

CHAPTER 126

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126.01 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.01 DEFINITIONS.

For purposes of this chapter, the words defined in section 120.02 have the same meaning.

History: *Ex1959 c 71 art 7 s 1*

126.015 [Repealed, 1984 c 463 art 7 s 26 subd 3]

126.02 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.02 PHYSICAL AND HEALTH EDUCATION.

Subdivision 1. **Instruction required in public schools.** There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, to the extent physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the courses prescribed for normal pupils. No pupil shall be required to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil of an objection to such physical or medical examination or treatment; provided that secondary school pupils in junior and senior years need not take the course unless required by the local school board.

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Subd. 2. **Training of teachers.** All colleges, schools, and other educational institutions giving teacher training shall provide courses in physical and health education, training, and instruction and every pupil attending any college, school, or educational institution in preparation for teaching service shall take such courses.

History: *Ex1959 c 71 art 7 s 2; 1963 c 48 s 1; 1986 c 444*

126.021 [Repealed, 1977 c 447 art 6 s 13]

126.022 [Repealed, 1977 c 447 art 6 s 13]

126.023 [Repealed, 1976 c 149 s 63]

126.024 [Repealed, 1977 c 447 art 6 s 13]

126.025 CARDIOPULMONARY RESUSCITATION INSTRUCTION.

Subdivision 1. **Authorization.** Pupils attending public senior high schools may receive a course of instruction in the techniques of cardiopulmonary resuscitation, sufficient to enable the pupils to give emergency assistance to victims of cardiac arrest. The instruction may be offered as a separate course or as part of another course. The instruction shall be given by a person certified as a cardiopulmonary resuscitation instructor by either the American Red Cross or the American Heart Association, but that person need not be a licensed teacher. Districts are encouraged to use equipment, teaching materials, and training courses provided by public or private agencies, educational cooperative service units, or organizations such as the American Red Cross, American Heart Association.

Subd. 2. **Assistance.** The department of education shall provide technical assistance to educational cooperative service units and school districts to implement the provisions of subdivision 1.

History: *1983 c 314 art 6 s 18*

126.03 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.03 INSTRUCTION IN MORALS.

Instruction shall be given in all public schools in morals, and in physiology and hygiene.

History: *Ex1959 c 71 art 7 s 3; 1982 c 605 s 1*

126.031 CHEMICAL ABUSE PROGRAMS.

Subdivision 1. **Instruction required.** Every public elementary and secondary school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school districts shall involve parents, students, health care professionals, state department staff, and other members of the community with a particular interest in chemical dependency prevention in developing the curriculum.

Subd. 2. **Use of aid.** School districts may use the aid authorized in section 124.246, subdivisions 1 and 2 for the purpose of complying with the provisions of subdivision 1.

History: *1982 c 605 s 2*

126.04 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.04 MS 1971 [Repealed, 1973 c 572 s 18]

126.05 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.05 TEACHER TRAINING, EFFECTS OF DRUGS AND ALCOHOL.

All educational institutions providing teacher education shall offer a program in the personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such a program. Every student who graduates after June, 1974, shall complete such a course.

History: *Ex1959 c 71 art 7 s 5; 1971 c 892 s 12*

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126.06 MS 1953 [Repealed, 1955 c 650 s 1]

126.06 DECLARATION OF INDEPENDENCE AND CONSTITUTION.

In the eighth grade and in the secondary school grades of all public schools and in the corresponding grades in all other schools within the state, and in the educational departments of state and municipal institutions, there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to the extent to be determined by the commissioner.

History: *Ex1959 c 71 art 7 s 6*

126.07 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.07 INSTRUCTION, USE OF ENGLISH LANGUAGE.

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English proficiency, instructions and books may be in the primary language of the children of limited English proficiency. As used in this section, the terms "children of limited English proficiency" and "primary language" shall have the meanings ascribed to them in section 126.262. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

History: *Ex1959 c 71 art 7 s 7; 1977 c 306 s 15; 1980 c 609 art 3 s 3*

126.08 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.08 PATRIOTIC EXERCISES.

In all of the schools in this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the students.

Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots, and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of these days shall not exceed one-half hour.

History: *Ex1959 c 71 art 7 s 8*

126.09 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.09 MINNESOTA DAY.

May 11 is hereby designated as Minnesota Day and when it does not fall on a school day, the school day nearest such day is designated as Minnesota Day. On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest pertaining to the state of Minnesota and its geography, history, industries, and resources.

History: *Ex1959 c 71 art 7 s 9*

126.10 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.10 SPECIAL DAYS.

The following days or the school days nearest to them are designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Ericson Day, and February 15 as Susan B. Anthony Day. On these days schools may offer instruction and programs in commemoration of the life and history of the respective persons and the principles and ideals they fostered.

History: *Ex1959 c 71 art 7 s 10; 1980 c 609 art 6 s 29; 1984 c 656 s 1*

126.11 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.11 ARBOR DAY.

Subdivision 1. The last Friday in April is designated Arbor Day. On that day there may be special observances throughout the state celebrating and emphasizing the importance of cultivating forest, fruit and ornamental trees. In the public schools of the state, time may be devoted by the teachers, either in the classroom or outside of the classroom, to appropriate instructions and exercises commemorating the history and tradition of Arbor Day observances in the past and illustrating the future value to the state of cultivating, planting and developing the trees and forest resources. These observances shall not consume more than one-half of the normal school day.

Subd. 2. The department of natural resources may assist and encourage the observance of Arbor Day by any public school, group or association requesting assistance. The department may lend its facilities and resources to such public school, group or association for the planting and cultivating of trees.

Subd. 3. The governor shall in any way deemed necessary encourage the observances and exercises set forth in this section and shall by proclamation call the public's attention to the importance of the state forest resources and the policy herein set forth.

History: *Ex1959 c 71 art 7 s 11; 1965 c 405 s 1; 1969 c 1129 art 3 s 1; 1986 c 444*

126.111 ENVIRONMENTAL CONSERVATION EDUCATION.

Subdivision 1. The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socioecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state. The program may also provide for a program of instruction to be developed and implemented for residents throughout the state. Any program of instruction developed under this subdivision shall be voluntary for any adult participating in the program.

Subd. 2. The commissioner of education in consultation with the commissioner of energy and economic development shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socioeconomic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as money becomes available.

