

CHAPTER 126

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126.019 SCHOOL RESTRUCTURING PROGRAM.

Subdivision 1. **Levy authority.** (a) The purpose of school district restructuring pilots is to examine practices and organizational structure for improvement of student achievement of education outcomes through site decision-making. A school district may submit an application to the department of education for school district restructuring levy authority. The authority may be for up to \$50 times the number of actual pupil units at the site. The levy is available for the fiscal year for which the pilot receives approval and for the subsequent four years. A district need only apply once for this authority. The actual amount of levy authority given shall depend on the level of power and control delegated to a site under section 123.951. The state board, upon consultation of the education chairs of the legislature, shall determine criteria for measuring this level and allocating the appropriate levy authority. The criteria may include a provision that would allow the site decision-making team to request waivers from the master contract between the school board and the collective bargaining representative in the district. Notwithstanding any law to the contrary, the state board of education and the state board of teaching may grant waivers that would apply only to a single site within the district from any board rule. The levy authority may be increased or decreased by the state board if a district changes implementation of this section. Revenue from the levy must be under the control of local site decision-making team and may be used for any purpose determined by the team. All information about education achievement and effective reduction in elementary learner-instructor ratios at the school site must be made available to the public. Each school board must communicate the availability of this authority to each school site in the district.

(b) The local levy shall be matched dollar for dollar with state aid. The commissioner shall not approve total levy authority in excess of available state appropriations.

Subd. 2. **Report.** The state board shall report on the implementation of this section and learning improvement results to the education committees of the legislature on February 1 of each year. The board shall also develop model reporting forms for districts to use to report to local communities. The board shall develop these forms in consultation with the department and the chairs of the education committees of the legislature.

History: 1993 c 224 art 7 s 22

126.09	[Repealed, 1993 c 224 art 12 s 32]
126.111	[Repealed, 1993 c 224 art 12 s 32]
126.112	[Repealed, 1993 c 224 art 12 s 32]

126.151 VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.

[For text of subd 1, see M.S.1992]

Subd. 2. **Accounts of the organization.** The commissioner and the state board of technical colleges may retain dues and other money collected on behalf of students participating in approved vocational student organizations and may deposit the money in separate accounts. The money in these accounts shall be available for expenditures for state and national activities related to specific organizations. Administration of money collected under this section is not subject to the provisions of chapters 15, 16A, and 16B, and may be deposited outside the state treasury. Money shall be administered under the policies of the applicable state board or agency relating to post-secondary and secondary vocational student organizations and is subject to audit by the legislative auditor. Any unexpended money shall not cancel but may be carried forward to the next fiscal year.

History: 1993 c 224 art 13 s 45

126.20 EYE PROTECTIVE DEVICES.

[For text of subds 1 to 3, see M.S.1992]

Subd. 4. [Repealed, 1993 c 224 art 12 s 32]

[For text of subds 5 and 6, see M.S.1992]

126.22 HIGH SCHOOL GRADUATION INCENTIVES PROGRAM.

[For text of subd 1, see M.S.1992]

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

(a) any pupil who is between the ages of 12 and 21, or who is an elementary pupil, and in either case, who:

(1) is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test; or

(2) is at least one year behind in satisfactorily completing coursework or obtaining credits for graduation; or

(3) is pregnant or is a parent; or

(4) has been assessed as chemically dependent; or

(5) has been excluded or expelled according to sections 127.26 to 127.39; or

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 126.23; or

(7) is a victim of physical or sexual abuse; or

(8) has experienced mental health problems; or

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program; or

(b) any person who is at least 21 years of age and who:

(1) has received fewer than 14 years of public or nonpublic education, beginning at age 5;

(2) has not completed the requirements for a high school diploma; and

(3) at the time of application, (i) is eligible for unemployment compensation benefits or has exhausted the benefits, (ii) is eligible for, or is receiving income maintenance and support services, as defined in section 268.0111, subdivision 5, or (iii) is eligible for services under the displaced homemaker program, state wage-subsidy program, or any programs under the federal Jobs Training Partnership Act or its successor.

