 related to a teacher's preparation or further education.

103.25 (c) "School district" means an independent school district, special school district,
 103.26 intermediate district, education district, special education cooperative, service cooperative,
 103.27 a cooperative center for vocational education, or a charter school located in Minnesota.

103.28 (d) "Teacher" means an individual holding a teaching license issued by the licensing
 103.29 division in the Department of Education on behalf of the Board of Teaching who is
 103.30 employed by a school district to provide classroom instruction in a teacher shortage area.

103.31 (e) "Teacher shortage area" means the licensure fields and economic development
 103.32 regions reported by the commissioner of education as experiencing a teacher shortage or
 103.33 the school districts where minority populations are underrepresented among licensed
 103.34 teachers, consistent with section 127A.05, subdivision 6, and applicable federal law.

104.1 (f) "Commissioner" means the commissioner of the Office of Higher Education
 104.2 unless indicated otherwise.

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

104.4 Sec. 20. Minnesota Statutes 2015 Supplement, section 136A.1791, subdivision 3,
 104.5 is amended to read:

104.6 Subd. 3. **Use of report on teacher shortage areas.** The commissioner of education
 104.7 shall use the teacher supply and demand report to the legislature to identify the licensure
 104.8 fields and economic development regions in Minnesota experiencing a teacher shortage
 104.9 and the school districts where minority populations are underrepresented among licensed
 104.10 teachers, consistent with section 127A.05, subdivision 6, and applicable federal law.

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

104.12 Sec. 21. **CAREER AND TECHNICAL EDUCATOR LICENSING ADVISORY**
 104.13 **TASK FORCE.**

104.14 Subdivision 1. **Creation.** The Career and Technical Educator Licensing Advisory
 104.15 Task Force consists of the following members, appointed by the commissioner of
 104.16 education, unless otherwise specified:

104.17 (1) one person who is a member of the Board of Teaching;

104.18 (2) one person representing colleges and universities offering a board-approved
 104.19 teacher preparation program;

104.20 (3) one person representing science, technology, engineering, and math programs,
 104.21 such as Project Lead the Way;

104.22 (4) one person designated by the Board of the Minnesota Association for Career and
 104.23 Technical Administrators;

104.24 (5) one person designated by the Board of the Minnesota Association for Career
 104.25 and Technical Education;

104.26 (6) three people who are secondary school administrators, including superintendents,
 104.27 principals, and assistant principals; and

104.28 (7) two people who are members of other interested groups, as determined by the
 104.29 commissioner of education.

104.30 The commissioner and designating authorities must make their initial appointments
 104.31 and designations by July 1, 2016. The commissioner and designating authorities, to the
 104.32 extent practicable, should make appointments balanced as to gender and reflecting the
 104.33 ethnic diversity of the state population.

105.1 Subd. 2. **Duties; report.** The task force must review the current status of career and
105.2 technical educator licenses and provide recommendations on changes, if any are deemed
105.3 necessary, to the licensure requirements and methods to increase access for school districts
105.4 to licensed career and technical educators. The task force must report its findings and
105.5 recommendations, with draft legislation if needed to implement the recommendations, to
105.6 the chairs and ranking minority members of the legislative committees with jurisdiction
105.7 over kindergarten through grade 12 education and higher education by January 15, 2017.

105.8 Subd. 3. **First meeting.** The commissioner of education or the commissioner's
105.9 designee must convene the first meeting of the task force by September 1, 2016.

105.10 Subd. 4. **Administrative support.** The commissioner of education must provide
105.11 meeting space and administrative services for the task force.

105.12 Subd. 5. **Chair.** The commissioner of education or the commissioner's designee
105.13 shall serve as chair of the task force.

105.14 Subd. 6. **Compensation.** The public members of the task force serve without
105.15 compensation or payment of expenses.

105.16 Subd. 7. **Expiration.** The task force expires January 16, 2017, or upon submission
105.17 of the report required in subdivision 2, whichever is earlier.

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

105.19 Sec. 22. **LEGISLATIVE TASK FORCE ON TEACHER LICENSURE.**

105.20 (a) A 12-member legislative task force on teacher licensure is created to review the
105.21 2016 report prepared by the Office of the Legislative Auditor on the Minnesota teacher
105.22 licensure program and submit a written report by February 1, 2017, to the legislature
105.23 recommending how to restructure Minnesota's teacher licensure system by consolidating
105.24 all teacher licensure activities into a single state entity to ensure transparency and
105.25 consistency or, at a minimum, clarify existing teacher licensure responsibilities to provide
105.26 transparency and consistency. In developing its recommendations, the task force must
105.27 consider the tiered licensure system recommended in the legislative auditor's report,
105.28 among other recommendations. The task force must identify and include in its report any
105.29 statutory changes needed to implement the task force recommendations.

105.30 (b) The legislative task force on teacher licensure includes:

105.31 (1) six duly elected and currently serving senators, three appointed by the senate
105.32 majority leader and three appointed by the senate minority leader; and

105.33 (2) six duly elected and currently serving members of the house of representatives,
105.34 three appointed by the speaker and three appointed by the house minority leader.

106.1 Only duly elected and currently serving members of the senate or house of representatives
 106.2 may be task force members.

106.3 (c) The appointments must be made by June 1, 2016, and expire February 2, 2017. If
 106.4 a vacancy occurs, the leader of the caucus in the house or senate to which the vacating
 106.5 task force member belonged must fill the vacancy. A senate member appointed by the
 106.6 senate majority leader shall convene the first meeting of the task force. The task force
 106.7 shall elect a chair or cochair from among the members at the first meeting. The task force
 106.8 must meet periodically. The Legislative Coordinating Commission shall provide technical
 106.9 and administrative assistance upon request.

106.10 (d) In reviewing the legislative auditor's report and developing its recommendations,
 106.11 the task force must consult with interested and affected stakeholders, including
 106.12 representatives of the Board of Teaching, Minnesota Department of Education, Education
 106.13 Minnesota, MinnCAN, Minnesota Business Partnership, Minnesota Rural Education
 106.14 Association, Association of Metropolitan School Districts, Minnesota Association of
 106.15 Colleges for Teacher Education, College of Education and Human Development at
 106.16 the University of Minnesota, Minnesota State Colleges and Universities, Minnesota
 106.17 Private College Council, Minnesota School Boards Association, Minnesota Elementary
 106.18 School Principals' Association, Minnesota Association of Secondary School Principals,
 106.19 Minnesota Association of School Administrators, Minnesota Indian Affairs Council, the
 106.20 Council on Asian Pacific Minnesotans, Council for Minnesotans of African Heritage,
 106.21 Minnesota Council on Latino Affairs, Minnesota Association of Educators, and Minnesota
 106.22 Teach For America, among other stakeholders.

106.23 (e) The task force expires February 2, 2017, unless extended by law.

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

106.25 **Sec. 23. EARLY CHILDHOOD FAMILY EDUCATION TEACHERS; ADULT**
 106.26 **BASIC EDUCATION TEACHERS.**

106.27 For the 2017-2018 and 2018-2019 school years, notwithstanding Minnesota Statutes,
 106.28 section 122A.40, subdivision 11, paragraph (b), for the purposes of unrequested leave of
 106.29 absence and reinstatement, a person teaching in an early childhood family education
 106.30 program or an adult basic education program may exercise seniority based on fields in
 106.31 which they are licensed, if the district and the exclusive representative of the teachers
 106.32 agree to allow these teachers to do so. In the absence of this agreement, such teachers are
 106.33 entitled to exercise seniority based on teaching assignment within the district.

107.1 **EFFECTIVE DATE.** This section is effective for the 2017-2018 and 2018-2019
107.2 school years only.

107.3 Sec. 24. **REPEALER.**

107.4 Minnesota Statutes 2014, section 122A.245, subdivision 8, is repealed.

107.5 **ARTICLE 8**

107.6 **EARLY CHILDHOOD**

107.7 Section 1. Minnesota Statutes 2015 Supplement, section 124D.165, subdivision 2,
107.8 is amended to read:

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

107.11 (1) have a child three or four years of age on September 1 of the current school year,
107.12 who has not yet started kindergarten; and

107.13 (2) have income equal to or less than 185 percent of federal poverty level income
107.14 in the current calendar year, or be able to document their child's current participation in
107.15 the free and reduced-price lunch program or child and adult care food program, National
107.16 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food
107.17 Distribution Program on Indian Reservations, Food and Nutrition Act, United States
107.18 Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for
107.19 School Readiness Act of 2007; Minnesota family investment program under chapter 256J;
107.20 child care assistance programs under chapter 119B; the supplemental nutrition assistance
107.21 program; or placement in foster care under section 260C.212.

107.22 (b) Notwithstanding the other provisions of this section, a parent under age 21 who
107.23 is pursuing a high school or general education equivalency diploma is eligible for an early
107.24 learning scholarship if the parent has a child age zero to five years old and meets the
107.25 income eligibility guidelines in this subdivision.

107.26 (c) Any siblings between the ages zero to five years old of a child who has been
107.27 awarded a scholarship under this section must be awarded a scholarship upon request,
107.28 provided the sibling attends the same program as long as funds are available.

107.29 (d) A child who has received a scholarship under this section must continue to
107.30 receive a scholarship each year until that child is eligible for kindergarten under section
107.31 120A.20 and as long as funds are available.

107.32 (e) Early learning scholarships may not be counted as earned income for the
107.33 purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L,
107.34 Minnesota family investment program under chapter 256J, child care assistance programs

108.1 under chapter 119B, or Head Start under the federal Improving Head Start for School
108.2 Readiness Act of 2007.

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

108.8 (g) A child whose family is homeless and meets the criteria in paragraph (a), clause
108.9 (1), is eligible for an early learning scholarship under this section.

108.10 ARTICLE 9

108.11 CHARTER SCHOOL RECODIFICATION

108.12 Section 1. Minnesota Statutes 2015 Supplement, section 124E.01, is amended to read:

108.13 124E.01 PURPOSE AND APPLICABILITY.

108.14 Subdivision 1. **Purposes.** The primary purpose of ~~this chapter~~ charter schools is to
108.15 improve all pupil learning and all student achievement. Additional purposes include to:

108.16 (1) increase learning opportunities for all pupils;

108.17 (2) encourage the use of different and innovative teaching methods;

108.18 (3) measure learning outcomes and create different and innovative forms of
108.19 measuring outcomes;

108.20 (4) establish new forms of accountability for schools; or

108.21 (5) create new professional opportunities for teachers, including the opportunity to
108.22 be responsible for the learning program at the school site.

108.23 Subd. 2. **Applicability.** This chapter applies only to charter schools formed and
108.24 operated under this chapter. Other statutes and rules that specifically apply to charter
108.25 schools also govern charter schools.

108.26 Sec. 2. Minnesota Statutes 2015 Supplement, section 124E.02, is amended to read:

108.27 124E.02 DEFINITIONS.

108.28 (a) For purposes of this chapter, the terms defined in this ~~paragraph~~ section have
108.29 the meanings given them.

