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**ARTICLE 38**  
**FACILITIES, TECHNOLOGY, AND LIBRARIES**

**S3086-2**

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

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

57.15 Sec. 2. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 3, is amended  
57.16 to read:

57.17 Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing  
57.18 schedule for every building serving prekindergarten through grade 12 students. The schedule  
57.19 must require that each building be tested at least once every five years. A school district  
57.20 must begin testing school buildings by July 1, 2018, and complete testing of all buildings  
57.21 that serve students within five years.

57.22 (b) A school district that finds the presence of lead at 20 parts per billion or more in a  
57.23 water source that provides water for consumption, must immediately shut off the water  
57.24 source or make it unavailable until remediated.

57.25 Sec. 3. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 5, is amended  
57.26 to read:

57.27 Subd. 5. **Reporting.** A school district that has tested its buildings for the presence of  
57.28 lead shall make the results of the testing available to the public for review and must notify  
57.29 parents of the availability of the information. If a test conducted under subdivision 3,  
57.30 paragraph (a), reveals the presence of lead at 20 parts per billion or more, the school district  
57.31 must, within 30 days of receiving the test result, either:

58.1 (1) remediate the presence of lead to less than 20 parts per billion, as verified by a retest;  
58.2 or

146.11  
146.12

**ARTICLE 6**  
**FACILITIES, TECHNOLOGY, AND LIBRARIES**

146.13 Section 1. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 3, is  
146.14 amended to read:

146.15 Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing  
146.16 schedule for every building serving prekindergarten through grade 12 students. The schedule  
146.17 must require that each building be tested at least once every five years. A school district  
146.18 must begin testing school buildings by July 1, 2018, and complete testing of all buildings  
146.19 that serve students within five years.

146.20 (b) The commissioner of education must, in consultation with the commissioner of  
146.21 health, determine the maximum contaminant level for lead in school drinking water. A  
146.22 school district that finds the presence of lead exceeds the maximum contaminant level in  
146.23 any water source that can provide water for consumption must either remediate that water  
146.24 source and immediately shut off the water source until the source is remediated, or make  
146.25 the water source unavailable.

146.26 Sec. 2. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 5, is amended  
146.27 to read:

146.28 Subd. 5. **Reporting.** A school district that has tested its buildings for the presence of  
146.29 lead shall make the results of the testing available to the public for review and must notify  
146.30 parents of the availability of the information. If a test conducted under subdivision 3,  
146.31 paragraph (a), reveals the presence of lead exceeds the maximum contaminant level, the  
147.1 school district must immediately directly notify parents of the test result and any steps taken  
147.2 to remediate the water source, or make the water source unavailable.

58.3 (2) directly notify parents of the test result.

58.4 Sec. 4. Minnesota Statutes 2017 Supplement, section 121A.335, is amended by adding a  
58.5 subdivision to read:

58.6 Subd. 6. **Federal law.** Nothing in this section relieves the commissioners of health and  
58.7 education, a school district, or charter school of any federal obligation relating to lead in  
58.8 water.

147.3 Sec. 3. Minnesota Statutes 2016, section 123B.52, subdivision 6, is amended to read:

147.4 Subd. 6. **Disposing of surplus school computers.** (a) Notwithstanding section 471.345,  
147.5 governing school district contracts made upon sealed bid or otherwise complying with the  
147.6 requirements for competitive bidding, other provisions of this section governing school  
147.7 district contracts, or other law to the contrary, a school district under this subdivision may  
147.8 dispose of school computers, including a tablet device, according to this subdivision.

147.9 (b) A school district may dispose of a surplus school computer and related equipment  
147.10 if the district disposes of the surplus property by conveying the property and title to:

147.11 (1) another school district;

147.12 (2) the state Department of Corrections;

147.13 (3) the Board of Trustees of the Minnesota State Colleges and Universities; or

147.14 (4) the family of a student residing in the district whose total family income meets the  
147.15 federal definition of poverty.

