

## CHAPTER 126

## CURRICULUM, CONDUCT, TEXTBOOKS

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## 126.02 PHYSICAL AND HEALTH EDUCATION.

*[For text of subd 1, see M.S.1986]*

Subd. 2. **Teacher education programs.** All post-secondary institutions offering teacher education programs shall provide courses in health education, training, and instruction. Every student in a teacher education program shall take health courses.

**History:** 1987 c 398 art 7 s 33

## CHEMICAL ABUSE PREASSESSMENT TEAMS

## 126.033 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to Laws 1987, chapter 295.

Subd. 2. **Controlled substances.** "Controlled substances" means the term as defined in section 152.01, subdivision 4, and "marijuana" as defined in section 152.01, subdivision 9.

Subd. 3. **Chemical abuse.** "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor's normal functioning in academic, school, or social activities is chronically impaired.

Subd. 4. **Contraband.** "Contraband" means property that is illegal to possess under state law.

Subd. 5. **Teachers.** "Teachers" has the meaning given it in section 125.03, subdivision 1.

**History:** 1987 c 295 s 1

## 126.034 SCHOOL PREASSESSMENT TEAMS.

Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent possible, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The preassessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

**History:** 1987 c 295 s 2

**126.035 SCHOOL AND COMMUNITY ADVISORY TEAM.**

The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems in the district. The school and community advisory team must be composed of representatives from the school preassessment team established in section 126.034, to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community. The community advisory team shall:

(1) build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools and other community agencies;

(2) develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team established under section 126.034 when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian; and

(3) develop a written memorandum of understanding between school personnel and law enforcement agencies identifying when the school shall notify the local law enforcement agency that a violation of its drug and alcohol policy has occurred, and when the law enforcement agency shall notify the school chemical abuse preassessment team of incidents occurring off the school premises involving chemical abuse by students enrolled in that school pursuant to the possession or purchase of alcohol in violation of section 340A.503, subdivision 2 or 3, or in the case of controlled substances, a violation of section 152.09, subdivision 1.

**History:** 1987 c 295 s 3

**126.037 REPORTING; CHEMICAL ABUSE.**

A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team of this information.

**History:** 1987 c 295 s 4

**126.071 BRAILLE INSTRUCTION.**

**Subdivision 1. Availability.** A school district shall make available, to a blind pupil, instruction in Braille reading and writing as specified under subdivisions 2 and 3. A blind pupil is a pupil who is blind as defined in section 290.06, subdivision 3f, paragraph (4), clause (e).

**Subd. 2. Assessment.** A reading and writing assessment of a child identified as a blind child must be done at least once every three years. The person who performs the assessment must be mutually agreed upon by the school district and the parent. The assessment must be in writing and must recommend whether or not instruction in Braille reading and writing should be commenced or continued for the assessed child. The commissioner of education shall adopt rules establishing criteria for determining whether or not instruction in Braille reading and writing should be commenced or continued for the assessed child.

**Subd. 3. Specifics of recommendation.** The child's individual education plan must specify:

- (1) a reason for recommending or not recommending Braille instruction;
- (2) the date on which Braille instruction will commence;
- (3) how many Braille sessions per week must be provided by the school district;
- (4) the duration of each session;
- (5) how to integrate Braille instruction into the assessed child's regular classroom activities; and

(6) the special training if any, that the classroom instructional personnel must have to provide the integrated Braille instruction.

Subd. 4. **Braille is a service.** Instruction in Braille reading and writing is a service included in special instruction and services under section 120.17.

**History:** 1987 c 247 s 1

## 126.12 SCHOOL CALENDAR.

*[For text of subd 1, see M.S.1986]*

Subd. 2. Except for technical institutes, 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:** 1987 c 258 s 7

## 126.201 ADMINISTRATION OF MEDICATION BY SCHOOL PERSONNEL.

A licensed school nurse or, in the absence of the nurse, a principal or teacher may administer medication prescribed for a pupil under the conditions set forth in this section. Administration of medication by school personnel must only be done according to the written order of a licensed physician and written authorization of a parent. Medication to be administered must be brought to school in a container appropriately labeled by the pharmacy or physician. Medications that are not taken orally or that have the potential of dangerous side effects may be administered only by a licensed school nurse.

**History:** 1987 c 398 art 7 s 34

## 126.22 HIGH SCHOOL GRADUATION INCENTIVES PROGRAM.

Subdivision 1. **Purpose.** The legislature finds that it is critical for persons to obtain at least a high school education to function in today's society. Therefore, the purpose of this section is to provide incentives for and encourage all Minnesota students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs in order to complete their high school education.