108.30 ~~"Application" to receive approval as an authorizer means the proposal an eligible~~
108.31 ~~authorizer submits to the commissioner under section 124E.05 before that authorizer is~~
108.32 ~~able to submit any affidavit to charter to a school.~~

109.1 ~~"Application" under section 124E.06 means the charter school business plan a~~
 109.2 ~~school developer submits to an authorizer for approval to establish a charter school that~~
 109.3 ~~documents the school developer's mission statement, school purposes, program design,~~
 109.4 ~~financial plan, governance and management structure, and background and experience,~~
 109.5 ~~plus any other information the authorizer requests. The application also shall include a~~
 109.6 ~~"statement of assurances" of legal compliance prescribed by the commissioner.~~

109.7 (b) "Affidavit" means a written statement the authorizer submits to the commissioner
 109.8 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to
 109.9 its review and approval process before chartering a school.

109.10 (b) For purposes of this chapter:

109.11 (1) "related party" means an affiliate or immediate relative of the other party in
 109.12 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

109.13 (2) (c) "Affiliate" means a person that directly or indirectly, through one or more
 109.14 intermediaries, controls, is controlled by, or is under common control with another person;

109.15 (d) "Control" means the ability to affect the management, operations, or policy actions
 109.16 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

109.17 (3) (e) "Immediate family" means an individual whose relationship by blood,
 109.18 marriage, adoption, or partnering partnership is no more remote than first cousin;

109.19 (4) (f) "Person" means an individual or entity of any kind; and

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

109.23 (g) "Related party" means an affiliate or immediate relative of the other interested
 109.24 party, an affiliate of an immediate relative who is the other interested party, or an
 109.25 immediate relative of an affiliate who is the other interested party.

109.26 (h) For purposes of this chapter, the terms defined in section 120A.05 have the
 109.27 same meanings.

109.28 Sec. 3. Minnesota Statutes 2015 Supplement, section 124E.03, is amended to read:

109.29 **124E.03 APPLICABLE LAW.**

109.30 Subdivision 1. **Public status; exemption from statutes and rules.** A charter school
 109.31 is a public school and is part of the state's system of public education. A charter school is
 109.32 exempt from all statutes and rules applicable to a school, school board, or school district
 109.33 unless a statute or rule is made specifically applicable to a charter school or is included
 109.34 in this chapter.

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

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

110.6 (c) A charter school ~~is subject to and~~ must comply with the Minnesota Public School
110.7 Fee Law, sections 123B.34 to 123B.39.

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

110.9 (e) A charter school ~~is subject to~~ must comply with the Pledge of Allegiance
110.10 requirement under section 121A.11, subdivision 3.

110.11 (f) A charter school and charter school board of directors ~~are subject to~~ must comply
110.12 with chapter 181 governing requirements for employment.

110.13 (g) A charter school ~~is subject to and~~ must comply with continuing truant notification
110.14 under section 260A.03.

110.15 (h) A charter school must develop and implement a teacher evaluation and peer
110.16 review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to
110.17 (13). The teacher evaluation process in this paragraph does not create any additional
110.18 employment rights for teachers.

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

110.22 Subd. 3. **Pupils with a disability.** A charter school must comply with sections
110.23 125A.02, 125A.03 to 125A.24, 125A.65, and 125A.75 and rules relating to the education
110.24 of pupils with a disability as though it were a district. A charter school enrolling
110.25 prekindergarten pupils with a disability under section 124E.11, paragraph (h), must
110.26 comply with sections 125A.259 to 125A.48 and rules relating to the Interagency Early
110.27 Intervention System as though it were a school district.

110.28 Subd. 4. **Students' rights and related law.** (a) A charter school ~~student~~ must
110.29 ~~be released~~ release a student for religious instruction, consistent with section 120A.22,
110.30 subdivision 12, clause (3).

110.31 (b) A charter school ~~is subject to and~~ must comply with chapter 363A governing the
110.32 Minnesota Human Rights Act and section 121A.04 governing student athletics and sex
110.33 discrimination in schools.

110.34 (c) A charter school must comply with section 121A.031 governing policies on
110.35 ~~prohibited conduct~~ bullying.

111.1 Subd. 5. **Records, meetings, and data requirements.** (a) A charter school must
 111.2 comply with ~~chapters~~ chapter 13 and 13D governing government data; and sections
 111.3 ~~120A.22, subdivision 7;~~ 121A.75; governing access to juvenile justice records, and
 111.4 260B.171, subdivisions 3 and 5, governing juvenile justice records.

111.5 (b) A charter school must comply with section 120A.22, subdivision 7, governing
 111.6 the transfer of students' educational records and sections 138.163 and 138.17 governing
 111.7 the management of local records.

111.8 Subd. 5a. **Open meetings.** A charter school must comply with chapter 13D
 111.9 governing open meetings.

111.10 Subd. 6. **Length of school year.** A charter school must provide instruction each
 111.11 year for at least the number of hours required by section 120A.41. It may provide
 111.12 instruction throughout the year ~~according to~~ under sections 124D.12 to 124D.127 or
 111.13 124D.128 governing learning year programs.

111.14 Subd. 7. **Additional program-specific requirements.** (a) A charter school offering
 111.15 online courses or programs must comply with section 124D.095 governing online learning.

111.16 (b) A charter school that provides early childhood health and developmental screening
 111.17 must comply with sections 121A.16 to 121A.19 governing early childhood screening.

111.18 (c) A charter school that provides school-sponsored youth athletic activities must
 111.19 comply with section 121A.38 governing policies on concussions.

111.20 Sec. 4. Minnesota Statutes 2015 Supplement, section 124E.05, is amended to read:

111.21 **124E.05 AUTHORIZERS.**

111.22 Subdivision 1. **Eligible authorizers.** (a) The following organizations in this
 111.23 subdivision may authorize one or more charter schools:

111.24 ~~(1)~~ (b) A school board, intermediate school district school board, or education
 111.25 district organized under sections 123A.15 to 123A.19; may authorize a charter school.

111.26 ~~(2)~~ (c) A charitable organization under section 501(c)(3) of the Internal Revenue
 111.27 Code of 1986, ~~excluding a nonpublic sectarian or religious institution; any person other~~
 111.28 ~~than a natural person that directly or indirectly, through one or more intermediaries,~~
 111.29 ~~controls, is controlled by, or is under common control with the nonpublic sectarian or~~
 111.30 ~~religious institution; and any other charitable organization under this clause that in the~~
 111.31 ~~federal IRS Form 1023, Part IV, describes activities indicating a religious purpose, that~~
 111.32 may authorize a charter school, if the organization:

111.33 ~~(i)~~ (1) is a member of the Minnesota Council of Nonprofits or the Minnesota Council
 111.34 on Foundations;

111.35 ~~(ii)~~ (2) is registered with the attorney general's office; ~~and~~

112.1 ~~(iii)~~ (3) is incorporated in the state of Minnesota and has been operating continuously
 112.2 for at least five years but does not operate a charter school; and

112.3 (4) is not:

112.4 (i) a nonpublic sectarian or religious institution;

112.5 (ii) any person other than a natural person that directly or indirectly, through one
 112.6 or more intermediaries, controls, is controlled by, or is under common control with the
 112.7 nonpublic sectarian or religious institution; or

112.8 (iii) any other charitable organization under this paragraph that in the federal IRS
 112.9 Form 1023, Part IV, describes activities indicating a religious purpose.

112.10 ~~(3)~~ (d) A Minnesota private college, ~~notwithstanding clause (2),~~ that grants two- or
 112.11 four-year degrees and is registered with the Minnesota Office of Higher Education under
 112.12 chapter 136A; may authorize a charter school, notwithstanding paragraph (c).

112.13 ~~(e) community college, A state college or university, or technical college governed~~
 112.14 ~~by the Board of Trustees of the Minnesota State Colleges and Universities; or~~ may
 112.15 authorize a charter school.

112.16 ~~(f) The University of Minnesota;~~ may authorize a charter school.

112.17 ~~(4)~~ (g) A nonprofit corporation subject to chapter 317A, described in section
 112.18 317A.905; and exempt from federal income tax under section 501(c)(6) of the Internal
 112.19 Revenue Code of 1986, may authorize one or more charter schools if the charter school
 112.20 has operated for at least three years under a different authorizer and if the nonprofit
 112.21 corporation has existed for at least 25 years; ~~or.~~

112.22 ~~(5)~~ (h) A single-purpose ~~authorizers~~ authorizer formed as a charitable, nonsectarian
 112.23 ~~organizations~~ organization under section 501(c)(3) of the Internal Revenue Code of 1986
 112.24 and incorporated in the state of Minnesota under chapter 317A as a corporation with no
 112.25 members or under section 322B.975 as a nonprofit limited liability company for the sole
 112.26 purpose of chartering schools may authorize a charter school. An eligible organization
 112.27 interested in being approved as an authorizer under this paragraph must submit a proposal
 112.28 to the commissioner that includes the provisions of subdivision 3 and a five-year financial
 112.29 plan. A single-purpose authorizer under this paragraph shall consider and approve
 112.30 charter school applications using the criteria under section 124E.06 and shall not limit
 112.31 the applications it solicits, considers, or approves to any single curriculum, learning
 112.32 program, or method.

112.33 **Subd. 2. Requirements for authorizers.** ~~(a) Eligible organizations interested in~~
 112.34 ~~being approved as an authorizer under subdivision 1, clause (5), must submit a proposal to~~
 112.35 ~~the commissioner that includes the provisions of subdivision 3 and a five-year financial~~
 112.36 ~~plan. Such authorizers shall consider and approve charter school applications using~~

113.1 ~~the criteria provided in section 124E.06 and shall not limit the applications it solicits,~~
 113.2 ~~considers, or approves to any single curriculum, learning program, or method.~~

113.3 (b) The authorizer must participate in department-approved training.

113.4 Subd. 3. **Application process.** (a) An eligible authorizer under this section must
 113.5 apply to the commissioner for approval as an authorizer before submitting any affidavit to
 113.6 the commissioner to charter a school. The application for approval as a charter school
 113.7 authorizer must ~~demonstrate~~ show the applicant's ability to implement the procedures
 113.8 and satisfy the criteria for chartering a school under this chapter. The commissioner
 113.9 must approve or disapprove ~~an~~ the application within 45 business days of the ~~application~~
 113.10 ~~deadline for that application period.~~ If the commissioner disapproves the application, the
 113.11 commissioner must notify the applicant of the specific deficiencies in writing and the
 113.12 applicant then has 20 business days to address the deficiencies to the commissioner's
 113.13 satisfaction. After the 20 business days expire, the commissioner has 15 business days
 113.14 to make a final decision to approve or disapprove the application. Failing to address
 113.15 the deficiencies to the commissioner's satisfaction makes an applicant ineligible to be
 113.16 an authorizer. The commissioner, in establishing criteria ~~for approval to approve an~~
 113.17 authorizer, consistent with subdivision 4, must consider the applicant's:

113.18 (1) ~~capacity and infrastructure and capacity to serve as an authorizer;~~

113.19 (2) application criteria and process;

113.20 (3) contracting process;

113.21 (4) ongoing oversight and evaluation processes; and

113.22 (5) renewal criteria and processes.

113.23 (b) A disapproved applicant under this section may resubmit an application during a
 113.24 future application period.