History: *1969 c 1025 s 1; 1969 c 1129 art 3 s 2; 1977 c 381 s 20; 1978 c 578 s 2; 1981 c 356 s 168; 1983 c 289 s 115 subd 1*

126.115 MOTORCYCLE SAFETY EDUCATION PROGRAM.

Subdivision 1. **Established; administration; rules.** A motorcycle safety education program is established. The program shall be administered by the commissioners of public safety and education. The program shall include but is not limited to training and coordination of motorcycle safety instructors, motorcycle safety promotion and public information, and reimbursement for the cost of approved courses offered by schools and organizations.

Subd. 2. **Reimbursements.** The commissioner of education, to the extent that funds are available, may reimburse schools and other approved organizations offering approved motorcycle safety education courses for up to 50 percent of the actual cost of the courses. If sufficient funds are not available, reimbursements shall be prorated. The commissioner may conduct audits and otherwise examine the records and accounts of schools and approved organizations offering the courses to insure the accuracy of the costs.

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Subd. 3. **Appropriation.** All funds in the motorcycle safety fund created by section 171.06, subdivision 2a are hereby annually appropriated to the commissioner of public safety to carry out the purposes of subdivisions 1 and 2. The commissioner of public safety may make grants from the fund to the commissioner of education at such times and in such amounts as the commissioner deems necessary to carry out the purposes of subdivisions 1 and 2. Not more than five percent of the funds so appropriated shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 1 and 2, and not more than 50 percent of the money so appropriated shall be expended for the combined purpose of training and coordinating the activities of motorcycle safety instructors and making reimbursements to schools and other approved organizations.

History: 1982 c 583 s 3; 1986 c 444

126.12 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.12 SCHOOL CALENDAR.

Subdivision 1. Except for learning programs during summer and for flexible school year programs authorized pursuant to sections 120.59 to 120.67, a school district shall not commence an elementary or secondary school year prior to Labor Day. Days which are devoted to teachers' workshops may be held before Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

Subd. 2. Every Saturday shall be a school holiday, except that school may be held on a Saturday if necessary to meet the requirement in section 124.19 of making a good faith attempt to make up time lost on account of circumstances which were beyond the control of the school board. The school board shall determine the number of school days of each school year on or before April 1 of the calendar year in which such school year commences.

History: Ex1959 c 71 art 7 s 12; 1967 c 890 s 2; 1974 c 326 s 15; 1978 c 764 s 89; 1985 c 51 s 1

126.13 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.13 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

The governing body of any district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Martin Luther King's birthday, Lincoln's and Washington's birthdays, Columbus Day and Veterans' Day, provided that on Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program be devoted to a patriotic observance of the day.

History: Ex1959 c 71 art 7 s 13; 1984 c 656 s 2

126.14 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.14 UNITED STATES FLAG.

Subdivision 1. **Displayed by schools.** There shall be displayed at every public school in Minnesota when in session an appropriate United States flag. Such display shall be upon the school grounds or outside the school building, upon a proper staff, on every legal holiday occurring during the school term and at such other times as the respective boards of such districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subd. 2. **School boards to provide flags and staffs.** It shall be the duty of each board to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building, and a suitable recepta-

cle for the safekeeping of such flag when not in use, as by this section directed, at all times.

History: *Ex1959 c 71 art 7 s 14*

126.15 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.15 SCHOOL SAFETY PATROLS.

Subdivision 1. **Establishment.** In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing pupils when and where to cross highways.

Subd. 2. **Appointment of members.** Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any pupil over nine years of age to be appointed and designated as a member thereof, provided that in any school in which there are no pupils who have attained such age any pupil in the highest grade therein may be so appointed and designated.

Subd. 3. **Liability not to attach.** No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

Subd. 4. **Identify, operation.** Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of public safety.

History: *Ex1959 c 71 art 7 s 15; 1971 c 491 s 4*

126.151 VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.

Any pupil enrolled in a vocational technical education program approved by the state board of education may belong to a vocational student organization which is operated as an integral part of the program. The commissioner of education may provide assistance and leadership to these organizations.

History: *1975 c 432 s 71*

126.16 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.16 MS 1978 [Repealed, 1979 c 334 art 6 s 34]

126.17 [Repealed, 1973 c 386 s 3]

126.18 [Repealed, 1979 c 334 art 6 s 34]

126.19 [Repealed, 1974 c 92 s 1]

126.20 EYE PROTECTIVE DEVICES.

Subdivision 1. Every person shall wear industrial quality eye protective devices when participating in, observing or performing any function in connection with, any courses or activities taking place in eye protection areas, as defined in subdivision 3, of any school, college, university or other educational institution in the state.

Subd. 2. Any student failing to comply with such requirements may be temporarily suspended from participation in said course and the registration of a student for such course may be canceled for willful, flagrant, or repeated failure to observe the above requirements.

Subd. 3. Eye protection areas shall include, but not to be limited to, vocational

or industrial art shops, science or other school laboratories, or school or institutional facilities in which activities are taking place and materials are being used involving:

- (a) Hot molten metals;
- (b) Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
- (c) Heat treatment, tempering or kiln firing of any metal or other materials;
- (d) Gas or electric arc welding;
- (e) Repair or servicing of any vehicle or mechanical equipment;
- (f) Any other activity or operation involving work in any area that is potentially hazardous to the eye.

Subd. 4. The governing body of a public educational institution referred to in subdivision 1 may purchase such devices in large quantities for the use of pupils, teachers and visitors.

Subd. 5. Any person desiring protective-corrective lenses instead of the protective devices supplied by the educational institution shall pay for, procure, keep, and use industrial quality eye protective devices.

Subd. 6. "Industrial quality eye protective devices," as used in this section, shall mean devices meeting the standards of the American National Standard Institute, currently identified as Z87.1-1968.

History: *Ex1967 c 14 s 1 subds 1-6; 1976 c 40 s 1; 1986 c 444*

126.21 ATHLETIC PROGRAMS; SEX DISCRIMINATION.

Subdivision 1. The legislature recognizes certain past inequities in access to athletic programs and in the various degrees of athletic opportunity previously afforded members of each sex. The purpose of this section is to provide an equal opportunity for members of both sexes to participate in athletic programs.

Subd. 2. Each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution or the population served by the public service; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of both sexes; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

Subd. 3. (1) Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice to restrict membership on an athletic team to participants of one sex whose overall athletic opportunities have previously been limited.

(2) When an educational institution or a public service provides athletic teams for children 11 years old or younger or in the sixth grade or below, those teams shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.

(3) When two teams in the same sport are in fact separated or substantially separated according to sex, the two teams shall be provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects shall be treated in a substantially equal manner.

However, nothing in this section shall be construed to require the two teams to conduct combined practice sessions or any other combined activities related to athletics.

(4) If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.