147.16 (c) If surplus school computers are not disposed of under paragraph (b), upon adoption  
147.17 of a written resolution of the school board, when updating or replacing school computers,  
147.18 including tablet devices, used primarily by students, a school district may sell or give used  
147.19 computers or tablets to qualifying students at the price specified in the written resolution.  
147.20 A student is eligible to apply to the school board for a computer or tablet under this  
147.21 subdivision if the student is currently enrolled in the school and intends to enroll in the  
147.22 school in the year following the receipt of the computer or tablet. If more students apply  
147.23 for computers or tablets than are available, the school must first qualify students whose  
147.24 families are eligible for free or reduced-price meals, and then dispose of the remaining  
147.25 computers or tablets by lottery.

**S3656-2**

568.19 Section 1. Minnesota Statutes 2016, section 123B.595, is amended by adding a subdivision  
568.20 to read:

568.21 Subd. 13. **Allocation from districts participating in agreements for secondary**  
568.22 **education or interdistrict cooperation.** For purposes of this section, a district with revenue  
568.23 authority under subdivision 1 for indoor air quality, fire alarm and suppression, and asbestos  
568.24 abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000  
568.25 or more per site and that participates in an agreement under section 123A.30 or 123A.32  
568.26 may allocate the revenue authority among participating districts.

**S3086-2**

58.9 Sec. 5. Minnesota Statutes 2017 Supplement, section 124E.03, subdivision 2, is amended  
58.10 to read:

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

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

58.15 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
58.16 123B.34 to 123B.39.

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

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

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

58.22 (g) A charter school must comply with continuing truant notification under section  
58.23 260A.03.

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

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

147.27 Sec. 4. Minnesota Statutes 2016, section 123B.595, is amended by adding a subdivision  
147.28 to read:

147.29 Subd. 13. **Allocation from districts participating in agreements for secondary**  
147.30 **education or interdistrict cooperation.** For purposes of this section, a district with revenue  
147.31 authority under subdivision 1 for indoor air quality, fire alarm and suppression, and asbestos  
148.1 abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000  
148.2 or more per site and that participates in an agreement under section 123A.30 or 123A.32  
148.3 may allocate the revenue authority among participating districts.

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

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

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

59.3 (k) A charter school must comply with lead in school drinking water requirements under  
59.4 section 121A.335.

59.5 (l) A charter school must adopt a threat assessment policy consistent with section  
59.6 121A.35.

### S3656-2

568.27 Sec. 2. Minnesota Statutes 2016, section 125B.26, subdivision 4, is amended to read:

568.28 Subd. 4. **District aid.** For fiscal year 2006 and later, A district, charter school, or  
568.29 intermediate school district's Internet access equity aid equals the district, charter school,  
568.30 or intermediate school district's approved cost for the previous fiscal year according to  
568.31 subdivision 1 exceeding \$16 times the district's adjusted pupil units for the previous fiscal

148.4 Sec. 5. Minnesota Statutes 2016, section 124E.03, subdivision 5, is amended to read:

148.5 Subd. 5. **Records and data requirements.** (a) A charter school must comply with  
148.6 chapter 13 governing government data; and sections 121A.75 governing access to juvenile  
148.7 justice records, and 260B.171, subdivisions 3 and 5, governing juvenile justice records.

148.8 (b) A charter school must comply with section 120A.22, subdivision 7, governing the  
148.9 transfer of students' educational records and sections 138.163 and 138.17 governing the  
148.10 management of local records.

148.11 (c) A charter school must comply with sections 125B.27 and 125B.28, governing  
148.12 technology providers and educational data. A technology provider contracting with a charter  
148.13 school must comply with sections 125B.27 and 125B.28.

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

569.1 ~~year or no reduction if the district is part of an organized telecommunications access cluster.~~  
569.2 Equity aid must be distributed to the telecommunications access cluster for districts, charter  
569.3 schools, or intermediate school districts that are members of the cluster or to individual  
569.4 districts, charter schools, or intermediate school districts not part of a telecommunications  
569.5 access cluster.

569.6 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

569.7 Sec. 3. Minnesota Statutes 2016, section 125B.26, is amended by adding a subdivision to  
569.8 read:

569.9 Subd. 4a. **Additional telecommunications equity access aid.** A school district or charter  
569.10 school is eligible for additional telecommunications equity access aid equal to the greater  
569.11 of zero or:

569.12 (1) the district's approved costs under subdivision 1 minus the district's aid under  
569.13 subdivision 4; minus

569.14 (2) \$7 times the adjusted pupil units.