113.25 Subd. 4. **Application content.** To be approved as an authorizer, an applicant must
 113.26 include in its application to the commissioner ~~to be an approved authorizer~~ at least the
 113.27 following:

113.28 (1) how the organization carries out its mission by chartering schools ~~is a way for~~
 113.29 ~~the organization to carry out its mission;~~

113.30 (2) ~~a description of the capacity of the organization~~ the organization's capacity
 113.31 serve as an authorizer, including the personnel who ~~will~~ perform the authorizing duties,
 113.32 their qualifications, the amount of time they ~~will be~~ are assigned ~~to~~ this responsibility, and
 113.33 the financial resources ~~allocated by the organization~~ allocates to this responsibility;

113.34 (3) ~~a description of the application and review process the authorizer will use~~ uses
 113.35 ~~to make decisions regarding the granting of~~ decide whether to grant charters;

114.1 (4) ~~a description of the type of contract it will arrange~~ arranges with the schools it
 114.2 charters ~~that meets~~ to meet the provisions of section 124E.10;

114.3 (5) the process ~~to be used for providing ongoing oversight of~~ overseeing the school,
 114.4 consistent with ~~the contract expectations specified in clause (4) that assures,~~ to ensure that
 114.5 the schools chartered ~~are complying~~ comply with ~~both the provisions of~~ applicable law
 114.6 and rules; and ~~with~~ the contract;

114.7 (6) ~~a description of the criteria and process the authorizer will use~~ uses to ~~grant~~
 114.8 ~~expanded~~ approve applications adding grades or sites under section 124E.06, subdivision 5;

114.9 (7) the process for ~~making decisions regarding the renewal or termination of~~ renewing
 114.10 or terminating the school's charter based on evidence ~~that demonstrates~~ showing the
 114.11 academic, organizational, and financial competency of the school, including its success in
 114.12 increasing student achievement and meeting the goals of the charter school agreement; and

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

114.15 Subd. 5. **Review by commissioner.** The commissioner shall review an authorizer's
 114.16 performance every five years in a manner and form determined by the commissioner and
 114.17 may review an authorizer's performance more frequently at the commissioner's own
 114.18 initiative or at the request of a charter school operator, charter school board member, or
 114.19 other interested party. The commissioner, after completing the review, shall transmit a
 114.20 report with findings to the authorizer.

114.21 Subd. 6. **Corrective action.** (a) If, consistent with this chapter, the commissioner
 114.22 finds that an authorizer has not ~~fulfilled~~ met the requirements of this chapter, the
 114.23 commissioner may subject the authorizer to corrective action, which may include
 114.24 terminating the contract with the charter school board of directors of a school it chartered.
 114.25 The commissioner must notify the authorizer in writing of any findings that may subject
 114.26 the authorizer to corrective action and the authorizer then has 15 business days to request
 114.27 an informal hearing before the commissioner takes corrective action. If the commissioner
 114.28 terminates a contract between an authorizer and a charter school under this paragraph, the
 114.29 commissioner may assist the charter school in acquiring a new authorizer.

114.30 (b) The commissioner may at any time take corrective action against an authorizer,
 114.31 including terminating an authorizer's ability to charter a school for:

114.32 (1) failing to demonstrate the criteria under subdivision 4 3 under which the
 114.33 commissioner approved the authorizer;

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

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

115.1 (4) any good cause shown that ~~provides~~ gives the commissioner a legally sufficient
 115.2 reason to take corrective action against an authorizer.

115.3 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to
 115.4 withdraw as an approved authorizer for a reason unrelated to any cause under section
 115.5 124E.10, subdivision 4, the authorizer must notify all its chartered schools and the
 115.6 commissioner in writing by July 15 of its intent to withdraw as an authorizer on June 30 in
 115.7 the next calendar year, regardless of when the authorizer's five-year term of approval ends.
 115.8 The commissioner may approve the transfer of a charter school to a new authorizer ~~under~~
 115.9 ~~this subdivision~~ after the new authorizer submits an affidavit to the commissioner.

115.10 Subd. 8. **Reports.** By September 30 of each year, an authorizer shall submit to the
 115.11 commissioner a statement of income and expenditures related to chartering activities
 115.12 during the previous school year ending June 30. ~~A copy of the statement shall be given~~
 115.13 ~~to all schools chartered by the authorizer.~~ The authorizer must transmit a copy of the
 115.14 statement to all schools it charters.

115.15 Sec. 5. Minnesota Statutes 2015 Supplement, section 124E.06, is amended to read:

115.16 **124E.06 FORMING A SCHOOL.**

115.17 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving
 115.18 an application from a charter school developer, may charter either a licensed teacher
 115.19 under section 122A.18, subdivision 1, or a group of individuals that includes one or more
 115.20 licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the
 115.21 commissioner's approval of the authorizer's affidavit under subdivision 4.

115.22 (b) "Application" under this section means the charter school business plan a charter
 115.23 school developer submits to an authorizer for approval to establish a charter school. This
 115.24 application must include:

115.25 (1) the school developer's:

115.26 (i) mission statement;

115.27 (ii) school purposes;

115.28 (iii) program design;

115.29 (iv) financial plan;

115.30 (v) governance and management structure; and

115.31 (vi) background and experience;

115.32 (2) any other information the authorizer requests; and

115.33 (3) a "statement of assurances" of legal compliance prescribed by the commissioner.

115.34 ~~(b)~~ (c) An authorizer shall not approve an application submitted by a charter school
 115.35 developer under paragraph (a) if the application does not comply with subdivision 3,

116.1 paragraph ~~(d)~~ (e), and section 124E.01, subdivision 1. The commissioner shall not
 116.2 approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does
 116.3 not comply with subdivision 3, paragraph ~~(d)~~ (e), and section 124E.01, subdivision 1.

116.4 Subd. 2. **Nonprofit corporation.** (a) The school must be organized and operated as
 116.5 a nonprofit corporation under chapter 317A and the provisions ~~under the applicable of that~~
 116.6 chapter shall apply to the school except as provided in this chapter.

116.7 ~~(b)~~ (b) The operators authorized to organize and operate a school; must incorporate as a
 116.8 nonprofit corporation before entering into a contract or other agreement for professional
 116.9 or other services, goods, or facilities; ~~must incorporate as a nonprofit corporation under~~
 116.10 ~~chapter 317A.~~

116.11 ~~(e)~~ (b) Notwithstanding sections 465.717 and 465.719, a school district, subject to
 116.12 this chapter, may create a corporation for the purpose of establishing a charter school.

116.13 Subd. 3. **Requirements.** (a) The primary focus of a charter school must be to
 116.14 provide a comprehensive program of instruction for at least one grade or age group from
 116.15 ages five through 18 years of age. ~~Instruction~~ A charter school may be provided
 116.16 instruction to people older than 18 years of age.

116.17 ~~(b)~~ (b) A charter school may offer a free or fee-based preschool or prekindergarten that
 116.18 meets high-quality early learning instructional program standards ~~that are~~ aligned with
 116.19 Minnesota's early learning standards for children. The hours a student is enrolled in a
 116.20 fee-based prekindergarten program do not generate pupil units under section 126C.05 and
 116.21 must not be used to calculate general education revenue under section 126C.10.

116.22 ~~(b)~~ (c) A charter school must be nonsectarian in its programs, admission policies,
 116.23 employment practices, and all other operations. An authorizer may not authorize a charter
 116.24 school or program that is affiliated with a nonpublic sectarian school or a religious
 116.25 institution.

116.26 ~~(e)~~ (d) ~~Charter schools~~ A charter school must not be used as a method of ~~providing~~
 116.27 to provide education or ~~generating~~ generate revenue for ~~students who are being~~
 116.28 home-schooled students. This paragraph does not apply to shared time aid under section
 116.29 126C.19.

116.30 ~~(d)~~ (e) This chapter does not provide a means to keep open a school that a
 116.31 school board decides to close. However, a school board may endorse or authorize ~~the~~
 116.32 ~~establishment of~~ establishing a charter school to replace the school the board decided to
 116.33 close. Applicants seeking a charter under this circumstance must demonstrate to the
 116.34 authorizer that the charter sought is substantially different in purpose and program from
 116.35 the school the board closed and that the proposed charter satisfies the requirements of
 116.36 section 124E.01, subdivision 1. If the school board that closed the school authorizes

117.1 the charter, it must document in its affidavit to the commissioner that the charter is
 117.2 substantially different in program and purpose from the school it closed.

117.3 ~~(e)~~ (f) A school authorized by a school board may be located in any district, unless
 117.4 the school board of the district of the proposed location disapproves the location by
 117.5 written resolution.

117.6 ~~(f)~~ (g) Except as provided in paragraph ~~(a)~~ (b), a charter school may not charge tuition.

117.7 ~~(g)~~ (h) The authorizer may prevent an approved charter school from opening for
 117.8 operation if, among other grounds, the charter school violates this chapter or does not meet
 117.9 the ready-to-open standards that are part of (1) the authorizer's oversight and evaluation
 117.10 process or ~~are~~ (2) stipulated in the charter school contract.

117.11 Subd. 4. ~~**Authorizer's affidavit; approval process; authorizer's affidavit.**~~ (a)
 117.12 Before ~~the operators~~ an operator may establish and operate a school, the authorizer must
 117.13 file an affidavit with the commissioner stating its intent to charter a school. An authorizer
 117.14 must file a separate affidavit for each school it intends to charter. An authorizer must file
 117.15 an affidavit at least 14 months before July 1 of the year the new charter school plans to
 117.16 serve students. The affidavit must state:

117.17 (1) the terms and conditions under which the authorizer would charter a school; and

117.18 (2) how the authorizer intends to oversee;

117.19 (i) the fiscal and student performance of the charter school; and

117.20 ~~to comply~~ (ii) compliance with the terms of the written contract between the
 117.21 authorizer and the charter school board of directors under section 124E.10, subdivision 1.

117.22 (b) The commissioner must approve or disapprove the authorizer's affidavit within
 117.23 60 business days of ~~receipt of~~ receiving the affidavit. If the commissioner disapproves the
 117.24 affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit
 117.25 and the authorizer then has 20 business days to address the deficiencies. The commissioner
 117.26 must notify the authorizer of the commissioner's final approval or final disapproval
 117.27 within 15 business days after receiving the authorizer's response to the deficiencies
 117.28 in the affidavit. If the authorizer does not address deficiencies to the commissioner's
 117.29 satisfaction, the commissioner's disapproval is final. ~~Failure to obtain commissioner~~
 117.30 ~~approval precludes~~ An authorizer who fails to obtain the commissioner's approval is
 117.31 precluded from chartering the school that is the subject of this affidavit.