(5) Notwithstanding the provisions of clauses (1), (2) and (4), any wrestling team may be restricted to members of one sex whether or not the overall athletic opportunities of that sex have previously been limited, provided that programs or events are provided for each sex to the extent the educational institution or public service determines that these programs or events are necessary to accommodate the demonstrated interest of each sex to participate in wrestling.

Subd. 4. When an equal opportunity to participate in the elementary or secondary school level athletic program of an educational institution or public service is not provided to members of a sex whose overall athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with an equal opportunity to participate in its athletic program and which will attempt to accommodate their demonstrated interests.

Subd. 5. The state board of education, after consultation with the commissioner of human rights shall promulgate rules in accordance with chapter 14 to implement this section to prevent discrimination in elementary and secondary school athletic programs operated by educational institutions. The rules promulgated by the state board pursuant to this section shall not require athletic competition or tournaments for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited to be scheduled in conjunction with the scheduling of athletic competition or tournaments for teams whose membership is not so restricted by this section. Any organization, association or league entered into by elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall provide rules and regulations and conduct its activities so as to permit its members to comply fully with this section. The rules of that organization, association or league may provide separate seasons for athletic competition or tournaments in a sport for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited from athletic competition or tournaments established for teams in that same sport whose membership is not so restricted by this section, and its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.

History: 1975 c 338 s 1; 1980 c 355 s 1; 1981 c 339 s 1; 1982 c 424 s 130

EDUCATION FOR LIMITED ENGLISH PROFICIENT STUDENTS ACT

126.261 CITATION.

Sections 126.261 to 126.269 may be cited as the education for limited English proficient students act.

History: 1980 c 609 art 3 s 14

126.262 DEFINITIONS.

Subdivision 1. **Generally.** For purposes of sections 124.273 and 126.261 to 126.269, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pupil of limited English proficiency" means a pupil in any of the grades of kindergarten through 12 who meets the following requirements:

- (a) The pupil, as declared by a parent or guardian (1) first learned a language other

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than English, (2) comes from a home where the language usually spoken is other than English, or (3) usually speaks a language other than English; and

(b) The pupil's score is significantly below the average district score for pupils of the same age on a nationally normed English reading or English language arts achievement test. A pupil's score shall be considered significantly below the average district score for pupils of the same age if it is one-third of a standard deviation below that average score.

Subd. 3. "Essential instructional personnel" means the following:

(a) A teacher licensed by the state board of teaching to teach bilingual education or English as a second language;

(b) A teacher with an exemption from a teaching license requirement pursuant to section 126.266 who is employed in a school district's English as a second language or bilingual education program;

(c) Any teacher as defined in section 125.03 who holds a valid license from the state board of teaching, if the district assures the state department of education that the teacher will obtain the preservice and inservice training the department considers necessary to enable the teacher to provide appropriate service to pupils of limited English proficiency.

Subd. 4. "English as a second language program" means a program for the instruction of pupils of limited English proficiency in the following English language skills: reading, writing, listening and speaking.

Subd. 5. "Bilingual education program" means an educational program in which instruction is given in both English and the primary language of the pupil of limited English proficiency to the extent necessary to allow the pupil to progress effectively through the educational system and to attain the basic skills of reading, writing, listening, and speaking in the English language so that the pupil will be able to perform ordinary classwork successfully in English.

Subd. 6. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 7. "Parent" includes a child's legal guardian.

Subd. 8. "Educational program for pupils of limited English proficiency" means an English as a second language program, bilingual education program, or both an English as a second language and a bilingual education program.

History: 1980 c 609 art 3 s 15; 1981 c 358 art 3 s 18; 1982 c 548 art 3 s 22; 1986 c 444

126.263 [Repealed, 1981 c 358 art 3 s 20]

126.264 RIGHTS OF PARENTS.

Subdivision 1. No later than ten days after the enrollment of any pupil in an instructional program for limited English proficient students, the school district in which the pupil resides shall notify the parent or guardian by mail. This notice shall:

(a) Be in writing in English and in the primary language of the pupil's parents;

(b) Inform the parents that their child has been enrolled in an instructional program for limited English proficient students;

(c) Contain a simple, nontechnical description of the purposes, method and content of the program;

(d) Inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;

(e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(f) Inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.

The department of education shall, at the request of the school district, prepare the notice in the primary language of the parent or guardian.

Subd. 2. Any parent whose child is enrolled in an educational program for limited English proficient students shall have the right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw the child from the program by providing written notice of this intent to the principal of the school in which the child is enrolled or to the superintendent of the school district in which the child resides. Nothing herein shall preclude a parent from reenrolling a child of limited English proficiency in an educational program for limited English proficient students.

Subd. 3. **Parental involvement.** A district which receives moneys pursuant to section 124.273 shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.

History: 1980 c 609 art 3 s 17; 1982 c 548 art 3 s 23; 1986 c 444

126.265 GENERAL REQUIREMENTS FOR PROGRAMS.

A district which receives aid pursuant to section 124.273 shall comply with the following program requirements:

(a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and

(b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

History: 1980 c 609 art 3 s 18; 1982 c 548 art 3 s 24

126.266 EXEMPTION FROM TEACHING LICENSURE.

Subdivision 1. The commissioner of education may grant an exemption from the licensure requirement in the hiring of teachers of English as a second language or bilingual education teachers to a school district if the commissioner finds that compliance would impose a hardship upon the district in the securing of teachers for its educational programs for limited English proficient students. The commissioner of education shall notify the board of teaching of any exemptions granted pursuant to this section.

Subd. 2. A teacher serving under an exemption as provided in subdivision 1 shall be granted a license as soon as that teacher qualifies for it. Not more than one year of service by a teacher under an exemption shall be credited to the teacher for the purposes of section 125.12, and not more than two years shall be credited to the teacher for purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which the teacher becomes licensed.

History: 1980 c 609 art 3 s 19

126.267 TECHNICAL ASSISTANCE.

The state board of education shall provide technical assistance to school districts receiving aid pursuant to section 124.273 and to post-secondary institutions for preservice and inservice training for bilingual education teachers and English as a second language teachers employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for these educational programs.

History: 1980 c 609 art 3 s 20; 1982 c 548 art 3 s 25

126.268 DEPARTMENT OF EDUCATION; MONEY FROM OTHER SOURCES.

Subdivision 1. [Repealed, 1981 c 358 art 3 s 20]

Subd. 2. The state board of education may apply for moneys which are or may become available under federal refugee assistance and other programs for administration, demonstration projects, training, technical assistance, planning, and evaluation of programs for limited English proficient students.