569.15 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

## **S3086-2**

59.7 Sec. 6. **[125B.27] STUDENT ONLINE PRIVACY.**

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

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

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

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

59.17 (3) gathered by an operator through the operation of its site, service, or application for  
59.18 school purposes and personally identifies a student including but not limited to information  
59.19 in the student's educational record or e-mail, first and last name, home address, telephone

59.20 number, e-mail address, other information that allows physical or online contact, discipline  
59.21 records, test results, special education data, juvenile dependency records, grades, evaluations,  
59.22 criminal records, medical records, health records, Social Security number, biometric  
59.23 information, disabilities, socioeconomic information, food purchases, political affiliations,  
59.24 religious information, text messages, documents, student identifiers, search activity, photos,  
59.25 voice recordings, or geolocation information.

59.26 (c) "Interactive computer service" has the meaning given in United States Code, title  
59.27 47, section 230.

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

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

60.3 (2) a vendor.

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

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

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

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

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

- 60.21 (1) engage in targeted advertising on the operator's site, service, or application or target  
60.22 advertising on any other site, service, or application, or by any other means, if the targeting  
60.23 of the advertising is based on any information, including covered information and persistent  
60.24 unique identifiers, that the operator has acquired because of the use of that operator's site,  
60.25 service, or application for school purposes;
- 60.26 (2) use information, including persistent unique identifiers, created or gathered by the  
60.27 operator's site, service, or application to amass a profile about a student except in furtherance  
60.28 of school purposes. "Amass a profile" does not include the collection and retention of account  
60.29 information that remains under the control of the student, the student's parent or legal  
60.30 guardian, or the school;
- 60.31 (3) sell or rent a student's information, including covered information. This clause does  
60.32 not apply to the purchase, merger, or other type of acquisition of an operator by another  
61.1 entity if the operator or successor entity complies with this section regarding previously  
61.2 acquired student information; or
- 61.3 (4) except as otherwise provided under subdivision 4, disclose covered information  
61.4 unless the disclosure is:
- 61.5 (i) in furtherance of the school purpose of the site, service, or application if the recipient  
61.6 of the covered information disclosed under this item does not further disclose the information  
61.7 unless done to allow or improve operability and functionality of the operator's site, service,  
61.8 or application;
- 61.9 (ii) to ensure legal and regulatory compliance or protect against liability;
- 61.10 (iii) to respond to or participate in the judicial process;
- 61.11 (iv) to protect the safety or integrity of users of the site or others or the security of the  
61.12 site, service, or application;
- 61.13 (v) for a school, educational, or employment purpose requested by the student or the  
61.14 student's parent or guardian, provided that the information is not used or further disclosed  
61.15 for any other purpose;
- 61.16 (vi) to a national assessment provider if the provider secures the express written consent  
61.17 of the student, parent, or legal guardian given in response to clear and conspicuous notice,  
61.18 solely for the purpose of providing access to employment, educational scholarships or  
61.19 financial aid, or postsecondary educational opportunities; or

- 61.20 (vii) to a third party, if the operator contractually prohibits the third party from using  
61.21 any covered information for any purpose other than providing the contracted service to or  
61.22 on behalf of the operator, prohibits the third party from disclosing any covered information  
61.23 provided by the operator with subsequent third parties, and requires the third party to  
61.24 implement and maintain reasonable security procedures and practices.
- 61.25 (b) Nothing in this subdivision prohibits the operator's use of information for maintaining,  
61.26 developing, supporting, improving, or diagnosing the operator's site, service, or application.
- 61.27 **Subd. 3. Security procedures and practices; return or destruction of information.**  
61.28 (a) An operator must implement and maintain security procedures and practices in writing  
61.29 that are appropriate to the nature of the covered information and designed to ensure protection  
61.30 of covered information from unauthorized access, destruction, use, modification, or  
61.31 disclosure.
- 62.1 (b) Within 30 days of a request from a student, parent, or legal guardian, an operator  
62.2 that is not a vendor shall destroy or return the covered information to the student, parent,  
62.3 or legal guardian. A vendor shall comply with the provisions of subdivision 7 governing  
62.4 destruction or return of data to the school.
- 62.5 **Subd. 4. Permissible disclosures.** An operator may use or disclose covered information  
62.6 of a student under the following circumstances:
- 62.7 (1) if other provisions of federal or state law require the operator to disclose the  
62.8 information and the operator complies with the requirements of federal and state law in  
62.9 protecting and disclosing that information;
- 62.10 (2) for legitimate research purposes as required by state or federal law and subject to  
62.11 the restrictions under applicable state and federal law or as allowed by state or federal law  
62.12 and under the direction of a school, school district, or the Department of Education if covered  
62.13 information is not used for advertising or to amass a profile on the student for purposes  
62.14 other than school purposes; or
- 62.15 (3) to a state or local educational agency, including schools and school districts, for  
62.16 school purposes as permitted by state or federal law.
- 62.17 **Subd. 5. Use of information by operator.** This section does not prohibit an operator  
62.18 from doing any of the following:



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

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

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

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

62.30 Subd. 6. Certain activities not affected. This section does not:

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

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

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

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

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

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

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

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

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

63.22 (b) A vendor is subject to the provisions of section 13.05, subdivision 11. Covered  
63.23 information created, received, or maintained by a vendor pursuant or incidental to the  
63.24 contract are the property of the school and are not the property of the vendor. Unless renewal  
63.25 of the contract is reasonably anticipated, within 30 days of expiration of the contract, or  
63.26 within 30 days of a request from the school, the vendor must destroy or return the covered  
63.27 information to the school.

148.15 Sec. 6. **[125B.27] TECHNOLOGY PROVIDER REQUIREMENTS.**

148.16 Subdivision 1. **Technology provider definition.** (a) "Technology provider" means a  
148.17 person or entity who:

148.18 (1) provides technological devices for student use or provides access to a software or  
148.19 online application; and

148.20 (2) creates, receives, or maintains educational data pursuant or incidental to a contract  
148.21 with a school district.

148.22 (b) A technology provider does not include a nonprofit organization that has the primary  
148.23 purpose of expanding student access to postsecondary education and that obtains a student's  
148.24 consent to utilize a student's personal information from education records for that purpose.

148.25 Subd. 2. **Educational data.** (a) A technology provider is subject to the provisions of  
148.26 section 13.05, subdivision 11. An assignee or delegee that creates, receives, or maintains  
148.27 educational data is subject to the same restrictions and obligations under this section as the  
148.28 technology provider.

148.29 (b) Educational data created, received, or maintained by a technology provider pursuant  
148.30 or incidental to a contract with a school district are not the technology provider's property.

149.1 (c) If educational data maintained by the technology provider are subject to a breach of  
149.2 the security of the data, as defined in section 13.055, the technology provider must, following  
149.3 discovery of the breach, disclose to the school district all information necessary to fulfill  
149.4 the requirements of section 13.055.

149.5 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the  
149.6 expiration of the contract, a technology provider must destroy or return to the appropriate  
149.7 school district all educational data created, received, or maintained pursuant or incidental  
149.8 to the contract.

149.9 (e) A technology provider must not sell, share, or disseminate educational data, except  
149.10 as provided by this section or as part of a valid delegation or assignment of its contract with  
149.11 a school district.

149.12 Subd. 3. **Procedures.** (a) A technology provider must establish written procedures to  
149.13 ensure appropriate security safeguards are in place for educational data. A technology  
149.14 provider's written procedures must require that:

149.15 (1) only authorized employees or contractors can access the educational data; and

149.16 (2) a person is authorized to access educational data only if access is necessary to fulfill  
149.17 official duties.

149.18 (b) A technology provider's written procedures establishing security safeguards for  
149.19 educational data are public data, unless classified as not public under any other applicable  
149.20 law.

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

149.22 Sec. 7. **[125B.28] SCHOOL DISTRICT REQUIREMENTS.**

149.23 Subdivision 1. **Contract.** A school board must provide a person who requests a copy  
149.24 of a contract with a technology provider a copy of that contract within two weeks of the  
149.25 request.