Subd. 2. **Eligible students.** The following students are eligible to participate in the high school graduation incentives program:

- (a) any student who is between the ages of 12 and 16 and who:
  - (1) is at least two grade levels below the performance level for students of the same age in a locally determined achievement test; or
  - (2) is at least one year behind in obtaining credits for graduation; or
  - (3) is pregnant or is a parent; or
  - (4) has been assessed as chemically dependent; or
  - (5) has been absent from attendance at school without lawful excuse for one or more class periods on more than 15 days in the preceding or current school year.
- (b) any student who is between the ages of 16 and 19 who is attending school, and who is at least two grade levels below the performance level for students of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or is pregnant or is a parent, or has been assessed as chemically dependent; or
- (c) any person between 16 and 21 years of age who has not attended a high school program for at least 15 days, excluding those days when school is not in session, and who is at least two grade levels below the performance level for students of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or has been assessed as chemically dependent.

Subd. 3. **Eligible programs.** Students who are eligible to participate under subdivision 2 may enroll in the following programs:

(a) Any program approved by the state board of education under Minnesota Rules, part 3500.3500 or according to section 121.11, subdivision 12, may enroll students who are eligible to participate under subdivision 2, clause (a), (b) or (c);

(b) Students eligible to participate under subdivision 2, clause (b) or (c) may enroll in post-secondary courses under section 123.3514; and

(c) Any public secondary education program may enroll any student who is eligible to participate under subdivision 2, clause (a), (b) or (c).

Subd. 4. **Student enrollment.** Any eligible student under subdivision 2 may apply to enroll in an eligible program under subdivision 3, using the form specified in section 120.0752, subdivision 2. Notwithstanding section 120.0752, approval of the resident district is not required for an eligible student under subdivision 2 to enroll in a nonresident district which has an eligible program under subdivision 3 or an area learning center established under section 129B.52. A student enrolling in a program in a nonresident district under this section shall be considered a resident of that district.

Subd. 5. **Dissemination of information.** A school district shall disseminate information, developed by the department of education, about the high school graduation incentives program to residents in the district who are under the age of 21.

Subd. 6. **Desegregation plans.** Notwithstanding any provision to the contrary, students may not enroll in a nonresident district under this section if their enrollment in another school district would result in a violation of a district's desegregation plan, as mandated and approved by the state board of education.

**History:** 1987 c 398 art 8 s 15

## 126.23 AID FOR PRIVATE ALTERNATIVE PROGRAMS.

If a pupil enrolls in a nonsectarian alternative program operated by a private organization that has contracted with a school district to provide educational services for high school drop outs or other eligible students under section 126.22, subdivision 2, the resident district must reimburse the provider an amount equal to at least 50 percent of the formula allowance plus the total tier revenue attributable to that pupil.

**History:** 1987 c 398 art 8 s 16

## 126.24 CAREER OPTIONS AND DROP-OUT PREVENTION INFORMATION.

Subdivision 1. **Sale of materials.** The department of education may provide career options and drop-out prevention materials and services developed by the secondary vocational education section to school districts and educational agencies in Minnesota and other states. The department may collect reasonable fees for the materials and services.

Subd. 2. **Appropriation.** There is annually appropriated from the general fund to the department of education any and all amounts received by the department under subdivision 1. Any amount received under this section must be used exclusively for the purpose of developing and distributing materials and services relating to career options and drop-out prevention programs.

**History:** 1987 c 398 art 8 s 17

## 126.39 STATE BOARD OF EDUCATION DUTIES.

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 section 126.36.

**History:** 1987 c 384 art 2 s 35

## 126.54 CONTINUATION OF INDIAN EDUCATION PILOT PROJECT GRANTS.

Subdivision 1. **Grants; procedures.** Each fiscal year the state board of education

shall make grants to no fewer than six 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.

*[For text of subds 2 to 7, see M.S.1986]*

**History:** 1987 c 398 art 3 s 26

## 126.56 SUMMER SCHOLARSHIPS FOR ACADEMIC ENRICHMENT.

*[For text of subds 1 and 2, see M.S.1986]*

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 review the financial need of each pupil to meet the actual costs of attending the summer program, as determined by the institution sponsoring the summer program. The board shall award scholarships within the limits of the appropriation for this section. If the amount appropriated is insufficient, the board shall allocate the amount appropriated in the manner it determines. A scholarship shall not exceed \$1,000.

*[For text of subds 4 and 5, see M.S.1986]*

Subd. 6. **Information.** The higher education coordinating board, in cooperation with the academic excellence foundation, shall assemble and distribute information about scholarships and eligible programs.