117.32 Subd. 5. ~~**Expansion of a charter**~~ **Adding grades or sites.** (a) A charter school
 117.33 may apply to the authorizer to amend the school charter to ~~expand the operation of~~
 117.34 ~~the school to additional~~ add grades or sites ~~that would be students' primary enrollment~~
 117.35 ~~site~~ sites beyond those defined in the original affidavit approved by the commissioner.
 117.36 After approving the school's application, the authorizer shall submit a supplementary

118.1 supplemental affidavit in the form and manner prescribed by the commissioner. The
118.2 authorizer must file a ~~supplement~~ supplemental affidavit to the commissioner by October
118.3 1 to be eligible to ~~expand~~ add grades or sites in the next school year. The ~~supplementary~~
118.4 supplemental affidavit must document ~~that the school has demonstrated~~ to the authorizer's
118.5 satisfaction ~~of the authorizer~~ ~~the following~~:

118.6 (1) the need for the ~~expansion~~ additional grades or sites with supporting long-range
118.7 enrollment projections;

118.8 (2) a longitudinal record of ~~demonstrated~~ student academic performance and growth
118.9 on statewide assessments under chapter 120B or on other academic assessments that
118.10 measure longitudinal student performance and growth approved by the charter school's
118.11 board of directors and agreed upon with the authorizer;

118.12 (3) a history of sound school finances and a ~~finance~~ plan to ~~implement the expansion~~
118.13 ~~in a manner to promote~~ add grades or sites that sustains the school's ~~financial sustainability~~
118.14 finances; and

118.15 (4) board capacity ~~and an administrative and management plan to implement its~~
118.16 ~~expansion to administer and manage the additional grades or sites.~~

118.17 (b) The commissioner shall have 30 business days to review and comment on the
118.18 supplemental affidavit. The commissioner shall notify the authorizer in writing of any
118.19 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
118.20 address; ~~to the commissioner's satisfaction~~; any deficiencies in the supplemental affidavit
118.21 to the commissioner's satisfaction. The commissioner must notify the authorizer of final
118.22 approval or final disapproval within 15 business days after receiving the authorizer's
118.23 response to the deficiencies in the affidavit. The school may not ~~expand~~ add grades or ~~add~~
118.24 sites until the commissioner has approved the supplemental affidavit. The commissioner's
118.25 approval or disapproval of a supplemental affidavit is final.

118.26 Subd. 6. **Conversion of existing schools.** A board of an independent or special
118.27 school district may convert one or more of its existing schools to charter schools under
118.28 this chapter if 60 percent of the full-time teachers at the school sign a petition seeking
118.29 conversion. The conversion must occur at the beginning of an academic year.

118.30 Subd. 7. **Merger.** (a) Two or more charter schools may merge under chapter 317A.
118.31 The effective date of a merger must be July 1. The merged school must continue under
118.32 the identity of one of the merging schools. The authorizer and the merged school must
118.33 execute a new charter contract under section 124E.10, subdivision 1, must be executed by
118.34 July 1. The authorizer must submit to the commissioner a copy of the new signed charter
118.35 contract within ten business days of ~~its execution~~ executing the contract.

119.1 (b) Each merging school must submit a separate year-end report for the previous
 119.2 fiscal year for that school only. After the final fiscal year of the premerger schools is
 119.3 closed out, each of those schools must transfer the fund balances and debts from the
 119.4 ~~merging schools must be transferred~~ to the merged school.

119.5 (c) For its first year of operation, the merged school is eligible to receive aid from
 119.6 programs requiring approved applications equal to the sum of the aid of all of the merging
 119.7 schools. For aids based on prior year data, the merged school is eligible to receive aid for
 119.8 its first year of operation based on the combined data of all of the merging schools.

119.9 Sec. 6. Minnesota Statutes 2015 Supplement, section 124E.07, is amended to read:

119.10 **124E.07 BOARD OF DIRECTORS.**

119.11 Subdivision 1. **Initial board of directors.** Before entering into a contract or other
 119.12 agreement for professional or other services, goods, or facilities, the operators authorized
 119.13 to organize and operate a school, ~~before entering into a contract or other agreement for~~
 119.14 ~~professional or other services, goods, or facilities,~~ must establish a board of directors
 119.15 composed of at least five members who are not related parties. The initial board continues
 119.16 to serve until a timely election for members of the ongoing charter school board of
 119.17 directors is held according to the school's articles and bylaws under subdivision 4.

119.18 Subd. 2. **Ongoing board of directors.** The ongoing board must be elected before
 119.19 the school completes its third year of operation. Board elections must be held during the
 119.20 school year but may not be conducted on days when the school is closed ~~for holidays,~~
 119.21 ~~breaks, or vacations.~~

119.22 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors
 119.23 shall ~~be composed of~~ have at least five nonrelated members and include: (1) at least
 119.24 one licensed teacher who is employed as a teacher at the school or ~~providing~~ provides
 119.25 instruction under contract between the charter school and a cooperative; (2) at least one
 119.26 parent or legal guardian of a student enrolled in the charter school who is not an employee
 119.27 of the charter school; and (3) at least one interested community member who resides in
 119.28 Minnesota ~~and~~₂ is not employed by the charter school₂ and does not have a child enrolled
 119.29 in the school. The board structure may include a majority of teachers ~~described in~~ under
 119.30 this paragraph or parents or community members, or it may have no clear majority. The
 119.31 chief financial officer and the chief administrator may only serve as ex-officio nonvoting
 119.32 board members. No charter school employees shall serve on the board other than teachers
 119.33 under clause (1). Contractors providing facilities, goods, or services to a charter school
 119.34 shall not serve on the board of directors of the charter school.

120.1 (b) An individual is prohibited from serving as a member of the charter school board
 120.2 of directors if: (1) the individual, an immediate family member, or the individual's partner
 120.3 is a full or part owner or principal with a for-profit or nonprofit entity or independent
 120.4 contractor with whom the charter school contracts, directly or indirectly, for professional
 120.5 services, goods, or facilities. ~~An individual is prohibited from serving as a board member~~
 120.6 ~~if;~~ or (2) an immediate family member is an employee of the school. An individual may
 120.7 serve as a member of the board of directors if no conflict of interest exists under this
 120.8 paragraph, consistent with this section.

120.9 (c) A violation of ~~this prohibition~~ paragraph (b) renders a contract voidable at the
 120.10 option of the commissioner or the charter school board of directors. A member of a charter
 120.11 school board of directors who violates ~~this prohibition~~ paragraph (b) is individually liable
 120.12 to the charter school for any damage caused by the violation.

120.13 (e) ~~(d)~~ Any employee, agent, or board member of the authorizer who participates
 120.14 ~~in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or~~
 120.15 ~~nonrenewal process or decision~~ initially reviewing, approving, overseeing, evaluating,
 120.16 renewing, or not renewing the charter school is ineligible to serve on the board of directors
 120.17 of a school chartered by that authorizer.

120.18 ~~(d) An individual may serve as a member of the board of directors if no conflict of~~
 120.19 ~~interest under paragraph (b) exists.~~

120.20 Subd. 4. **Structure of Board structure.** Board bylaws shall outline the process and
 120.21 procedures for changing the board's governance structure, consistent with chapter 317A.
 120.22 A board may change its governance structure only:

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

120.26 (2) with the authorizer's approval.

120.27 Any change in board governance structure must conform with the board composition
 120.28 ~~of the board~~ established under this ~~subdivision~~ section.

120.29 Subd. 5. **Eligible voters.** Staff members employed at the school, including teachers
 120.30 providing instruction under a contract with a cooperative, members of the board of
 120.31 directors, and all parents or legal guardians of children enrolled in the school are the voters
 120.32 eligible to elect the members of the school's board of directors. A charter school must
 120.33 notify eligible voters of the school board election dates at least 30 days before the election.

120.34 Subd. 6. **Duties.** The board of directors also shall decide and ~~be~~ is responsible
 120.35 for policy matters related to ~~the operation of~~ operating the school, including budgeting,
 120.36 curriculum programming, personnel, and operating procedures. The board shall adopt a

121.1 ~~policy on nepotism in employment~~ policy. The board shall adopt personnel evaluation
121.2 policies and practices that, at a minimum:

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

121.4 (2) evaluate ~~the execution of~~ how charter contract goals and commitments are
121.5 executed;

121.6 (3) evaluate student achievement, postsecondary and workforce readiness, and
121.7 student engagement and connection goals;

121.8 (4) establish a teacher evaluation process under section 124E.03, subdivision 2,
121.9 paragraph (h); and

121.10 (5) provide professional development related to the individual's job responsibilities.

121.11 Subd. 7. **Training.** Every charter school board member shall attend annual training
121.12 throughout the member's term ~~on the board~~. All new board members shall attend initial
121.13 training on the board's role and responsibilities, employment policies and practices, and
121.14 financial management. A new board member who does not begin the required initial
121.15 training within six months after being seated and complete that training within 12 months
121.16 ~~of after~~ being seated ~~on the board~~ is automatically ineligible to continue to serve as a board
121.17 member. The school shall include in its annual report the training each board member
121.18 ~~attended by each board member~~ during the previous year.

121.19 Subd. 8. **Meetings and information.** (a) Board of director meetings must comply
121.20 with chapter 13D governing open meetings.

121.21 (b) A charter school shall publish and maintain on the school's official Web site: (1)
121.22 the meeting minutes of meetings of the board of directors; and of members and committees
121.23 having ~~any~~ board-delegated authority, for at least ~~one calendar year~~ 365 days from the
121.24 date of publication; (2) directory information for ~~members of~~ the board of directors and
121.25 for the members of committees having board-delegated authority; and (3) identifying and
121.26 contact information for the school's authorizer.

121.27 (c) A charter school must include identifying and contact information for the school's
121.28 authorizer ~~must be included~~ in other school materials ~~made~~ it makes available to the public.

121.29 Sec. 7. Minnesota Statutes 2015 Supplement, section 124E.08, is amended to read:

121.30 **124E.08 COLLABORATION BETWEEN CHARTER SCHOOL AND**
121.31 **SCHOOL DISTRICT COLLABORATION.**

121.32 (a) A charter school board may voluntarily enter into a two-year, renewable
121.33 collaboration agreement for collaboration with a school district in which the charter school
121.34 is geographically located to enhance student the achievement ~~with a school district within~~

122.1 ~~whose geographic boundary it operates~~ of the students in the district and the students in
 122.2 the charter school.

122.3 ~~(b) A school district need~~ does not need to be either an approved authorizer or the
 122.4 authorizer of the charter school to enter into a collaboration agreement with a charter
 122.5 school under this section. A charter school need not be authorized by the school district
 122.6 with which it seeks to collaborate.