149.26 Subd. 2. **Training.** (a) To promote understanding of and compliance with this section  
149.27 and applicable provisions of sections 121A.065 and 125B.27, and the Family Educational  
149.28 Rights and Privacy Act, United States Code, title 20, section 1232g, and its regulations as  
149.29 provided by Code of Federal Regulations, title 34, part 99, a school district must:

- 149.30 (1) provide information on available trainings on compliance with applicable provisions  
149.31 of law under this subdivision to all employees with access to educational data; and
- 150.1 (2) provide all employees and independent contractors with access to educational data  
150.2 written materials on compliance with applicable provisions of law under this subdivision.
- 150.3 (b) A school district employee with access to educational data is encouraged to participate  
150.4 in training opportunities provided by a school district under paragraph (a), including free  
150.5 online training on the Family Educational Rights and Privacy Act.
- 150.6 (c) The commissioner of education must provide a school district with information on  
150.7 how employees and independent contractors with access to educational data may access  
150.8 written materials on compliance with applicable provisions of law, in accordance with  
150.9 paragraph (a), clause (2).
- 150.10 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

## S3656-2

569.16 Sec. 4. Minnesota Statutes 2016, section 126C.40, subdivision 1, is amended to read:

569.17 Subdivision 1. **To lease building or land.** (a) When an independent or a special school  
569.18 district or a group of independent or special school districts finds it economically  
569.19 advantageous to rent or lease a building or land for any instructional purposes or for school  
569.20 storage or furniture repair, and it determines that the operating capital revenue authorized  
569.21 under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the  
569.22 commissioner for permission to make an additional capital expenditure levy for this purpose.  
569.23 An application for permission to levy under this subdivision must contain financial  
569.24 justification for the proposed levy, the terms and conditions of the proposed lease, and a  
569.25 description of the space to be leased and its proposed use.

569.26 (b) The criteria for approval of applications to levy under this subdivision must include:  
569.27 the reasonableness of the price, the appropriateness of the space to the proposed activity,  
569.28 the feasibility of transporting pupils to the leased building or land, conformity of the lease  
569.29 to the laws and rules of the state of Minnesota, and the appropriateness of the proposed  
569.30 lease to the space needs and the financial condition of the district. The commissioner must  
569.31 not authorize a levy under this subdivision in an amount greater than the cost to the district  
569.32 of renting or leasing a building or land for approved purposes. The proceeds of this levy  
570.1 must not be used for custodial or other maintenance services. A district may not levy under  
570.2 this subdivision for the purpose of leasing or renting a district-owned building or site to  
570.3 itself.

570.4 (c) For agreements finalized after July 1, 1997, a district may not levy under this  
570.5 subdivision for the purpose of leasing: (1) a newly constructed building used primarily for  
570.6 regular kindergarten, elementary, or secondary instruction; or (2) a newly constructed  
570.7 building addition or additions used primarily for regular kindergarten, elementary, or  
570.8 secondary instruction that contains more than 20 percent of the square footage of the  
570.9 previously existing building.

570.10 (d) Notwithstanding paragraph (b), a district may levy under this subdivision for the  
570.11 purpose of leasing or renting a district-owned building or site to itself only if the amount is  
570.12 needed by the district to make payments required by a lease purchase agreement, installment  
570.13 purchase agreement, or other deferred payments agreement authorized by law, and the levy  
570.14 meets the requirements of paragraph (c). A levy authorized for a district by the commissioner  
570.15 under this paragraph may be in the amount needed by the district to make payments required  
570.16 by a lease purchase agreement, installment purchase agreement, or other deferred payments  
570.17 agreement authorized by law, provided that any agreement include a provision giving the  
570.18 school districts the right to terminate the agreement annually without penalty.

570.19 (e) The total levy under this subdivision for a district for any year must not exceed \$212  
570.20 times the adjusted pupil units for the fiscal year to which the levy is attributable.

570.21 (f) For agreements for which a review and comment have been submitted to the  
570.22 Department of Education after April 1, 1998, the term "instructional purpose" as used in  
570.23 this subdivision excludes expenditures on stadiums.

570.24 (g) The commissioner of education may authorize a school district to exceed the limit  
570.25 in paragraph (e) if the school district petitions the commissioner for approval. The  
570.26 commissioner shall grant approval to a school district to exceed the limit in paragraph (e)  
570.27 for not more than five years if the district meets the following criteria:

570.28 (1) the school district has been experiencing pupil enrollment growth in the preceding  
570.29 five years;

570.30 (2) the purpose of the increased levy is in the long-term public interest;

570.31 (3) the purpose of the increased levy promotes colocation of government services; and

570.32 (4) the purpose of the increased levy is in the long-term interest of the district by avoiding  
570.33 over construction of school facilities.