History: 1980 c 609 art 3 s 21

126.269 CONSTRUCTION.

Nothing in the provisions of sections 126.261 to 126.268 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.261 to 126.268 shall be deemed to be positive action programs to combat discrimination.

History: 1980 c 609 art 3 s 22

BILINGUAL EDUCATION

126.31 [Repealed, 1980 c 609 art 3 s 24]

126.32 [Repealed, 1980 c 609 art 3 s 24]

126.33 [Repealed, 1980 c 609 art 3 s 24]

126.34 [Repealed, 1980 c 609 art 3 s 24]

126.35 [Repealed, 1980 c 609 art 3 s 24]

126.36 TEACHERS; LICENSES.

Subdivision 1. **Bilingual and English as a second language licenses.** The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education and English as a second language to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, and meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. **Persons holding general teaching licenses.** A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

Subd. 3. **Employment of teachers.** Teachers employed in a bilingual education or English as a second language program established pursuant to sections 126.261 to 126.269 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. **Teacher preparation programs.** For the purpose of licensing bilingual and English as a second language teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. **Persons eligible for employment.** Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education or English as a second language program in which the language for which the person is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching.

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. **Affirmative efforts in hiring.** In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative

efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

History: 1977 c 306 s 6; 1980 c 609 art 3 s 4-7; 1986 c 444

126.37 [Repealed, 1980 c 609 art 3 s 24]

126.38 [Repealed, 1980 c 609 art 3 s 24]

126.39 STATE BOARD OF EDUCATION DUTIES.

Subdivision 1. [Repealed, 1980 c 609 art 3 s 24]

Subd. 2. [Repealed, 1980 c 609 art 3 s 24]

Subd. 3. [Repealed, 1980 c 609 art 3 s 24]

Subd. 4. [Repealed, 1980 c 609 art 3 s 24]

Subd. 5. [Repealed, 1980 c 609 art 3 s 24]

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. [Repealed, 1980 c 609 art 3 s 24]

Subd. 8. [Repealed, 1980 c 609 art 3 s 24]

Subd. 9. [Repealed, 1980 c 609 art 3 s 24]

Subd. 10. [Repealed, 1980 c 609 art 3 s 24]

Subd. 11. **Rules.** The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 126.31 to 126.42.

History: 1977 c 306 s 9; 1979 c 334 art 3 s 11

126.40 [Repealed, 1980 c 609 art 3 s 24]

126.41 [Repealed, 1980 c 609 art 3 s 24]

126.42 [Repealed, 1980 c 609 art 3 s 24]

AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION ACT

126.45 CITATION.

Sections 126.45 to 126.55 may be cited as the American Indian language and culture education act.

History: 1977 c 312 s 1

126.46 DECLARATION OF POLICY.

The legislature finds that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of sections 126.45 to 126.55 to provide for the establishment of American Indian language and culture education programs.

History: 1977 c 312 s 2; 1978 c 706 s 43

126.47 DEFINITIONS.

Subdivision 1. For the purposes of sections 126.45 to 126.55, the words, phrases, and terms defined in this section shall have the meanings given to them.

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

Subd. 3. "Advisory task force" means the state advisory task force on American Indian language and culture education programs.

Subd. 4. "Participating school" means any nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture which is funded by and participates in the programs in sections 126.45 to 126.55.

History: 1977 c 312 s 3; 1979 c 219 s 1

126.48 AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.

Subdivision 1. **Program described.** American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed:

(1) To make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils; and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including inservice training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. **Voluntary enrollment.** Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is economically feasible, a school district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian language and culture education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority shall be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian language and culture education programs.

Subd. 4. **Location of programs.** American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. **Assignment of students.** No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. **Nonverbal courses and extracurricular activities.** In predominantly nonverbal subjects, such as art, music, and physical education, American Indian

children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 126.45 to 126.55.

History: 1977 c 312 s 4

126.49 TEACHERS; LICENSES; EXEMPTIONS.

Subdivision 1. American Indian language and culture education licenses. The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture;

(b) Possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district or a nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture.

Subd. 2. Persons holding general teaching licenses. A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. Employment of teachers. Teachers employed in an American Indian language and culture education program pursuant to sections 126.45 to 126.55 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. Teacher preparation programs. For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. Persons eligible for employment; exemptions. Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian language and culture education program in which the American Indian language or culture in which the person is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the securing of the teachers.

Subd. 6. Persons serving under exemptions; licensure; tenure. An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of section 125.12 and not more than two years shall be credited for the purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. **Compensation.** A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 8. **Affirmative efforts in hiring.** In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the American Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

History: 1977 c 312 s 5; 1986 c 444

126.50 TEACHERS AIDES; COMMUNITY COORDINATORS.

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 126.45 to 126.55 may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture education programs pursuant to sections 126.45 to 126.55 shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian language and culture education program in order to convey information about the program.

History: 1977 c 312 s 6

126.51 PARENT AND COMMUNITY PARTICIPATION.

Subdivision 1. School boards and participating schools shall provide for the maximum involvement of parents of children enrolled in American Indian language and culture education programs pursuant to sections 126.45 to 126.55. Accordingly, before implementing a program, each school district and participating school shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of the American Indian language and culture education program and the educational needs of the American Indian children residing within the district's or school's attendance boundaries. The district or participating school shall ensure that the program is planned, operated, and evaluated with the involvement of and in consultation with parents of children eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children eligible to be enrolled in American Indian language and culture programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; counselors; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and that the number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district or participating school shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. If the organizational membership or the board of directors of a participating school consists solely of parents of children attending the school whose children are eligible to be enrolled in American Indian language and culture education programs, that membership or board may serve also as the parent advisory committee.

History: 1977 c 312 s 7

126.52 STATE BOARD OF EDUCATION DUTIES.

Subdivision 1. [Repealed, 1980 c 609 art 3 s 24]

Subd. 2. [Repealed, 1980 c 609 art 3 s 24]

Subd. 3. [Repealed, 1980 c 609 art 3 s 24]

Subd. 4. [Repealed, 1980 c 609 art 3 s 24]

Subd. 5. **Community involvement.** The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 126.45 to 126.55.

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. [Repealed, 1980 c 609 art 3 s 24]

Subd. 8. **Technical assistance.** The state board shall provide technical assistance to school districts, participating schools and post secondary institutions for preservice and inservice training for American Indian language and culture education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian language and culture education programs.

Subd. 9. **Application for funds.** The state board shall apply for grants or funds which are, or may become, available under federal programs for American Indian language and culture education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. [Repealed, 1980 c 609 art 3 s 24]

Subd. 11. **Rules.** The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 126.45 to 126.55.