122.7 ~~(e) A charter school authorizer is prohibited from requiring a collaboration~~
 122.8 ~~agreement as a condition of entering into or renewing a charter contract as defined in~~
 122.9 ~~section 124E.10, subdivision 1.~~

122.10 ~~(d) Nothing in this section or in the collaboration agreement may impact in any way~~
 122.11 ~~the authority or autonomy of the charter school.~~

122.12 ~~(e) Nothing in this section or in the collaboration agreement shall cause the state to~~
 122.13 ~~pay twice for the same student, service, or facility or otherwise impact state funding, or~~
 122.14 ~~the flow thereof, to the school district or the charter school.~~

122.15 ~~(f) (b) The collaboration agreement may include, but need is not be limited~~
 122.16 ~~to, collaboration regarding facilities, transportation, training, student achievement,~~
 122.17 ~~assessments, mutual performance standards, and other areas of mutual agreement.~~

122.18 ~~(g) (c) For purposes of student assessment and reporting to the state under section~~
 122.19 ~~120B.36, the school district may include the academic performance of the students of a~~
 122.20 ~~collaborative charter school site operating within the geographic boundaries of the school~~
 122.21 ~~district, for purposes of student assessment and reporting to the state under paragraph (a).~~

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

122.27 ~~(d) Nothing in this section or in the collaboration agreement may impact in any way~~
 122.28 ~~the authority or autonomy of the charter school.~~

122.29 ~~(e) Nothing in this section or in the collaboration agreement shall cause the state to~~
 122.30 ~~pay twice for the same student, service, or facility or otherwise impact state funding or~~
 122.31 ~~payment to the school district or the charter school.~~

122.32 Sec. 8. Minnesota Statutes 2015 Supplement, section 124E.10, is amended to read:

122.33 **124E.10 CHARTER CONTRACT.**

122.34 Subdivision 1. **Contents.** ~~(a) The authorization for~~ To authorize a charter school, the
 122.35 authorizer and the charter school board of directors must be in the form of sign a written

123.1 ~~contract signed by the authorizer and the board of directors of the charter school. The~~
 123.2 ~~contract must be completed~~ within 45 business days of the commissioner's approval of
 123.3 the authorizer's affidavit. The authorizer shall submit ~~to the commissioner~~ a copy of the
 123.4 ~~signed~~ charter contract to the commissioner within ten business days of its execution after
 123.5 the contract is signed by the contracting parties. The contract ~~for a charter school~~ must
 123.6 ~~be in writing and contain~~ include at least the following:

123.7 (1) a declaration that the charter school will carry out the primary purpose in section
 123.8 124E.01, subdivision 1, and indicate how the school will report its implementation of the
 123.9 primary purpose to its authorizer;

123.10 (2) a declaration of the additional purpose or purposes in section 124E.01,
 123.11 subdivision 1, that the school intends to carry out and indicate how the school will report
 123.12 its implementation of those purposes to its authorizer;

123.13 (3) a description of the school program and the specific academic and nonacademic
 123.14 outcomes that pupils must achieve;

123.15 (4) a statement of admission policies and procedures;

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

123.17 (6) signed agreements from charter school board members to comply with all the
 123.18 federal and state laws governing organizational, programmatic, and financial requirements
 123.19 applicable to charter schools;

123.20 (7) the criteria, processes, and procedures ~~that~~ the authorizer will use to monitor and
 123.21 evaluate the fiscal, operational, and academic performance₂ consistent with subdivision
 123.22 3, paragraphs (a) and (b);

123.23 (8) for contract renewal, the formal written performance evaluation ~~of the school~~
 123.24 that is a prerequisite for reviewing a charter contract under subdivision 3;

123.25 (9) types and amounts of insurance liability coverage ~~to be obtained by~~ the charter
 123.26 school must obtain, consistent with section 124E.03, subdivision 2, paragraph (d);

123.27 (10) consistent with section 124E.09, paragraph (d), a provision to indemnify and
 123.28 hold harmless ~~the authorizer and its officers, agents, and employees~~ from any suit, claim,
 123.29 or liability arising from any charter school operation ~~of the charter school~~;

123.30 (i) the authorizer and its officers, agents, and employees; and

123.31 (ii) notwithstanding section 3.736, the commissioner and department officers,
 123.32 agents, and employees ~~notwithstanding section 3.736~~;

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

124.1 (12) how the charter school board of directors or the charter school operators ~~of the~~
 124.2 ~~charter school~~ will provide special instruction and services for children with a disability
 124.3 under sections 125A.03 to 125A.24, and 125A.65, and a description of the financial
 124.4 parameters within which the charter school will ~~operate to~~ provide the special instruction
 124.5 and services to children with a disability;

124.6 (13) the specific conditions for contract renewal that identify the performance of
 124.7 all students under the primary purpose of section 124E.01, subdivision 1, as the most
 124.8 important factor in determining whether to renew the contract renewal; and

124.9 (14) the additional purposes under section 124E.01, subdivision 1, and related
 124.10 performance obligations under clause (7) contained in the charter contract as additional
 124.11 factors in determining whether to renew the contract renewal; and.

124.12 ~~(15)~~ (b) In addition to the requirements of paragraph (a), the charter contract must
 124.13 contain the plan for an orderly closing of the school under chapter 317A, that establishes
 124.14 the responsibilities of the school board of directors and the authorizer, whether the closure
 124.15 is a termination for cause, a voluntary termination, or a nonrenewal of the contract, that
 124.16 includes establishing the responsibilities of the school board of directors and the authorizer
 124.17 and notifying. The plan must establish who is responsible for:

124.18 (1) notifying the commissioner, authorizer, school district in which the charter
 124.19 school is located, and parents of enrolled students about the closure;

124.20 (2) providing parents of enrolled students information and assistance sufficient to
 124.21 enable the student to re-enroll in another school;

124.22 (3) transfer of transferring student records under section 124E.03, subdivision 5,
 124.23 paragraph (b), to the student's resident school district; and

124.24 (4) procedures for closing financial operations.

124.25 ~~(b)~~ (c) A charter school must design its programs to at least meet the outcomes
 124.26 adopted by the commissioner for public school students. In the absence of the
 124.27 commissioner's requirements governing state standards and benchmarks, the school must
 124.28 meet the outcomes contained in the contract with the authorizer. The achievement levels
 124.29 of the outcomes contained in the contract may exceed the achievement levels of any
 124.30 outcomes adopted by the commissioner for public school students.

124.31 Subd. 2. **Limitations** Limits on charter contract school agreements. (a) A
 124.32 school must disclose to the commissioner any potential contract, lease, or purchase of
 124.33 service from an authorizer must be disclosed to the commissioner. The contract, lease, or
 124.34 purchase must be accepted through an open bidding process; and be a separate ~~contract~~
 124.35 from the charter contract. The school must document the open bidding process. An
 124.36 authorizer must not enter into a contract to provide management and financial services for

125.1 ~~to a school that it authorizes, unless the school documents that it received~~ receiving at
 125.2 least two competitive bids.

125.3 (b) ~~The~~ An authorizer must not condition granting or ~~renewal of~~ renewing a charter
 125.4 ~~school by an authorizer must not be contingent on:~~

125.5 (1) the charter school being required to contract, lease, or purchase services from
 125.6 the authorizer; or

125.7 (e) ~~The granting or renewal of a charter by an authorizer must not be conditioned~~
 125.8 ~~upon~~ (2) the bargaining unit status of the school employees ~~of the school~~.

125.9 Subd. 3. **Review and comment.** (a) The authorizer shall provide a formal written
 125.10 evaluation of the school's performance before the authorizer renews the charter contract.
 125.11 The ~~department~~ commissioner must review and comment on the authorizer's evaluation
 125.12 process at the time the authorizer submits its application for approval and each time the
 125.13 authorizer undergoes its five-year review under section 124E.05, subdivision 5.

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

125.18 (c) The fee that an authorizer may annually assess is the greater of:

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

125.20 (2) the lesser of:

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

125.22 (ii) the fee factor times the basic formula allowance for that year times the charter
 125.23 school's adjusted pupil units for that year. The fee factor equals .015. The maximum
 125.24 fee factor equals 4.0.

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

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

125.29 Subd. 4. **Causes for nonrenewal or termination of charter school contract.** (a)

125.30 The duration of the contract with an authorizer must be for the term contained in the
 125.31 contract according to subdivision 1, paragraph (a). The authorizer may or may not renew a
 125.32 contract at the end of the term for any ground listed in paragraph (b). An authorizer may
 125.33 unilaterally terminate a contract during the term of the contract for any ground listed in
 125.34 paragraph (b). At least 60 business days before not renewing or terminating a contract,
 125.35 the authorizer shall notify the board of directors of the charter school of the proposed
 125.36 action in writing. The notice shall state the grounds for the proposed action in reasonable

126.1 detail and ~~that~~ describe the informal hearing process, consistent with this paragraph. The
 126.2 charter school's board of directors may request in writing an informal hearing before the
 126.3 authorizer within 15 business days ~~of~~ after receiving notice of nonrenewal or termination
 126.4 of the contract. Failure by the board of directors to make a written request for an informal
 126.5 hearing within the 15-business-day period shall be treated as acquiescence to the proposed
 126.6 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten
 126.7 business days' notice to the charter school's board of directors of the hearing date. The
 126.8 authorizer shall conduct an informal hearing before taking final action. The authorizer
 126.9 shall take final action to renew or not renew a contract no later than 20 business days
 126.10 before the proposed date for terminating the contract or the end date of the contract.

126.11 (b) An authorizer may terminate or not renew a contract ~~may be terminated or not~~
 126.12 ~~renewed~~ upon any of the following grounds:

- 126.13 (1) failure to demonstrate satisfactory academic achievement for all students,
 126.14 including the requirements for pupil performance contained in the contract;
 126.15 (2) failure to meet generally accepted standards of fiscal management;
 126.16 (3) violations of law; or
 126.17 (4) other good cause shown.

126.18 If the authorizer terminates or does not renew a contract ~~is terminated or not~~
 126.19 ~~renewed~~ under this paragraph, the school must be dissolved according to the applicable
 126.20 provisions of chapter 317A.

126.21 (c) The commissioner, after providing reasonable notice to the board of directors of
 126.22 a charter school and the existing authorizer, and after providing an opportunity for a public
 126.23 hearing, may terminate the existing contract between the authorizer and the charter school
 126.24 board if the charter school has a history of:

- 126.25 (1) failure to meet pupil performance requirements₂ consistent with state law;
 126.26 (2) financial mismanagement or failure to meet generally accepted standards of
 126.27 fiscal management; or
 126.28 (3) repeated or major violations of the law.

126.29 Subd. 5. **Mutual nonrenewal.** If the authorizer and the charter school board of
 126.30 directors mutually agree not to renew the contract, a change in authorizers is allowed. The
 126.31 authorizer and the school board must jointly submit a written and signed letter of their
 126.32 intent to the commissioner to mutually not renew the contract. The authorizer that is a party
 126.33 to the existing contract must inform the proposed authorizer about the fiscal, operational,
 126.34 and student performance status of the school, as well as any outstanding contractual
 126.35 obligations ~~that exist~~. The charter contract between the proposed authorizer and the school
 126.36 must identify and provide a plan to address any outstanding obligations from the previous

127.1 contract. The proposed authorizer must submit the proposed contract ~~must be submitted~~ at
 127.2 least 105 business days before the end of the existing charter contract. The commissioner
 127.3 ~~shall have~~ has 30 business days to review and make a determination on the change in
 127.4 authorizer. The proposed authorizer and the school ~~shall~~ have 15 business days to respond
 127.5 to the determination and address any issues identified by the commissioner. ~~A final~~
 127.6 ~~determination by~~ The commissioner ~~shall be made~~ must make a final determination no later
 127.7 than 45 business days before the end of the current charter contract. If ~~no~~ the commissioner
 127.8 does not approve a change in authorizer is approved, the school and the current authorizer
 127.9 may withdraw their letter of nonrenewal and enter into a new contract. If the ~~transfer of~~
 127.10 ~~authorizers is not approved~~ commissioner does not approve a change in authorizer and the
 127.11 current authorizer and the school do not withdraw their letter and enter into a new contract,
 127.12 the school must be dissolved according to applicable law and the terms of the contract.

127.13 Subd. 6. **Pupil enrollment upon nonrenewal or termination of charter school**
 127.14 **contract.** (a) If a contract is not renewed or is terminated according to subdivision 4 or
 127.15 5, a pupil who attended the school, siblings of the pupil, or another pupil who resides
 127.16 ~~in the same place as~~ with the pupil may enroll in the resident district or may submit
 127.17 an application to a nonresident district according to section 124D.03 governing open
 127.18 enrollment at any time. Applications and notices required by section 124D.03 must be
 127.19 processed and provided in a prompt manner. The application and notice deadlines in
 127.20 section 124D.03 do not apply under these circumstances.