571.1 (h) A school district that is a member of an intermediate school district may include in  
571.2 its authority under this section the costs associated with leases of administrative and  
571.3 classroom space for intermediate school district programs. This authority must not exceed

571.4 \$65 times the adjusted pupil units of the member districts. This authority is in addition to  
571.5 any other authority authorized under this section.

571.6 (i) In addition to the allowable capital levies in paragraph (a), for taxes payable in 2012  
571.7 2019 to 2023, a school district that is was a member of the "Technology and Information  
571.8 Education Systems Educational Services" data processing joint board, that finds it  
571.9 economically advantageous to enter into a lease agreement to finance improvements to a  
571.10 building and land for a group of school districts or special school districts for staff  
571.11 development purposes, during any period of time from when the building lease purchase  
571.12 agreement was entered into in calendar year 2012 through the dissolution of the Technology  
571.13 and Information Educational Services joint powers board may levy for its portion of lease  
571.14 costs attributed to the district within the total levy limit in paragraph (e). The total annual  
571.15 levy authority under this paragraph shall not exceed the lesser of \$632,000 or the remaining  
571.16 lease purchase amounts owed on the facility.

571.17 (j) Notwithstanding paragraph (a), a district may levy under this subdivision for the  
571.18 purpose of leasing administrative space if the district can demonstrate to the satisfaction of  
571.19 the commissioner that the lease cost for the administrative space is no greater than the lease  
571.20 cost for instructional space that the district would otherwise lease. The commissioner must  
571.21 deny this levy authority unless the district passes a resolution stating its intent to lease  
571.22 instructional space under this section if the commissioner does not grant authority under  
571.23 this paragraph. The resolution must also certify that the lease cost for administrative space  
571.24 under this paragraph is no greater than the lease cost for the district's proposed instructional  
571.25 lease.

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

150.11 Sec. 8. Minnesota Statutes 2016, section 134.355, subdivision 10, is amended to read:

150.12 Subd. 10. **Award of funds.** (a) The commissioner of education shall must develop an  
150.13 application and a reporting form and procedures for regional library telecommunications  
150.14 aid. Aid shall be based on actual costs including, but not limited to, connections, as  
150.15 documented in e-rate funding commitment decision letters for category one services and  
150.16 acceptable documentation for category two services and funds available for this purpose.  
150.17 The commissioner shall must make payments directly to the regional public library system.

150.18 (b) On March 15 of 2019, 2020, and 2021, the commissioner of education must reallocate  
150.19 any unspent amounts appropriated for paragraph (a) to regional library systems for broadband  
150.20 innovation programs, including equipment purchases, hot spot access devices, and other  
150.21 programs designed to increase Internet access.

571.27 Sec. 5. Minnesota Statutes 2016, section 205A.07, subdivision 2, is amended to read:

571.28 Subd. 2. **Sample ballot, posting.** (a) For every school district primary, general, or special  
571.29 election, the school district clerk shall at least four days before the primary, general, or  
571.30 special election, post a sample ballot in the administrative offices of the school district for  
571.31 public inspection, and shall post a sample ballot in each polling place on election day.

571.32 (b) For a school district general or special election to issue bonds to finance a capital  
571.33 project requiring review and comment under section 123B.71, the summary of the  
571.34 commissioner's review and comment and supplemental information required under section  
572.1 123B.71, subdivision 12, paragraph (a), shall be posted in the same manner as the sample  
572.2 ballot under paragraph (a).

572.3 **EFFECTIVE DATE.** This section is effective for elections held on or after August 1,  
572.4 2018.

## S3086-2

63.28 Sec. 7. Minnesota Statutes 2016, section 299F.30, subdivision 1, is amended to read:

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

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

64.4 Sec. 8. Minnesota Statutes 2016, section 299F.30, subdivision 2, is amended to read:

64.5 Subd. 2. **Fire drill.** (a) Each superintendent, principal, or other person in charge of a  
64.6 public or private school, educational institution, children's home or orphanage housing 20  
64.7 or more students or other persons, shall instruct and train such students or other persons to

150.22 (c) By January 15 of 2020, 2021, and 2022, the commissioner of education must report  
150.23 to the legislative committees with jurisdiction over education on the previous fiscal year's  
150.24 spending under this subdivision and make any recommendations for necessary program  
150.25 changes.