Subd. 12. [Repealed, 1981 c 356 s 247; 1981 c 358 art 3 s 20]

History: 1977 c 312 s 8; 1979 c 334 art 3 s 14; 1980 c 609 art 3 s 8,9.

126.53 [Repealed, 1979 c 219 s 3]**126.531 ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.**

Subdivision 1. The state board of education may create an American Indian language and culture education advisory task force. If created, members shall include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, urban, community, tribal or alternative schools and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. The advisory task force on American Indian language and culture education programs shall advise the state board in the administration of its duties under sections 126.45 to 126.55.

Subd. 3. The advisory task force shall expire and the terms, compensation and removal of members shall be as provided for in section 15.059, subdivision 6.

History: 1979 c 219 s 2; 1983 c 260 s 27

126.54 CONTINUATION OF INDIAN EDUCATION PILOT PROJECT GRANTS.

Subdivision 1. Grants; procedures. For fiscal years 1983, 1984, and 1985 the state board of education shall make grants to no fewer than six school year American Indian language and culture education programs. At least three programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. Plans. Each school district or participating school submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 126.45 to 126.55;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 126.45 to 126.55 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 126.48, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 126.45 to 126.55.

Subd. 3. Additional requirements. Each school district receiving a grant under this section shall each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian language and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. Nondiscrimination; testing. In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of American Indian children shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. Records. Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 126.45 to 126.55. Each school district or participating school shall keep accurate, detailed, and separate revenue and expenditure accounts for pilot American Indian language and culture education programs funded under this section.

Subd. 6. Moneys from other sources. A school district or participating school providing American Indian language and culture education programs shall be eligible to receive moneys for these programs from other government agencies and from private sources when the moneys are available.

Subd. 7. Exceptions. Nothing in sections 126.45 to 126.55 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 126.45 to 126.55 if the proposal and plan for that program is not funded pursuant to this section.

History: 1977 c 312 s 10; 1979 c 334 art 3 s 16; 1980 c 609 art 3 s 10-12; 1981 c 358 art 3 s 19; 1983 c 314 art 3 s 12

126.55 CONSTRUCTION.

Nothing in the provisions of sections 126.45 to 126.55 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.45 to 126.55 shall be deemed to be positive action programs to combat discrimination.

History: 1977 c 312 s 11

126.56 SUMMER SCHOLARSHIPS FOR ACADEMIC ENRICHMENT.

Subdivision 1. Establishment. A scholarship program is established to enable secondary students to attend summer programs sponsored by post-secondary institutions.

Subd. 2. Eligible student. To be eligible for a scholarship, a student shall:

- (1) be a resident of Minnesota;
- (2) attend an eligible program;
- (3) have completed at least one year of secondary school but not have graduated from high school;
- (4) have earned at least a B average during the semester or quarter prior to application; and
- (5) demonstrate need for financial assistance.

Subd. 3. Financial need. Need for financial assistance shall be based on family income, family size, and special necessary expenditures of the family. The higher education coordinating board shall determine the financial need of each pupil based on the actual charges made by the institution sponsoring the summer program and shall award scholarships within the limits of the appropriation for this section. If the amount appropriated is insufficient to make a full award to each applicant, the board shall allocate the amount appropriated in the manner it determines. Scholarships shall not be less than \$100 or more than \$1,000.

Subd. 4. Eligible programs. A scholarship may be used only for an eligible program. An eligible program shall be approved by the state board of education. An eligible program shall be sponsored by a post-secondary institution that:

- (1) is accredited by the North Central Association of Colleges;
- (2) offers at least an associate or baccalaureate degree program approved under section 136A.65, subdivision 1; and
- (3) is located in Minnesota.

An eligible program shall, as its primary purpose, provide academic instruction for student enrichment in curricular areas including, but not limited to, communications, humanities, social studies, social science, science, mathematics, art, or foreign language. The program shall not be offered for credit to post-secondary students. It shall not provide remedial instruction. Additional requirements for eligibility may be established by the state board of education and the higher education coordinating board.

Subd. 5. Advisory committee. An advisory committee shall assist the state board of education in approving eligible programs and shall assist the higher education coordinating board in planning, implementing, and evaluating the scholarship program. The committee shall consist of eleven members, to include the executive director of the higher education coordinating board or a representative, the commissioner of education or a representative, two secondary school administrators and two secondary teachers appointed by the commissioner of education, the executive director of the academic excellence foundation, a private college representative appointed by the president of the Minnesota private college council, a community college representative appointed by the community college chancellor, a state university representative appointed by the state university chancellor, and a University of Minnesota representative appointed by the president of the University of Minnesota.

Subd. 6. Information. The academic excellence foundation shall assemble and

distribute information about scholarships and eligible programs. It may seek nonstate funds to perform its duties.

Subd. 7. **Administration.** The state board of education and the higher education coordinating board shall determine the time and manner for scholarship applications, awards, and program approval.

Subd. 8. **Exemption from rulemaking.** Sections 14.01 to 14.47 do not apply to this section.

History: *1Sp1985 c 12 art 8 s 22*

126.60 PROGRAMS OF EXCELLENCE.

Subdivision 1. **Designation.** The commissioner of education shall designate secondary academic programs as programs of excellence by April 1 each year according to criteria established by the commissioner. The criteria may include: teacher qualifications; curriculum offerings; student ability averages; management; expectations; academic standards; order and discipline; clearly defined academic goals; administrative leadership; community support; organization for learning; frequency, monitoring, and reporting of homework; regularity and frequency of monitoring of pupil progress; coordination, articulation, and comprehensiveness of curriculum; variety of teaching strategies; opportunities for pupil's responsibility; commitment to accept at least five pupils; and ability to provide host families. A designation as a program of excellence shall be for two school years and may be renewed upon reapplication.

Subd. 2. **Application.** A district may apply to the commissioner for designation of one or more of its secondary academic programs as a program of excellence. The application shall include information required by the commissioner. The commissioner shall distribute criteria and applications for all districts.

Subd. 3. **Committee.** The commissioner shall establish a programs of excellence committee. The committee shall advise the commissioner about criteria for the programs and may review district applications.

Subd. 4. **Incentive grants.** A district with a program designated as a program of excellence shall receive an incentive grant for the program for each year of the designation.

History: *1984 c 463 art 6 s 3*

126.62 PUPILS FOR PROGRAMS OF EXCELLENCE.

Subdivision 1. **Pupil selection.** The commissioner of education shall select pupils to attend programs of excellence according to criteria established by the commissioner. The criteria may include, but not be limited to, an evaluation of the pupil's academic ability, the pupil's future career plans, and lack of academic opportunity in the pupil's current school.