Subd. 2a. [Repealed, 1993 c 224 art 4 s 45]

Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may enroll in any program approved by the state board of education under Minnesota Rules, part 3500.3500, or area learning centers under sections 124C.45 to 124C.48, or according to section 121.11, subdivision 12.

(b) A pupil who is eligible according to subdivision 2 and who is between the ages of 16 and 21 may enroll in post-secondary courses under section 123.3514.

(c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or secondary education program. However, a person who is eligible according to subdivision 2, clause (b), may enroll only if the school board has adopted a resolution approving the enrollment.

(d) A pupil who is eligible under subdivision 2, may enroll part time, if 16 years of age or older, or full time in any nonprofit, nonpublic, nonsectarian school that has contracted with the school district of residence to provide educational services.

(e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic education programs approved under section 124.26 and operated under the community education program contained in section 121.88.

Subd. 3a. **Additional eligible program.** A pupil who is at least 16 years of age, who is eligible under subdivision 2, clause (a), and who has been enrolled only in a public school, if the pupil has been enrolled in any school, during the year immediately before transferring under this subdivision, may transfer to any nonprofit, nonpublic school that has contracted with the school district of residence to provide nonsectarian educational services. Such a school must enroll every eligible pupil who seeks to transfer to the school under this program subject to available space.

Subd. 4. **Pupil enrollment.** Any eligible pupil may apply to enroll in an eligible program. Approval of the resident district is not required for:

(1) an eligible pupil to enroll in any eligible program in a nonresident district under subdivision 3 or an area learning center established under section 124C.45; or

(2) an eligible pupil under subdivision 2, to enroll in an adult basic education program approved under section 124.26.

[For text of subs 5 to 7, see M.S.1992]

Subd. 8. **Enrollment verification.** (a) For a pupil attending an eligible program full time under subdivision 3, paragraph (d), the department of education shall pay 88 percent of the basic revenue of the district to the eligible program and 12 percent of the basic revenue to the resident district within 30 days after the eligible program verifies enrollment using the form provided by the department. For a pupil attending an eligible program part time, basic revenue shall be reduced proportionately, according to the amount of time the pupil attends the program, and the payments to the eligible program and the resident district shall be reduced accordingly. A pupil for whom payment is made according to this section may not be counted by any district for any purpose other than computation of basic revenue, according to section 124A.22, subdivision 2. If payment is made for a pupil under this subdivision, a school district shall not reimburse a program under section 126.23 for the same pupil.

(b) The department of education shall pay up to 100 percent of the basic revenue to the eligible program if there is an agreement to that effect between the school district and the eligible program.

[For text of subd 9, see M.S.1992]

History: 1993 c 224 art 4 s 34-37; art 7 s 23

126.239 ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

[For text of subs 1 and 2, see M.S.1992]

Subd. 3. **Subsidy for examination fees.** The state may pay all or part of the fee for

advanced placement or international baccalaureate examinations for pupils in public and nonpublic schools whose circumstances make state payment advisable. The commissioner shall adopt a schedule for fee subsidies that may allow payment of the entire fee for low-income families, as defined by the commissioner. The commissioner may also determine the circumstances under which the fee is subsidized, in whole or in part. The commissioner shall determine procedures for state payments of fees.

[For text of subd 4, see M.S.1992]

History: 1993 c 224 art 13 s 46

126.24 [Repealed, 1993 c 224 art 12 s 32]

126.267 TECHNICAL ASSISTANCE.

The commissioner shall provide technical assistance to school districts receiving aid pursuant to section 124.273 and to post-secondary institutions for preservice and in-service 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: 1993 c 224 art 13 s 47

126.268 [Repealed, 1993 c 224 art 12 s 32]

126.52 STATE BOARD OF EDUCATION DUTIES.

[For text of subd 5, see M.S.1992]

Subd. 8. Technical assistance. The commissioner shall provide technical assistance to school districts, schools and post-secondary institutions for preservice and in-service training for American Indian education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Subd. 9. Application for funds. The commissioner shall apply for money which may be available under federal programs for American Indian education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

History: 1993 c 224 art 13 s 48,49

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 commissioner 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 subd 2, see M.S.1992]

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

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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. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