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

150.27 Sec. 9. Minnesota Statutes 2016, section 205A.07, subdivision 2, is amended to read:

150.28 Subd. 2. **Sample ballot, posting.** (a) For every school district primary, general, or special  
150.29 election, the school district clerk shall at least four days before the primary, general, or  
150.30 special election, post a sample ballot in the administrative offices of the school district for  
150.31 public inspection, and shall post a sample ballot in each polling place on election day.

151.1 (b) For a school district general or special election to issue bonds to finance a capital  
151.2 project requiring review and comment under section 123B.71, the summary of the  
151.3 commissioner's review and comment and supplemental information required under section  
151.4 123B.71, subdivision 12, paragraph (a), shall be posted in the same manner as the sample  
151.5 ballot under paragraph (a).

151.6 **EFFECTIVE DATE.** This section is effective for elections held on or after August 1,  
151.7 2018.

64.8 quickly and expeditiously quit the premises in case of fire or other emergency by means of  
64.9 drills or rapid dismissals while such school, institution, home, or orphanage is in operation.

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

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

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

### S3656-2

572.5 Sec. 6. Minnesota Statutes 2016, section 475.58, subdivision 4, is amended to read:

572.6 Subd. 4. **Proper use of bond proceeds.** The proceeds of obligations issued after approval  
572.7 of the electors under this section ~~may~~ must only be spent: (1) for the purposes stated in the  
572.8 ballot language; or (2) to pay, redeem, or defease obligations and interest, penalties,  
572.9 premiums, and costs of issuance of the obligations. The proceeds ~~may~~ must not be spent  
572.10 for a different purpose or for an expansion of the original purpose without the approval by  
572.11 a majority of the electors voting on the question of changing or expanding the purpose of  
572.12 the obligations.

572.13 Sec. 7. Minnesota Statutes 2017 Supplement, section 475.59, subdivision 1, is amended  
572.14 to read:

572.15 Subdivision 1. **Generally; notice.** (a) When the governing body of a municipality resolves  
572.16 to issue bonds for any purpose requiring the approval of the electors, it shall provide for  
572.17 submission of the proposition of their issuance at a general or special election or town or  
572.18 school district meeting. Notice of such election or meeting shall be given in the manner  
572.19 required by law and shall state the maximum amount and the purpose of the proposed issue.

572.20 (b) In any school district, the school board or board of education may, according to its  
572.21 judgment and discretion, submit as a single ballot question or as two or more separate  
572.22 questions in the notice of election and ballots the proposition of their issuance for any one  
572.23 or more of the following, stated conjunctively or in the alternative: acquisition or enlargement  
572.24 of sites, acquisition, betterment, erection, furnishing, equipping of one or more new

151.8 Sec. 10. Minnesota Statutes 2016, section 475.58, subdivision 4, is amended to read:

151.9 Subd. 4. **Proper use of bond proceeds.** The proceeds of obligations issued after approval  
151.10 of the electors under this section ~~may~~ must only be spent: (1) for the purposes stated in the  
151.11 ballot language; or (2) to pay, redeem, or defease obligations and interest, penalties,  
151.12 premiums, and costs of issuance of the obligations. The proceeds ~~may~~ must not be spent  
151.13 for a different purpose or for an expansion of the original purpose without the approval by  
151.14 a majority of the electors voting on the question of changing or expanding the purpose of  
151.15 the obligations.

151.16 Sec. 11. Minnesota Statutes 2017 Supplement, section 475.59, subdivision 1, is amended  
151.17 to read:

151.18 Subdivision 1. **Generally; notice.** (a) When the governing body of a municipality resolves  
151.19 to issue bonds for any purpose requiring the approval of the electors, it shall provide for  
151.20 submission of the proposition of their issuance at a general or special election or town or  
151.21 school district meeting. Notice of such election or meeting shall be given in the manner  
151.22 required by law and shall state the maximum amount and the purpose of the proposed issue.