Subd. 2. **Application.** The commissioner shall distribute to all districts the criteria and application forms containing the date applications are due. Each district shall distribute the criteria and applications to all pupils in the district in grades 7 to 11 and their parents. Any pupil may request additional information about the program, school, and the district. A pupil shall be notified of selection by June 1 each year. Additional pupils may be selected after June 1 if space is available.

Subd. 3. **Program limits.** No more than 100 pupils who have completed at least the eighth grade or equivalent may be selected to participate in the program. No more than ten pupils selected may attend a particular program of excellence at any one time.

Subd. 4. **Attendance.** A pupil selected shall attend the school with the program of excellence full time. A pupil may continue to attend the program through completion of all programs offered by the school if the pupil maintains satisfactory progress. At least twice a year the principal of a school with a program of excellence shall certify to the commissioner whether or not the pupil is making satisfactory progress. A pupil not making satisfactory progress, as certified by the principal, shall be dropped from the program as of the date of the certification.

Subd. 5. **Committee.** The programs of excellence committee, established in section 126.60, subdivision 3, shall advise the commissioner about criteria and application forms for pupil selection.

Subd. 6. **Transportation.** The commissioner may reimburse transportation costs when a pupil demonstrates need.

Subd. 7. **Host families.** A school with a program of excellence shall screen and arrange for volunteer host families for nonresident pupils selected to attend the school.

History: 1984 c 463 art 6 s 4

126.64 FOUNDATION REVENUE FOR PUPILS.

Subdivision 1. [Repealed, 1Sp1985 c 12 art 1 s 37 subd 1]

Subd. 2. **District of attendance.** The district receiving a pupil selected to participate in the program of excellence program shall count the pupil as a resident pupil unit as defined in section 124.17 for purpose of determining aids and levies. The district of residence shall not count such a pupil as a resident pupil unit while the pupil attends school in another district.

History: 1984 c 463 art 6 s 5; 1Sp1985 c 12 art 1 s 32

126.65 FINDINGS.

The legislature finds that a process for curriculum evaluation and planning is needed for continued improvement of the educational program for all public school children in the state, and to allow for better evaluation of educational programs by local communities. The legislature further finds that such a process is needed to facilitate decisions by school boards and communities as to which services can best be provided by the public schools and which services can or should be provided by other institutions such as the family, the private sector or other public agencies. The legislature further finds that efficient use of educational resources is needed with regard to educational technology and interdistrict cooperation.

History: 1976 c 271 s 1; 1984 c 463 art 8 s 4; 1Sp1985 c 12 art 8 s 61

126.66 PLANNING, EVALUATION, AND REPORTING PROCESS.

Subdivision 1. The school board of each school district in the state shall adopt a written planning, evaluation, and reporting policy which establishes instructional goals and measurable learner objectives for the district, a process for achieving these goals, and procedures for evaluating and reporting progress toward the goals. These goals shall include meeting the curriculum requirements adopted by the state board of education. The school board shall review this policy each year and identify annual instructional goals and measurable learner objectives to be addressed during the current school year. School boards are encouraged to develop this school district policy and any revisions after consultation with the staff of each school building. In formulating the policy, the school board of a district is encouraged to consider: (a) the number of dropouts of school age in the district and the reasons for the dropouts; (b) existing programs within the district for dropouts and potential dropouts and (c) program needs of dropouts and potential dropouts.

Subd. 2. The school board shall instruct the administrative and professional staff of the district to develop an instructional plan for the purpose of implementing the instructional goals established in the district planning, evaluation, and reporting policy within the resources available to the district. To the extent possible, the instructional plan shall include instructional effectiveness processes developed pursuant to section 121.608 and integration of curriculum and technology developed under section 129B.33, to assist in directing and measuring progress toward the instructional goals established in the district planning, evaluation, and reporting policy. For instructional goals toward which progress is not easily measurable, the instructional plan shall include other appropriate means to direct and evaluate progress.

Subd. 3. Each school board shall establish a curriculum advisory committee to

provide for active community participation in the process of developing and revising the district planning, evaluation, and reporting policy, developing the instructional plan, identifying the annual instructional goals and measurable learner objectives, evaluating progress, and reporting to the public. The advisory committee shall be broadly representative of the community served by the school district and shall include administrative staff, teachers, parents, and other community residents of the district. To the extent possible, parents and other community residents shall comprise at least two-thirds of the advisory committee.

Subd. 4. Each year a final evaluation of progress shall be conducted, including both professional and consumer evaluations. The professional staff evaluation shall utilize test results and may include other performance data along with faculty interpretations and judgments. Test results shall include local assessment data obtained pursuant to section 126.67, subdivision 2. A consumer evaluation shall include the opinions of students, parents and other residents of the school district.

Subd. 5. After completing the annual evaluation, the school board shall review the results and adopt appropriate school district improvement plans. The school district improvement plans shall describe actions to be taken by the district to correct any weakness evident from the results of the district evaluation process.

Subd. 6. **Report.** By September 1 of each year, the school board shall adopt a report which shall include the following:

- (a) annual instructional goals which were addressed for that year in the planning, evaluation, and reporting process;
- (b) appropriate evaluation of the annual instructional goals;
- (c) the results of the professional staff evaluation including local assessment data obtained pursuant to section 126.67, subdivision 2, and any additional appropriate test data;
- (d) the results of the consumer evaluation;
- (e) the annual school district improvement plans; and
- (f) a plan for implementing an assurance of mastery program.

Every other year the report shall include an evaluation of the assessment programs pursuant to subdivision 7.

The school board shall disseminate the report to all residents of the district by publication in the local newspaper with the largest circulation in the district, by newsletter, or through the United States postal service. The report shall be on file and available for inspection by the public. A copy of the report which is disseminated to the community shall be sent to the commissioner of education by September 1 of each year. The school board shall provide a copy of the commissioner's response to the report to the curriculum advisory committee. All activities and reports pursuant to this section shall comply with chapter 13, and any other law governing data on individuals in school districts.

Subd. 7. **Biennial evaluation; assessment program.** At least once every two years the school board shall evaluate the testing programs, using the following criteria:

- (a) written objectives of the testing programs;
- (b) names of tests and grade levels tested;
- (c) utilization of test results; and
- (d) implementation of assurance of mastery program.