127.21 (b) Within ten business days of closing the charter school, the closed ~~charter~~ school
 127.22 must transfer the student's educational records ~~within ten business days of closure~~ to the
 127.23 student's school district of residence where the records must be retained or transferred
 127.24 under section 120A.22, subdivision 7.

127.25 Sec. 9. Minnesota Statutes 2015 Supplement, section 124E.12, is amended to read:

127.26 **124E.12 EMPLOYMENT.**

127.27 Subdivision 1. **Teachers.** A charter school must employ or contract with necessary
 127.28 teachers, as defined by section 122A.15, subdivision 1, who hold valid licenses to perform
 127.29 the particular service for which they are employed in the school. The commissioner may
 127.30 reduce the charter school's state aid ~~may be reduced~~ under section 127A.43 if the school
 127.31 employs a teacher who is not appropriately licensed or approved by the board of teaching.
 127.32 The school may employ necessary employees who are not required to hold teaching
 127.33 licenses to perform duties other than teaching and may contract for other services. The
 127.34 school may discharge teachers and nonlicensed employees. The charter school board is
 127.35 subject to section 181.932 governing whistle-blowers. When offering employment to a

128.1 prospective employee, a charter school must give that employee a written description of
128.2 the terms and conditions of employment and the school's personnel policies.

128.3 Subd. 2. **Administrators.** (a) A person, without holding a valid administrator's
128.4 license, may perform administrative, supervisory, or instructional leadership duties.
128.5 The board of directors shall establish qualifications for all persons that who hold
128.6 administrative, supervisory, or instructional leadership roles. The qualifications shall
128.7 ~~include~~ cover at least ~~the following~~ areas: instruction and assessment; human resource
128.8 and personnel management; financial management; legal and compliance management;
128.9 effective communication; and board, authorizer, and community relationships. The board
128.10 of directors shall use those qualifications as the basis for job descriptions, hiring, and
128.11 performance evaluations of those who hold administrative, supervisory, or instructional
128.12 leadership roles.

128.13 (b) The board of directors and an individual who does not hold a valid administrative
128.14 license and who serves in an administrative, supervisory, or instructional leadership
128.15 position shall develop a professional development plan. ~~Documentation of the~~
128.16 ~~implementation of~~ The school's annual report must include public personnel information
128.17 documenting the professional development plan of these persons shall be included in
128.18 ~~the school's annual report.~~

128.19 Subd. 3. **Collective bargaining.** Employees of the board of directors of a charter
128.20 school may, if otherwise eligible, organize under chapter 179A and comply with its
128.21 provisions. The board of directors of a charter school is a public employer, for the
128.22 purposes of chapter 179A, ~~upon formation of~~ when forming one or more bargaining units
128.23 at the school. Bargaining units at the school must be separate from any other units within
128.24 an authorizing district, except that bargaining units may remain part of the appropriate
128.25 unit within an authorizing district; if the employees of the school, the board of directors of
128.26 the school, the exclusive representative of the appropriate unit in the authorizing district,
128.27 and the board of the authorizing district agree to include the employees in the appropriate
128.28 unit of the authorizing district. The board of directors of a charter school with employees
128.29 organized under this subdivision must comply with sections 471.6161 governing group
128.30 insurance and 471.895 governing gifts.

128.31 Subd. 4. **Teacher and other employee retirement.** (a) Teachers in a charter school
128.32 must be public school teachers for the purposes of chapters 354 and 354A governing the
128.33 Teacher Retirement Act.

128.34 (b) Except for teachers under paragraph (a), employees in a charter school must
128.35 be public employees for the purposes of chapter 353 governing the Public Employees
128.36 Retirement Act.

129.1 Subd. 5. **Group health insurance.** (a) A charter school board with at least 25
 129.2 employees or a teacher cooperative of licensed teachers providing instruction under
 129.3 a contract between a school and a cooperative that provides group health insurance
 129.4 coverage shall:

129.5 (1) request proposals for group health insurance coverage from a minimum of three
 129.6 sources at least every two years; and

129.7 (2) notify employees covered by the group health insurance coverage before the
 129.8 effective date of the changes in the group coverage policy contract.

129.9 (b) A charter school board or a cooperative of teachers that provides group health
 129.10 insurance coverage must establish and publish on its Web site the policy for ~~the purchase~~
 129.11 ~~of purchasing~~ group health insurance coverage. A charter school board policy must
 129.12 include a sealed proposal process, which requires all proposals to be opened at the same
 129.13 time. Upon ~~the openings of~~ opening the proposals ~~in accordance with~~ according to the
 129.14 school or cooperative policy, the proposals become public data under chapter 13.

129.15 Nothing in this subdivision supersedes the right of an exclusive representative to negotiate
 129.16 ~~over the~~ the terms and conditions of employment.

129.17 Subd. 6. **Leave to teach in a charter school.** If a teacher employed by a district
 129.18 makes a written request for an extended leave of absence to teach at a charter school, the
 129.19 district must grant the leave. The district must grant a leave not to exceed a total of five
 129.20 years. Any request to extend the leave shall be granted only at the discretion of the school
 129.21 board. The district may require ~~that~~ a teacher to make the request for a leave or extension
 129.22 of leave ~~be made~~ before February 1 in the school year preceding the school year in which
 129.23 the teacher intends to leave, or February 1 of the calendar year in which the teacher's leave
 129.24 is scheduled to terminate. Except as otherwise provided in this subdivision and ~~except~~
 129.25 ~~for~~ section 122A.46, subdivision 7, governing employment in another district, the leave
 129.26 is governed by section 122A.46, including, but not limited to, reinstatement, notice of
 129.27 intention to return, seniority, salary, and insurance.

129.28 During a leave, the teacher may continue to aggregate benefits and credits in the
 129.29 Teachers' Retirement Association account under chapters 354 and 354A, consistent with
 129.30 subdivision 4.

129.31 Sec. 10. Minnesota Statutes 2015 Supplement, section 124E.13, is amended to read:

129.32 **124E.13 FACILITIES.**

129.33 Subdivision 1. **Leased space.** A charter school may lease space from: an
 129.34 independent or special school board; other public organization; private, nonprofit,
 129.35 nonsectarian organization; private property owner; or a sectarian organization if the

130.1 leased space is constructed as a school facility. The ~~department~~ commissioner must
 130.2 review and approve or disapprove leases in a timely manner ~~for purposes of determining~~
 130.3 to determine eligibility for lease aid under section 124E.22.

130.4 Subd. 2. **Related party lease costs.** (a) A charter school is ~~prohibited from entering~~
 130.5 must not enter into a lease of real property with a related party unless the lessor is a
 130.6 nonprofit corporation under chapter 317A or a cooperative under chapter 308A, and the
 130.7 lease cost is reasonable under section 124E.22, paragraph (a), clause (1).

130.8 (b) A lease of real property to be used for a charter school, ~~not excluded in related~~
 130.9 party permitted to enter into a lease under paragraph (a); must contain include the
 130.10 following statement in the lease: "This lease is subject to Minnesota Statutes, section
 130.11 124E.13, subdivision 2."

130.12 (c) If a charter school ~~enters into as lessee a lease with~~ leases space from a related
 130.13 party and the charter school subsequently closes, the commissioner has the right to recover
 130.14 from the ~~lessor~~ related party any lease payments in excess of those that are reasonable
 130.15 under section 124E.22, paragraph (a), clause (1).

130.16 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit
 130.17 building corporation may purchase, expand, or renovate an existing facility to serve as a
 130.18 school or may construct a new school facility. A charter school may organize an affiliated
 130.19 nonprofit building corporation ~~(1) to purchase, expand, or renovate an existing facility to~~
 130.20 ~~serve as a school or (2) to construct a new school facility~~ if the charter school:

130.21 (i) ~~(1) has been in operation~~ operated for at least six consecutive years;

130.22 (ii) ~~(2)~~ as of June 30₂ has a net positive unreserved general fund balance in the
 130.23 preceding three fiscal years;

130.24 (iii) ~~(3)~~ has long-range strategic and financial plans that include enrollment
 130.25 projections for at least five years;

130.26 (iv) ~~(4)~~ completes a feasibility study of facility options that outlines the benefits
 130.27 and costs of ~~the options~~ each option; and

130.28 (v) ~~(5)~~ has a plan for ~~purchase, renovation, or new construction which~~ that describes
 130.29 project parameters and budget.

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

130.31 (1) be incorporated under section 317A;

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

130.34 (3) post on the school Web site the name, mailing address, bylaws, minutes of board
 130.35 meetings, and the names of the current board of directors of the affiliated nonprofit
 130.36 building corporation;

131.1 (4) submit to the commissioner a copy of its annual audit by December 31 of each
131.2 year; and

131.3 (5) comply with government data practices law under chapter 13.

131.4 (c) An affiliated nonprofit building corporation must not serve as the leasing agent
131.5 for property or facilities it does not own. A charter school that leases a facility from an
131.6 affiliated nonprofit building corporation that does not own the leased facility is ineligible
131.7 to receive charter school lease aid. The state is immune from liability resulting from a
131.8 contract between a charter school and an affiliated nonprofit building corporation.

131.9 (d) ~~Once an affiliated nonprofit building corporation is incorporated under this~~
131.10 ~~subdivision, The board of directors of the charter school must ensure the affiliated~~
131.11 ~~nonprofit building corporation complies with all applicable legal requirements. The charter~~
131.12 ~~school's authorizer of the school must oversee the efforts of the school's board of directors~~
131.13 ~~of the charter school to ensure the affiliated nonprofit building corporation complies~~
131.14 ~~with all legal requirements governing the affiliated nonprofit building corporation legal~~
131.15 ~~compliance of the affiliated building corporation. A school's board of directors that~~
131.16 ~~fails to ensure the affiliated nonprofit building corporation's compliance violates its~~
131.17 ~~responsibilities and an authorizer must factor the consider that failure into the authorizer's~~
131.18 ~~evaluation of when evaluating the charter school.~~

131.19 Subd. 4. **Positive review and comment.** If the amount of a purchase agreement or
131.20 construction contract exceeds the review and comment threshold, a charter school or its
131.21 affiliated nonprofit building corporation must receive a positive review and comment from
131.22 the commissioner before initiating any purchase agreement or construction contract ~~that~~
131.23 ~~requires an expenditure in excess of the threshold specified in section 123B.71, subdivision~~
131.24 ~~8, for school districts that do not have a capital loan outstanding. Without a positive~~
131.25 review and comment from the commissioner, a purchase agreement or construction
131.26 contract ~~finalized before a positive review and comment under this subdivision~~ is null and
131.27 void. For purposes of this subdivision, "review and comment threshold" means the dollar
131.28 amount specified in section 123B.71, subdivision 8, applicable to a school entity that is
131.29 not a recipient of a maximum effort capital loan.