151.23 (b) In any school district, the school board or board of education may, according to its  
151.24 judgment and discretion, submit as a single ballot question or as two or more separate  
151.25 questions in the notice of election and ballots the proposition of their issuance for any one  
151.26 or more of the following, stated conjunctively or in the alternative: acquisition or enlargement  
151.27 of sites, acquisition, betterment, erection, furnishing, equipping of one or more new



572.25 schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping  
572.26 of one or more existing schoolhouses. The ballot question or questions submitted by a school  
572.27 board must state the name of the plan or plans being proposed by the district as submitted  
572.28 to the commissioner of education for review and comment under section 123B.71.

572.29 (c) In any city, town, or county, the governing body may, according to its judgment and  
572.30 discretion, submit as a single ballot question or as two or more separate questions in the  
572.31 notice of election and ballots the proposition of their issuance, stated conjunctively or in  
572.32 the alternative, for the acquisition, construction, or improvement of any facilities at one or  
572.33 more locations.

573.1 **EFFECTIVE DATE.** This section is effective for elections held on or after August 1,  
573.2 2018.

573.3 Sec. 8. Laws 2017, First Special Session chapter 5, article 5, section 14, subdivision 4, is  
573.4 amended to read:

573.5 Subd. 4. **Equity in telecommunications access aid.** For equity in telecommunications  
573.6 access aid under Minnesota Statutes, section 125B.26, subdivision 4:

573.7 \$ 3,750,000 .... 2018

573.8 ~~3,750,000~~

573.9 \$ 3,950,000 .... 2019

573.10 If the appropriation amount is insufficient, the commissioner shall reduce the  
573.11 reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the  
573.12 revenue for fiscal years 2018 and 2019 shall be prorated.

573.13 Any balance in the first year does not cancel but is available in the second year.

151.28 schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping  
151.29 of one or more existing schoolhouses. The ballot question or questions submitted by a school  
151.30 board must state the name of the plan or plans being proposed by the district as submitted  
151.31 to the commissioner of education for review and comment under section 123B.71.

151.32 (c) In any city, town, or county, the governing body may, according to its judgment and  
151.33 discretion, submit as a single ballot question or as two or more separate questions in the  
152.1 notice of election and ballots the proposition of their issuance, stated conjunctively or in  
152.2 the alternative, for the acquisition, construction, or improvement of any facilities at one or  
152.3 more locations.

152.4 **EFFECTIVE DATE.** This section is effective for elections held on or after August 1,  
152.5 2018.

152.6 Sec. 12. Laws 2017, First Special Session chapter 5, article 7, section 2, subdivision 5, is  
152.7 amended to read:

152.8 Subd. 5. **Regional library telecommunications aid.** (a) For regional library  
152.9 telecommunications aid under Minnesota Statutes, section 134.355:

152.10 \$ 2,300,000 .... 2018

152.11       \$       2,300,000   .... 2019

152.12       **(b) The 2018 appropriation includes \$230,000 for 2017 and \$2,070,000 for 2018.**

152.13       **(c) The 2019 appropriation includes \$230,000 for 2018 and \$2,070,000 for 2019.**

152.14       **(d) Any balance in the first year does not cancel but is available in the second year.**

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

573.14   Sec. 9. **CANCELLATION OF UNSPENT REGIONAL LIBRARIES**

573.15   **TELECOMMUNICATIONS AID.**

573.16       The commissioner of education must cancel any unspent regional libraries  
573.17 telecommunications aid for fiscal years 2018 and 2019, estimated at \$350,000, to the general  
573.18 fund on June 30, 2019. Any amount reduced under this section must be reduced from the  
573.19 fiscal year 2019 current year aid payment under Minnesota Statutes, section 127A.45,  
573.20 subdivision 2.

573.21       **EFFECTIVE DATE.** This section is effective June 30, 2018.

573.22   Sec. 10. **APPROPRIATIONS.**

573.23       Subdivision 1. **Department of Education.** The sum indicated in this section is  
573.24 appropriated from the general fund to the Department of Education for the fiscal year  
573.25 designated.

573.26       Subd. 2. **Additional telecommunications equity access aid.** For additional  
573.27 telecommunications equity access aid under Minnesota Statutes, section 125B.26, subdivision  
573.28 4a:

573.29       \$       240,000   .... 2019

574.1       **If the appropriation amount is insufficient, the commissioner shall reduce the reimbursement**  
574.2 **rate in Minnesota Statutes, section 125B.26, subdivision 4a, and the revenue for fiscal year**  
574.3 **2019 shall be prorated.**