History: 1976 c 271 s 2; 1979 c 334 art 6 s 17; 1981 c 311 s 39; 1982 c 545 s 24; 1983 c 314 art 8 s 9; 1984 c 463 art 8 s 5; 1Sp1985 c 12 art 8 s 5,6,61

126.67 SCHOOL DISTRICT ASSESSMENT PROGRAMS.

Subdivision 1. **Technical assistance.** Insofar as possible, the department of education and educational cooperative service units shall make technical assistance for planning and evaluation available to school districts. The department shall collect the annual evaluation reports from districts as provided in section 126.66, subdivision 5,

and shall make these data available upon request to any district seeking to use it for comparisons of pupil performance. If requested, the department of education shall provide technical assistance to a district developing assurance of mastery programs, achievement testing programs, competency testing programs, or other methods of measuring group or individual pupil progress.

Subd. 1a. **State curriculum advisory committee; legislative report.** The commissioner shall appoint an 11-member state curriculum advisory committee to advise the state board and the department on the planning, evaluation, and reporting process. The committee shall consist of nine members, one appointed from each educational cooperative service unit, and two at-large members. The committee shall include representation from the state board of education, parents, teachers, administrators, and school board members. Each member shall be a present or past member of a school district curriculum advisory committee. The committee shall provide information and recommendations on at least the following:

- (1) department procedures for approving reports and disseminating information;
- (2) exemplary planning, evaluation, and reporting processes; and
- (3) recommendations for improving the planning, evaluation, and reporting process.

By January 1 of each year, the commissioner shall prepare a report for the education committees of the legislature on the planning, evaluation, and reporting program, which shall include the recommendations of the state curriculum advisory committee.

Subd. 2. [Repealed, 1Sp1985 c 12 art 8 s 65]

Subd. 2a. **District assessments.** As part of the planning, evaluation, and reporting process, each year a district shall, in at least three grades, conduct assessments among at least a sample of pupils in two curriculum areas. One curriculum area shall be communication, mathematics, science, or social studies. The second area shall be selected by the district. Assessments may not be conducted in the same curriculum area during two consecutive years. The district may use tests from the assessment item bank, the local assessment option developed by the department, or other tests.

Subd. 3. **Participation in statewide assessment program.** Each district shall participate in the statewide assessment sampling process at least once every three years to provide normative data. Each year the department shall determine which districts shall participate and which curriculum areas shall be assessed.

Subd. 3a. **Assurance of mastery.** Each school board shall adopt a policy establishing a process to assure individual pupil mastery in communications and mathematics. This process shall include at least the following:

- (1) procedures, which may include multiple or separate criteria, for the evaluation and identification of nonspecial education pupils and pupils with limited English proficiency who are not making sufficient progress in the mastery of communications and mathematics;
- (2) procedures for implementation in grades kindergarten to 12, beginning in the 1986-1987 school year, and requiring evaluation of progress toward mastery at least once during grades K to 3, once during grades 4 to 6, once during grades 7 to 9, and once during grades 10 to 12;
- (3) procedures for parent conferences to establish an individualized remediation or modified instruction plan for each pupil who is not making sufficient progress toward mastery of communication or mathematic skills; and
- (4) procedures which shall consider and address the special needs of handicapped pupils and pupils with limited English proficiency.

Subd. 4. **Needs of handicapped pupils.** School boards are encouraged to consider the needs of handicapped students in determining the extent of their participation in the assessment programs in subdivisions 2a and 3. The district policy may provide for modifications in the testing procedures for handicapped students.

Subd. 5. **Assessment item bank.** The department shall maintain an assessment

item bank to provide assessment programs that are tailored to specific educational objectives of an individual school or district. The department shall develop an item bank for at least two curriculum areas each year. The department shall develop and maintain an item bank for at least ten different curriculum areas.

Subd. 5a. Additional tests. The department shall maintain additional tests for at least three grade levels. The tests shall be designed to measure the progress of individual pupils toward the core curriculum areas of communications, mathematics, science, and social studies. The department shall make the tests available for a district to use, at the option of the district, as a part of the department's local assessment program.

Subd. 5b. Phase-in of item bank development. The department of education shall add two curricular areas to the item bank each year. The first curricular areas to be completed are communication, mathematics, science, and social studies.

Subd. 6. Additional testing. The department upon written agreement with local school districts may perform additional testing and evaluation of students. The department may collect a reasonable fee not to exceed the actual cost of services.

Subd. 7. Curriculum information. The department may provide available curriculum information for improving teaching practices at public elementary, secondary and post-secondary vocational schools. The information may be provided upon the request of a school district or an educational cooperative service unit with which the department has a written agreement. The department may collect reasonable fees not to exceed its actual costs for this service. The department may also accept money from any public or private source to defray the cost of this service.

Subd. 8. Career information. The department of education may provide career information to school districts and educational systems. The department may collect reasonable fees for subscriptions to the Minnesota career information service.

Subd. 9. Model learner expectations. The department shall develop and maintain sets of model learner expectations. The department shall make the expectations available for a district, for assistance purposes, to use at the option of the district. The expectations shall be for pupils in kindergarten to grade 12 in at least the core curriculum areas of communication, mathematics, science, and social studies. The department shall consult with each of the public post-secondary educational systems and with the higher education coordinating board in developing model learner expectations appropriate for entrance into post-secondary institutions.

History: 1976 c 271 s 3; 1977 c 447 art 6 s 1; 1981 c 359 s 13; 1983 c 258 s 26; 1984 c 463 art 8 s 6; 1Sp1985 c 12 art 8 s 7-15,45,61

NOTE: Subdivision 5a, as added by Laws 1985, First Special Session chapter 12 article 8, section 14, is effective for the 1987-1988 school year and thereafter. See Laws 1985, First Special Session chapter 12, article 8, section 66 as amended by Laws 1985, First Special Session chapter 16, article 2, section 34, subdivision 1.

NOTE: Subdivision 5b is repealed by Laws 1985, First Special Session chapter 12, article 8, section 65 effective June 30, 1987.

126.68 APPROPRIATION.

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 126.67, subdivisions 6, 7, and 8:

History: 1976 c 271 s 7; 1981 c 359 s 14; 1983 c 258 s 27; 1984 c 463 art 8 s 7; 1Sp1985 c 12 art 8 s 61

126.70 PLANNING FOR EXCELLENCE IN TEACHING AND CURRICULUM.

Subdivision 1. Development of plan. Each school district is encouraged to develop and adopt a written comprehensive plan for excellence in teaching and curriculum. The plan shall be prepared in consultation with the curriculum advisory committee appointed according to section 126.66, subdivision 3.