131.30 Sec. 11. Minnesota Statutes 2015 Supplement, section 124E.15, is amended to read:

131.31 **124E.15 TRANSPORTATION.**

131.32 (a) A charter school must comply with all pupil transportation requirements in
131.33 section 123B.88, subdivision 1. A charter school must not require parents to surrender
131.34 their rights to pupil transportation under section 123B.88, subdivision 2.

132.1 ~~(b) A charter school after its first fiscal year of operation by March 1 of each fiscal~~
 132.2 ~~year and A charter school by July 1 of its first fiscal year of operation must notify the~~
 132.3 ~~district in which the school is located and the Department of Education commissioner by~~
 132.4 ~~July 1 of its first fiscal year of operation if it will provide its own transportation or use the~~
 132.5 ~~transportation services of the district in which it is located for the fiscal year. For each~~
 132.6 ~~subsequent year of operation, a charter school must give that district and the commissioner~~
 132.7 ~~notice by March 1 for the following fiscal year.~~

132.8 (c) If a charter school elects to provide transportation for pupils, the charter school
 132.9 must provide the transportation ~~must be provided by the charter school~~ within the district
 132.10 in which the charter school is located. The state must pay transportation aid to the charter
 132.11 school according to section 124E.23.

132.12 (d) For pupils who reside outside the district in which the charter school is located,
 132.13 the charter school is not required to provide or pay for transportation between the pupil's
 132.14 residence and the border of the district in which the charter school is located. The charter
 132.15 school may reimburse a parent ~~may be reimbursed by the charter school~~ for costs of
 132.16 transportation from the pupil's residence to the border of the district in which the charter
 132.17 school is located if the pupil is from a family whose income is at or below the poverty
 132.18 level, as determined by the federal government. The reimbursement may not exceed
 132.19 the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less.
 132.20 Reimbursement may not be paid for more than 250 miles per week.

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

132.23 ~~(d)~~ (e) If a charter school does not elect to provide transportation, the district in which
 132.24 the school is located must provide transportation for pupils enrolled at the school ~~must~~
 132.25 ~~be provided by the district in which the school is located~~, according to sections 123B.88,
 132.26 subdivision 6, governing transporting nonresident pupils, and 124D.03, subdivision 8, for
 132.27 a pupil residing in the same district in which the charter school is located. The district in
 132.28 which the charter school is located may provide transportation ~~may be provided by the~~
 132.29 ~~district in which the school is located~~, according to sections 123B.88, subdivision 6, and
 132.30 124D.03, subdivision 8, governing open enrollment transportation, for a pupil residing
 132.31 in a different district. If the district provides the transportation, the scheduling of routes,
 132.32 manner and method of transportation, control and discipline of the pupils, and any other
 132.33 matter relating to the transportation of pupils under this paragraph ~~shall be~~ is within the
 132.34 sole discretion, control, and management of the district.

132.35 (f) The charter school must provide the parent or guardian with information about
 132.36 transportation when a pupil enrolls.

133.1 Sec. 12. Minnesota Statutes 2015 Supplement, section 124E.16, is amended to read:

133.2 **124E.16 REPORTS.**

133.3 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial
133.4 audits, audit procedures, and audit requirements as a district, except as required under
133.5 this subdivision. Audits must be conducted in compliance with generally accepted
133.6 governmental auditing standards, the federal Single Audit Act, if applicable, and section
133.7 6.65 governing auditing procedures. A charter school is subject to and must comply
133.8 with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06;
133.9 governing government property and financial investments; and sections 471.38; 471.391;
133.10 471.392; and 471.425 governing municipal contracting. The audit must comply with the
133.11 requirements of sections 123B.75 to 123B.83 governing school district finance, except
133.12 ~~to the extent deviations are necessary because of the program at the school when the~~
133.13 commissioner and authorizer approve a deviation made necessary because of school
133.14 program finances. ~~Deviations must be approved by the commissioner and authorizer.~~ The
133.15 ~~Department of Education~~ commissioner, state auditor, legislative auditor, or authorizer
133.16 may conduct financial, program, or compliance audits. A charter school ~~determined to be~~
133.17 in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under
133.18 section 123B.81, subdivision 4.

133.19 (b) The charter school must submit an audit report to the commissioner and its
133.20 authorizer annually by December 31 ~~each year~~.

133.21 (c) The charter school, with the assistance of the auditor conducting the audit,
133.22 must include with the report, as supplemental information; (1) a copy of management
133.23 agreements with a charter management organization or an educational management
133.24 organization and (2) service agreements or contracts over the lesser of \$100,000 or ten
133.25 percent of the school's most recent annual audited expenditures. The agreements must
133.26 detail the terms of the agreement, including the services provided and the annual costs for
133.27 those services. If the entity that provides the professional services to the charter school is
133.28 exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity
133.29 must file with the commissioner by February 15 a copy of the annual return required under
133.30 section 6033 of the Internal Revenue Code of 1986.

133.31 (d) A charter school independent audit report shall include audited financial data
133.32 of an affiliated building corporation under section 124E.13, subdivision 3, or other
133.33 component unit.

133.34 (e) If the audit report finds that a material weakness exists in the financial reporting
133.35 systems of a charter school, the charter school must submit a written report to the
133.36 commissioner explaining how the charter school will resolve that material weakness ~~will~~

134.1 ~~be resolved.~~ An auditor, as a condition of providing financial services to a charter school,
 134.2 must agree to make available information about a charter school's financial audit to the
 134.3 commissioner and authorizer upon request.

134.4 Subd. 2. **Annual public reports.** (a) A charter school must publish an annual report
 134.5 approved by the board of directors. The annual report must at least include information
 134.6 on school enrollment, student attrition, governance and management, staffing, finances,
 134.7 academic performance, innovative practices and implementation, and future plans. A
 134.8 charter school may combine this report with the reporting required under section 120B.11
 134.9 governing the world's best workforce. A charter school must post the annual report on
 134.10 the school's official Web site. A charter school also must ~~also~~ distribute the annual report
 134.11 by publication, mail, or electronic means to its authorizer, school employees, and parents
 134.12 and legal guardians of students enrolled in the charter school. The reports are public
 134.13 data under chapter 13.

134.14 (b) The commissioner shall establish specifications for an authorizer's annual public
 134.15 report that is part of the system to evaluate authorizer performance under section 124E.05,
 134.16 subdivision 5. The report shall at least include key indicators of school academic,
 134.17 operational, and financial performance.

134.18 Sec. 13. Minnesota Statutes 2015 Supplement, section 124E.17, is amended to read:

134.19 **124E.17 DISSEMINATION OF INFORMATION.**

134.20 Subdivision 1. **Charter school information.** (a) ~~Authorizers and the department~~
 134.21 ~~must disseminate information to the public on how to form and operate a charter school.~~
 134.22 Charter schools must disseminate information about how to use the charter school
 134.23 ~~offerings of a charter school~~ targeted groups, among others. Targeted groups include
 134.24 low-income families and communities, students of color, and students who are at risk
 134.25 of academic failure.

134.26 (b) Authorizers and the commissioner must disseminate information to the public
 134.27 on how to form and operate a charter school. Authorizers, operators, and the ~~department~~
 134.28 commissioner also may disseminate information to interested stakeholders about the
 134.29 successful best practices in teaching and learning demonstrated by charter schools.

134.30 Subd. 2. **Financial information.** Upon request of an individual, the charter school
 134.31 must ~~also~~ make available in a timely fashion financial statements showing all operations
 134.32 and transactions affecting the school's income, surplus, and deficit during the ~~school's~~
 134.33 last annual accounting period; and a balance sheet summarizing assets and liabilities
 134.34 on the closing date of the accounting period. A charter school also must include that

135.1 same information about its authorizer in other school materials that it makes available
135.2 to the public.

135.3 Sec. 14. Minnesota Statutes 2015 Supplement, section 124E.22, is amended to read:

135.4 **124E.22 BUILDING LEASE AID.**

135.5 (a) When a charter school finds it economically advantageous to rent or lease a
135.6 building or land for any instructional ~~purposes~~ purpose and it determines that the total
135.7 operating capital revenue under section 126C.10, subdivision 13, is insufficient for this
135.8 purpose, it may apply to the commissioner for building lease aid ~~for this purpose~~. The
135.9 commissioner must review and either approve or deny a lease aid application using the
135.10 following criteria:

135.11 (1) the reasonableness of the price based on current market values;

135.12 (2) the extent to which the lease conforms to applicable state laws and rules; and

135.13 (3) the appropriateness of the proposed lease in the context of the space needs and
135.14 financial circumstances of the charter school. The commissioner must approve aid only
135.15 for a facility lease that has (i) a sum certain annual cost and (ii) a closure clause to relieve
135.16 the charter school of its lease obligations at the time the charter contract is terminated or
135.17 not renewed₂. The closure clause under item (ii) must not be constructed or construed to
135.18 relieve the charter school of its lease obligations in effect before the charter contract is
135.19 terminated or not renewed.

135.20 (b) A charter school must not use the building lease aid it receives for custodial,
135.21 maintenance service, utility, or other operating costs.

135.22 ~~(b)~~ (c) The amount of annual building lease aid for a charter school shall not exceed
135.23 the lesser of (1) 90 percent of the approved cost or (2) the product of the pupil units served
135.24 for the current school year times \$1,314.

135.25 Sec. 15. Minnesota Statutes 2015 Supplement, section 124E.24, is amended to read:

135.26 **124E.24 OTHER AID, GRANTS, AND REVENUE.**

135.27 (a) A charter school is eligible to receive other aids, grants, and revenue according to
135.28 chapters 120A to 129C, as though it were a district.

135.29 (b) Notwithstanding paragraph (a), a charter school may not receive aid, a grant, or
135.30 revenue if a levy is required to obtain the money, or if the aid, grant, or revenue replaces levy
135.31 revenue that is not general education revenue, except as otherwise provided in this chapter.

135.32 (c) Federal aid received by the state must be paid to the school, if it qualifies for
135.33 the aid₂ as though it were a school district.

136.1 (d) A charter school may receive money from any source for capital facilities needs.
 136.2 In the year-end report to the commissioner of education, the charter school shall report the
 136.3 total amount of funds it received from grants and other outside sources.

136.4 Sec. 16. Minnesota Statutes 2015 Supplement, section 124E.25, is amended to read:

136.5 **124E.25 PAYMENT OF AIDS TO CHARTER SCHOOLS.**

136.6 Subdivision 1. **Payments.** (a) Notwithstanding section 127A.45, subdivision 3, if the
 136.7 current year aid payment percentage under section 127A.45, subdivision 2, paragraph (d), is
 136.8 90 or greater, aid payments for the current fiscal year to a charter school shall be of an equal
 136.9 amount on each of the 24 payment dates. Notwithstanding section 127A.45, subdivision
 136.10 3, if the current year aid payment percentage under section 127A.45, subdivision 2,
 136.11 paragraph (d), is less than 90, aid payments for the current fiscal year to a charter school
 136.12 shall be of an equal amount on each of the 16 payment dates in July through February.