*[For text of subds 7 and 8, see M.S.1986]*

**History:** 1987 c 398 art 7 s 35,36

126.65 [Repealed, 1987 c 398 art 8 s 45]

126.66 [Repealed, 1987 c 398 art 8 s 45]

## PLANNING, EVALUATION, AND REPORTING PROCESS

### 126.661 PER DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of Laws 1987, chapter 398, article 8, sections 126.661 to 126.666 and section 126.67, the following terms have the meanings given them.

Subd. 2. **Curriculum.** "Curriculum" means written plans for providing learning experiences that lead to the acquisition of knowledge, skills, and attitudes.

Subd. 3. **Learner outcome.** "Learner outcome" means a specific educational goal of the curriculum.

Subd. 4. **Instruction.** "Instruction" means methods of providing learning experiences that facilitate pupil progress in attaining outcomes.

Subd. 5. **Essential learner outcomes.** "Essential learner outcomes" means the specific basic learning experiences that must be provided for all students.

Subd. 6. **PER process.** "Planning, evaluating, and reporting process" or "PER process" means a process, described in sections 126.661 to 126.67, to establish a cycle

for curriculum identification, implementation, review, and improvement that is reported to the community and the state.

**History:** 1987 c 398 art 8 s 18; 1Sp1987 c 4 art 1 s 10

#### **126.662 PER FINDINGS.**

The legislature finds that a process is needed to facilitate decisions by school boards and communities concerning education curriculum planning, evaluation of curriculum, evaluation for improvement of instruction, and determination of the services that can or should be provided by institutions, such as the family, private or public organizations and agencies, in addition to being provided by public education.

**History:** 1987 c 398 art 8 s 19

#### **126.663 PER CURRICULUM ACCOUNTABILITY AND IMPROVEMENT PROCESS.**

**Subdivision 1. State process.** The state board, with the advice of the state curriculum advisory committee, shall adopt a state PER process and standard procedures for district planning, evaluating, and reporting.

**Subd. 2. Model state core curriculum.** The state board shall adopt a set of learner outcomes that it considers to be essential for each subject area. The department of education, in cooperation with the state curriculum advisory committee, shall develop a validated research-based process to identify a set of learner outcomes that are essential for each subject area.

**Subd. 3. Model learner outcomes.** The department shall develop and maintain sets of learner outcomes in state board identified subject areas that it considers to be model learner outcomes. The department shall make the sets available for use by a district at the option of the district. The sets shall be for pupils in kindergarten to grade 12. The department shall consult with each of the public post-secondary systems and with the higher education coordinating board in developing model learner outcomes appropriate for entry into post-secondary institutions.

**History:** 1987 c 398 art 8 s 20

#### **126.664 TECHNICAL ASSISTANCE.**

The commissioner of education shall make technical assistance for planning and evaluation available to school districts. The department shall collect the annual reports from districts, as provided in section 126.666, subdivision 4, and shall make these reports available, upon request, to any person. If requested, the department shall provide technical assistance to a district developing methods for measuring group or individual pupil progress.

**History:** 1987 c 398 art 8 s 21

#### **126.665 STATE CURRICULUM ADVISORY COMMITTEE.**

The commissioner shall appoint a state curriculum advisory committee of 11 members to advise the state board and the department on the PER process. Nine members shall be from each of the educational cooperative service units and two members shall be at-large. The committee shall include representatives from the state board of education, parents, teachers, administrators, and school board members. Each member shall be a present or past member of a district curriculum advisory committee. The state committee shall provide information and recommendations about at least the following:

- (1) department procedures for reviewing and approving reports and disseminating information;
- (2) exemplary PER processes;
- (3) recommendations for improving the PER process and reports; and
- (4) developing a continuous process for identifying and attaining essential learner outcomes.

By February 1 of each year, the commissioner, in cooperation with the state curriculum advisory committee, shall prepare a report for the education committees of the legislature. The report shall include the recommendations of the state curriculum advisory committee.

**History:** 1987 c 398 art 8 s 22

### 126.666 SCHOOL DISTRICT PROCESS.

Subdivision 1. **Adopting policies.** A school board shall adopt each year a written PER policy that includes the following:

- (1) district curriculum goals;
- (2) learner outcomes for each subject area at each grade level that include the essential learner outcomes adopted by the state board under section 126.663, subdivision 2;
- (3) a process for evaluating each student's progress toward attaining learner outcomes and for identifying strengths and weaknesses of the curriculum;
- (4) a system for establishing a review cycle for all curriculum;
- (5) curriculum and instruction improvement plans; and
- (6) an instruction plan that includes education effectiveness processes developed according to section 121.608 and integration of curriculum and technology developed under section 129B.33.