Subd. 2. Contents of the plan. The plan may include:

- (1) procedures the district will use to analyze and identify teaching and curricular needs, including the need for mentor teachers;
- (2) short- and long-term curriculum and staff development needs;
- (3) integration with in-service and curricular efforts already in progress;
- (4) goals to be achieved and the means to be used;
- (5) procedures for evaluating progress;
- (6) whether the school board intends to offer contracts under the excellence in teaching program; and
- (7) integration of areas listed under section 126.71.

Subd. 3. **Exemplary plans.** In consultation with the educational effectiveness advisory task force, advisory committee on technology in education, educational cooperative service units, and other appropriate agencies, the department of education shall develop exemplary plans by November 30, 1985, for districts to use in developing their plans. The exemplary plans shall include a description of methods to provide a link between preservice teacher education and employment as a teacher, to reduce the attrition of new teachers, to create a career development option for experienced teachers, and to improve educational effectiveness in the schools.

History: *1Sp1985 c 12 art 8 s 23,61*

126.71 EXCELLENCE IN TEACHING AND CURRICULUM.

A school board may implement a plan for excellence in teaching and curriculum for any of the following purposes:

- (1) to provide educational effectiveness instruction according to section 121.609;
- (2) to provide in-service education for elementary and secondary teachers to improve the use of technology in education;
- (3) to provide subject area in-service education emphasizing the academic content of curricular areas determined by the district to be a priority area;
- (4) to use experienced teachers, as mentors, to assist in the continued development of new teachers;
- (5) to increase the involvement of parents, business, and the community in education;
- (6) for experimental delivery systems;
- (7) for in-service education to increase the effectiveness of principals and administrators;
- (8) for in-service education or curriculum development for programs for gifted and talented pupils;
- (9) for in-service education or curriculum development for cooperative efforts to increase curriculum offerings, as set forth in section 124.272;
- (10) for improving curriculum, according to the needs identified under the planning, evaluation, and reporting process set forth in section 126.66;
- (11) for in-service education and curriculum development designed to promote sex equity in all aspects of education, with emphasis on curricular areas such as mathematics, science, and technology programs;
- (12) for in-service education or curriculum modification for handicapped pupils and low-achieving pupils; or
- (13) for contracts for the excellence in teaching program as described in section 126.72.

History: *1Sp1985 c 12 art 8 s 24,61*

126.72 EXCELLENCE IN TEACHING CONTRACTS.

Subdivision 1. **Authorization.** As part of a program for excellence in teaching and curriculum, a school board may enter into short-term, limited contracts with classroom teachers employed by the district.

Subd. 2. **Purpose.** The school board shall determine the needs of its classroom teachers and the need for changes in its curriculum. In determining these needs, the school board shall obtain recommendations from classroom teachers, staff responsible for curriculum, and the curriculum advisory committee. It shall consider assessment results, other test results, the need for mentor teachers, and the district improvement plan portion of the report adopted according to section 126.66, subdivision 6. Contracts executed under this section shall relate directly to the identified needs.

Subd. 3. **Selection committee.** A committee of six members appointed by the school board shall recommend teachers to receive contracts. Three members of the committee shall be classroom teachers. Three members shall be administrators, parents, members of the school board, or members of the community. The committee shall consider only classroom teachers who have background, knowledge, or expertise needed to perform duties in the areas of need identified by the school board. Years of service in the district shall not be a factor for consideration by the committee. No teacher shall have a right to a contract under this section based on seniority or order of employment in the district. The committee shall recommend to the school board names of individual teachers. The number of individual teachers recommended shall be approximately the number designated by the school board to meet the identified needs. The school board may award contracts to any of the recommended teachers but not to any others. The board may request the committee to recommend additional names of teachers.

Subd. 4. **Short-term, limited contracts.** Contracts executed under this section shall provide classroom teachers any one or a combination of the following:

- (1) released time during the school day;
- (2) additional hours in a school day; or
- (3) additional days or weeks of employment during the summer.

Contracts executed under this section shall terminate within one year of the date of execution. During the term of a contract under this section a teacher may be discharged for cause from duties under this contract; a hearing shall be held on the discharge upon request of the teacher. A teacher has no rights in a subsequent year to a contract under this subdivision.

Subd. 5. **Application of other laws.** The provisions of section 125.12 or 125.17 shall not apply to initial awards, renewal, or termination of contracts under this section. The provisions of this section concerning short-term, limited contracts shall not be construed to alter any aspect of other contracts executed by a school board.

Subd. 6. **Report.** Each district awarding contracts under this section is encouraged to submit a report to the commissioner of education. 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 the recommendations required by subdivision 2 were obtained. Any problems associated with implementing this section may be included.

History: *1Sp1985 c 12 art 8 s 25,61*

126.80 CITATION.

Section 126.81 may be cited as "the research, planning, and development act."

History: *1Sp1985 c 12 art 8 s 26*

RESEARCH, PLANNING, AND DEVELOPMENT ACT

126.81 EXEMPLARY TEACHER EDUCATION PROGRAM GRANTS.

Subdivision 1. **Purpose.** The legislature recognizes that research, planning, and development is important in maintaining and improving the quality of education in Minnesota. The purpose of this section is to support research, planning, and developing alternative educational practices within teacher education institutions.

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Subd. 2. **Grants.** The board of teaching shall award at least three grants to public post-secondary institutions to develop exemplary teacher education programs. The majority of grants shall be awarded for programs that are conducted jointly by an approved teacher education institution and one or more school districts.

Subd. 3. **Consultation with HECB.** The board of teaching shall consult with the higher education coordinating board on the procedures for awarding grants and on the proposals submitted pursuant to this section.

Subd. 4. **Procedure.** The board of teaching shall establish a procedure to apply for grants. Grants shall be awarded by January 1, 1986, and may be for fiscal years 1986 and 1987 or fiscal year 1987. To the extent possible, the grants awarded shall represent a broad range of proposals.

Subd. 5. **Eligibility.** Proposals must be designed to prepare college graduates to teach through structural internships in participating districts or other methods. To be eligible for a grant, a proposal must include:

(1) a learning-teaching program compatible with research in child development and teacher effectiveness;

(2) a description of how the program relates to sections 129B.45, 129B.46, and 129B.47; and

(3) a plan for integrating the educational needs of special education pupils into the program.

Subd. 6. **Evaluation and dissemination.** The board of teaching, in consultation with the higher education coordinating board, shall provide evaluation of programs that receive grants. The board of teaching and the higher education coordinating board shall provide for dissemination of the evaluation results and program models. This information shall be made available to all licensed teachers and all post-secondary students in teacher education programs.

History: *1Sp1985 c 12 art 8 s 27*