136.13 Subd. 1a. **School closures; payments.** (b) (a) Notwithstanding ~~paragraph (a)~~
 136.14 subdivision 1 and section 127A.45, for a charter school ceasing operation on or ~~prior~~
 136.15 ~~to~~ before June 30 of a school year, for the payment periods occurring after the school
 136.16 ceases serving students, the commissioner shall withhold the estimated state aid owed
 136.17 the school. The charter school board of directors and authorizer must submit to the
 136.18 commissioner a closure plan under chapter 308A or 317A, and financial information about
 136.19 the school's liabilities and assets. After receiving the closure plan, financial information,
 136.20 an audit of pupil counts, ~~documentation of~~ and documented lease expenditures; ~~from~~
 136.21 the charter school and monitoring of special education expenditures, the commissioner
 136.22 may release cash withheld and may continue regular payments up to the current year
 136.23 payment percentages if further amounts are owed. If, based on audits and monitoring,
 136.24 the school received state aid in excess of the amount owed, the commissioner shall retain
 136.25 aid withheld sufficient to eliminate the aid overpayment.

136.26 (b) For a charter school ceasing operations ~~prior to,~~ before or at the end of; a
 136.27 school year, notwithstanding section 127A.45, subdivision 3, the commissioner may
 136.28 make preliminary final payments ~~may be made~~ after receiving the school submits the
 136.29 closure plan, an audit of pupil counts, monitoring of special education expenditures,
 136.30 ~~documentation of~~ documented lease expenditures, and ~~school submission of~~ Uniform
 136.31 Financial Accounting and Reporting Standards (UFARS) financial data and the
 136.32 commissioner monitors special education expenditures for the final year of operation. The
 136.33 commissioner may make the final payment ~~may be made upon receipt of~~ after receiving
 136.34 audited financial statements under section 123B.77, subdivision 3.

137.1 (c) Notwithstanding sections 317A.701 to 317A.791, ~~upon closure of~~ after closing
 137.2 a charter school and ~~satisfaction of~~ satisfying creditors, remaining cash and investment
 137.3 balances ~~remaining~~ shall be returned by the commissioner to the state general fund.

137.4 Subd. 2. **Requirements.** (a) ~~In order~~ To receive state aid payments under this
 137.5 section, a charter school in its first three years of operation must submit to the commissioner
 137.6 a school calendar in the form and manner requested by the ~~department~~ commissioner and
 137.7 a quarterly report ~~to the Department of Education~~. The quarterly report must list each
 137.8 student by grade, show the student's start and end dates, if any applicable, ~~with the charter~~
 137.9 ~~school~~, and, for any student participating in a learning year program, the report must list the
 137.10 hours and times of learning year activities. The charter school must submit the report must
 137.11 ~~be submitted to the commissioner~~ not more than two weeks after the end of the calendar
 137.12 quarter ~~to the department~~. The ~~department~~ commissioner must develop a Web-based
 137.13 reporting form for charter schools to use when submitting quarterly enrollment reports.

137.14 (b) To receive state aid payments under this section, a charter school in its fourth and
 137.15 subsequent year of operation must submit a school calendar and enrollment information
 137.16 to the ~~department~~ commissioner in the form and manner requested by the ~~department~~
 137.17 commissioner.

137.18 ~~(b)~~ (c) A charter school must have a valid, signed contract under section 124E.10,
 137.19 subdivision 1, on file ~~at~~ with the ~~Department of Education~~ commissioner at least 15 days
 137.20 ~~prior to~~ before the date of first payment of state aid for the fiscal year.

137.21 ~~(e)~~ (d) The commissioner shall compute state aid entitlements ~~shall be computed~~
 137.22 for a charter school only for the portion of a school year for which it has a valid, signed
 137.23 contract under section 124E.10, subdivision 1.

137.24 Subd. 3. **Aid reductions.** (a) The commissioner may reduce a charter school's
 137.25 state aid under section 127A.42 or 127A.43 if the charter school board fails to correct a
 137.26 violation under this chapter.

137.27 (b) The commissioner may reduce a charter school's state aid by an amount not
 137.28 to exceed 60 percent of the charter school's basic revenue for the period of time ~~that a~~
 137.29 ~~violation of law occurs~~ was violated.

137.30 Subd. 4. **Aid withholding.** (a) If a charter school fails to comply with the
 137.31 commissioner's directive to return, for cause, federal or state funds administered by the
 137.32 department, the commissioner may withhold an amount of state aid sufficient to satisfy
 137.33 the directive.

137.34 (b) ~~If, within the timeline under section 471.425,~~ after receiving an undisputed
 137.35 invoice for goods and services, a charter school fails to pay the state of Minnesota, a school
 137.36 district, intermediate school district, or service cooperative ~~after receiving an undisputed~~

138.1 ~~invoice for goods and services~~ within the timeline under section 471.425, the commissioner
138.2 may withhold an amount of state aid sufficient to satisfy the claim and shall distribute the
138.3 withheld aid to the interested state agency, school district, intermediate school district, or
138.4 service cooperative. An interested state agency, school district, intermediate school district,
138.5 or education cooperative shall notify the commissioner when a charter school fails to pay
138.6 an undisputed invoice within 75 business days of when it received the original invoice.

138.7 Sec. 17. Minnesota Statutes 2015 Supplement, section 124E.26, is amended to read:

138.8 **124E.26 USE OF STATE MONEY.**

138.9 ~~Money received from the state may not be used~~ A charter school may not use state
138.10 money to purchase land or buildings. The charter school may own land and buildings if
138.11 obtained through nonstate sources.

138.12 Sec. 18. **SUPERSEDING ACTS.**

138.13 Any amendments or repeals enacted in the 2016 session of the legislature to sections
138.14 also amended or repealed in this article of this act supersede the amendments in this article
138.15 of this act regardless of order of enactment.

APPENDIX
Article locations in S2744-2

ARTICLE 1	GENERAL EDUCATION	Page.Ln 2.1
ARTICLE 2	EDUCATION EXCELLENCE	Page.Ln 4.1
ARTICLE 3	CHARTER SCHOOLS	Page.Ln 32.3
ARTICLE 4	SPECIAL EDUCATION	Page.Ln 37.25
ARTICLE 5	FACILITIES AND TECHNOLOGY	Page.Ln 45.12
ARTICLE 6	SELF-SUFFICIENCY AND LIFELONG LEARNING	Page.Ln 59.21
ARTICLE 7	TEACHERS	Page.Ln 62.4
ARTICLE 8	EARLY CHILDHOOD	Page.Ln 107.5
ARTICLE 9	CHARTER SCHOOL RECODIFICATION	Page.Ln 108.10

120B.299 DEFINITIONS.

Subd. 5. **Adequate yearly progress.** A school or district makes "adequate yearly progress" if, for every student subgroup under the federal 2001 No Child Left Behind Act in the school or district, its proficiency index or other approved adjustments for performance, based on statewide assessment scores, meets or exceeds federal expectations. To make adequate yearly progress, the school or district also must satisfy applicable federal requirements related to student attendance, graduation, and test participation rates.

120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.

Subd. 4. **Improving schools.** Consistent with the requirements of this section, beginning June 20, 2012, the commissioner of education must annually report to the public and the legislature best practices implemented in those schools that demonstrate high growth compared to the state growth target.

122A.245 ALTERNATIVE TEACHER PREPARATION PROGRAM AND LIMITED-TERM TEACHER LICENSE.

Subd. 8. **Highly qualified teacher.** A person holding a valid limited-term license under this section is a highly qualified teacher and the teacher of record under section 122A.16.

122A.413 EDUCATIONAL IMPROVEMENT PLAN.

Subdivision 1. **Qualifying plan.** A district, intermediate school district, or a cooperative unit, as defined in section 123A.24, subdivision 2, may develop an educational improvement plan for the purpose of qualifying for the alternative teacher professional pay system under section 122A.414. The plan must include measures for improving school district, intermediate school district, cooperative, school site, teacher, and individual student performance.

Subd. 2. **Plan components.** The educational improvement plan must be approved by the school board or governing board and have at least these elements:

(1) assessment and evaluation tools to measure student performance and progress, including the academic literacy, oral academic language, and achievement of English learners, among other measures;

(2) performance goals and benchmarks for improvement;

(3) measures of student attendance and completion rates;

(4) a rigorous research and practice-based professional development system, based on national and state standards of effective teaching practice applicable to all students including English learners with varied needs under section 124D.59, subdivisions 2 and 2a, and consistent with section 122A.60, that is aligned with educational improvement and designed to achieve ongoing and schoolwide progress and growth in teaching practice;

(5) measures of student, family, and community involvement and satisfaction;

(6) a data system about students and their academic progress that provides parents and the public with understandable information;

(7) a teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and

(8) substantial participation by the exclusive representative of the teachers in developing the plan.

Subd. 3. **School site accountability.** A district or intermediate school district that develops a plan under subdivisions 1 and 2 must ensure that each school site develops a board-approved educational improvement plan that is aligned with the district educational improvement plan under subdivision 2 and developed with the exclusive representative of the teachers. While a site plan must be consistent with the district educational improvement plan, it may establish performance goals and benchmarks that meet or exceed those of the district.

122A.43 SHORT-TERM, LIMITED CONTRACTS.

Subd. 6. **Report.** Each district awarding contracts under this section is encouraged to submit a report to the commissioner. The report shall indicate the number of contracts awarded, whether duties are to be performed before, during, or after the school day or during the summer, the total cost of all contracts, and a general description of the duties. The statement shall also describe how

APPENDIX

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the recommendations required by subdivision 2 were obtained. Any problems associated with implementing this section may be included.

123B.06 EVALUATION OF PUPIL GROWTH AND PROGRESS; PERMANENT RECORDS.

Each school district shall provide a testing program for the purpose of measuring pupil growth and for curriculum evaluation, as well as a system for grading and making reports to parents. Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle, and secondary schools. Each district shall keep accurate and complete individual, permanent, cumulative personal records for all pupils.

123B.60 BUILDING BONDS FOR CALAMITIES.

Subd. 2. **Health and safety revenue.** For any fiscal year where the total amount of health and safety revenue is limited, the commissioner must award highest priority to health and safety revenue pledged to repay building bonds issued under subdivision 1.

123B.79 PERMANENT FUND TRANSFERS.

Subd. 2. **Technical colleges.** Money must not be transferred from the postsecondary general fund to any other operating or nonoperating fund.

Subd. 6. **Account transfer for statutory operating debt.** On June 30 of each year, a district may make a permanent transfer from the general fund account entitled "net unreserved general fund balance since statutory operating debt" to the account entitled "reserved fund balance reserve account for purposes of statutory operating debt reduction." The amount of the transfer is limited to the net unreserved general fund balance. If the net unreserved general fund balance is less than zero, the district may not make a transfer.

127A.51 STATEWIDE AVERAGE REVENUE.

By October 1 of each year the commissioner must estimate the statewide average adjusted general revenue per adjusted pupil unit and the disparity in adjusted general revenue among pupils and districts by computing the ratio of the 95th percentile to the fifth percentile of adjusted general revenue. The commissioner must provide that information to all districts.

If the disparity in adjusted general revenue as measured by the ratio of the 95th percentile to the fifth percentile increases in any year, the commissioner shall recommend to the legislature options for change in the general education formula that will limit the disparity in adjusted general revenue to no more than the disparity for the previous school year. The commissioner must submit the recommended options to the education committees of the legislature by January 15.

For purposes of this section and section 126C.10, adjusted general revenue means the sum of basic revenue under section 126C.10, subdivision 2; referendum revenue under section 126C.17; and equity revenue under section 126C.10, subdivisions 24a and 24b.