Subd. 2. **Curriculum advisory committee.** Each school board shall establish a curriculum advisory committee to permit active community participation in all phases of the PER process. The advisory committee shall be representative of the community served by the district and include principals, teachers, parents, support staff, and other community residents. Whenever possible, parents and other community residents shall comprise at least two-thirds of the advisory committee. The committee shall make recommendations to the board about the programs enumerated in section 124A.27, that the committee determines should be offered. The recommendations shall be based on district needs and priorities.

Subd. 3. **Building team.** A team may be established at each school building to develop and implement an education effectiveness plan to improve curriculum and instruction. The team shall advise the board and the advisory committee about the development of an instruction improvement plan that aligns curriculum, assessment of student progress, and instruction.

Subd. 4. **Report.** By October 1 of each year, the school board shall adopt, using state board standard reporting procedures, a report that includes the following:

- (1) learner outcomes adopted for that year;
- (2) results of local assessment data, and any additional test data;
- (3) the annual school district improvement plans; and
- (4) information about progress that has been made toward the improvement plans that were previously adopted by the board.

The school board shall publish the report in the local newspaper with the largest circulation in the district or by mail. The report shall be available for inspection by the public. A copy of the report shall be sent to the commissioner of education by October 15 of each year.

Subd. 5. **Biennial evaluation; assessment program.** At least once every two years the report shall include an evaluation of the district testing programs, according to the following:

- (1) written objectives of the assessment program;
- (2) names of tests and grade levels tested;
- (3) use of test results; and
- (4) implementation of assurance of mastery program.

**History:** 1987 c 398 art 8 s 23

**126.67 SCHOOL DISTRICT ASSESSMENT PROGRAMS.**

Subdivision 1. [Repealed, 1987 c 398 art 8 s 45]

Subd. 1a. [Repealed, 1987 c 398 art 8 s 45]

Subd. 2a. [Repealed, 1987 c 398 art 8 s 45]

Subd. 2b. **District assessments.** As part of the PER process, each year a district shall, in at least three grades, conduct assessments among at least a sample of pupils for each subject area in that year of the curriculum review cycle. The district's curriculum review cycle for communication, mathematics, science, and social studies shall not exceed five years. Assessments may not be conducted in the same curriculum area for two consecutive years. The district may use tests from the assessment item bank, the local assessment program developed by the department, or other tests. As they become available, districts shall use state developed measures to assure state progress toward the state core curriculum. Funds are provided for districts that choose to use the local assessment program or the assessment item bank.

*[For text of subd 3, see M.S.1986]*

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 and requiring evaluation of progress toward mastery at least once during grades K to three, once during grades four to six, once during grades seven to nine, and once during grades ten 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.

*[For text of subds 4 to 5a, see M.S.1986]*

Subd. 5b. [Repealed, 1sp1985 c 12 art 8 s 65; 1987 c 398 art 8 s 45]

Subd. 6. **Additional testing.** The department upon written agreement with 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. The department may also sell products and services as a part of the assessment item bank program to public and private entities outside of the state. Money from the sale of these products and services is annually appropriated to the department for the improvement of assessment measures within Minnesota.

*[For text of subds 7 and 8, see M.S.1986]*

Subd. 9. [Repealed, 1987 c 398 art 8 s 45]

**History:** 1987 c 398 art 8 s 24-26; 1Sp1987 c 4 art 1 s 2

**126.70 STAFF DEVELOPMENT PLAN.**

Subdivision 1. **Eligibility for revenue.** A school board may use the revenue authorized in section 124A.29, if it establishes a staff development advisory committee and adopts a staff development plan according to this subdivision. A majority of the advisory committee must be teachers representing various grade levels and subject areas. The advisory committee must also include representatives of parents, and administrators. The advisory committee shall develop a staff development plan and



submit it to the school board. If the school board approves the plan, the district may use the staff development revenue authorized in section 124A.29.

*[For text of subd 2, see M.S.1986]*

**Subd. 2a. Permitted uses.** A school board may approve a plan for any of the following purposes:

- (1) to participate in the educational effectiveness program 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 126.666;
- (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;
- (13) for short-term contracts as described in section 126.72; or
- (14) to employ teachers for an extended year to perform duties directly related to improving curriculum or teaching skills.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 398 art 8 s 27,28; 1Sp1987 c 4 art 1 s 3

**126.71** [Repealed, 1987 c 398 art 8 s 45]

## **126.72 CONTRACTS.**

**Subdivision 1. Authorization.** A school board may enter into short-term, limited contracts with classroom teachers employed by the district.

*[For text of subs 2 to 6, see M.S.1986]*

**History:** 1987 c 398 art 8 s 29

## **126.81 EXEMPLARY TEACHER EDUCATION PROGRAM GRANTS.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. Grants for exemplary teacher education programs.** The board of teaching shall award 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.

*[For text of subds 3 to 6, see M.S.1986]*

**History:** 1987 c 398 art 8 s 30