[For text of subds 4 to 7, see M.S.1992]

History: 1993 c 224 art 13 s 50; art 14 s 13

126.56 SUMMER SCHOLARSHIPS FOR ACADEMIC ENRICHMENT.

[For text of subds 1 to 4, see M.S.1992]

Subd. 4a. **Eligible programs.** A scholarship may be used only for an eligible program. To be eligible, a program must:

- (1) provide, as its primary purpose, academic instruction for student enrichment in curricular areas including, but not limited to, communications, humanities, social studies, social science, science, mathematics, art, or foreign languages;
- (2) not be offered for credit to post-secondary students;
- (3) not provide remedial instruction;
- (4) meet any other program requirements established by the state board of education and the higher education coordinating board; and
- (5) be approved by the commissioner.

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 11 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. The committee expires June 30, 1995.

[For text of subd 6, see M.S.1992]

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

[For text of subd 8, see M.S.1992]

History: 1993 c 224 art 13 s 51,52; 1Sp1993 c 2 art 3 s 3

126.665 STATE CURRICULUM ADVISORY COMMITTEE.

The state board shall appoint a state curriculum advisory committee of 11 members to advise it 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, higher education, parents, teachers, administrators, business, and school board members. 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;

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- (3) recommendations for improving the PER process and reports; and
- (4) developing a continuous process for identifying and attaining essential learner outcomes.

The committee expires on June 30, 1996.

History: 1993 c 224 art 9 s 34; art 13 s 53

NOTE: The repeal of this section by Laws 1993, chapter 224, article 12, section 32, paragraph (c), is effective August 1, 1996. See Laws 1993, chapter 224, article 12, section 41.

126.67 SCHOOL DISTRICT ASSESSMENT PROGRAMS.

[For text of subds 2b to 7, see M.S.1992]

Subd. 8. **Career information; appropriation.** (a) The department of education, through the Minnesota career information system, may provide career information to school districts and other educational organizations, employment and training services, human service agencies, libraries, and families. The department shall collect fees necessary to recover all expenditures related to the operation of the Minnesota career information service. Grants may be accepted and used for the improvement or operation of the program. All receipts must be deposited in a special account in the special revenue fund. The money in the account, along with any interest earned, is appropriated annually to the commissioner of education for the Minnesota career information system. Equipment, materials, and property purchased with Minnesota career information system money must be for the sole use and benefit of the system.

(b) The department must recognize that the Minnesota career information system operates under a self-supporting directive, and, accordingly, must be provided sufficient administrative latitude within the confines of law to enable the system to operate effectively.

History: 1993 c 224 art 4 s 38

NOTE: The repeal of this section by Laws 1993, chapter 224, article 12, section 32, paragraph (c), is effective August 1, 1996. See Laws 1993, chapter 224, article 12, section 41.

126.681 EVALUATION OF PUPIL GROWTH AND PROGRESS; PERMANENT RECORDS.

Each school district shall provide a testing program for the purpose of measuring pupil growth and for curriculum evaluation, as well as a system for grading and making reports to parents. Each district shall develop an appropriate program of pupil progress and promotion for its elementary, middle, and secondary schools. Each district shall keep accurate and complete individual, permanent, cumulative personal records for all pupils.

History: 1993 c 224 art 12 s 28

126.699 PARENTAL CURRICULUM REVIEW.

Each school district shall have a procedure for a parent, guardian, or an adult student, 18 years of age or older, to review the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for alternative instruction. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student. School personnel may not impose an academic or other penalty upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

History: 1993 c 224 art 12 s 29

126.70 STAFF DEVELOPMENT PROGRAM.

Subdivision 1. **Staff development committee.** A school board shall use the revenue authorized in section 124A.29 for in-service education for programs under section 126.77, subdivision 2, or for staff development plan under this subdivision. The board must establish a staff development committee to develop the plan, advise a site decision-making team about the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee must be teachers representing various grade levels and subject areas. The advisory committee must also include parents and administrators. Districts shall report staff development results to the commissioner in the form and manner determined by the commissioner.

Subd. 2. **Contents of the plan.** The plan must include education outcomes under subdivision 2a, the means to achieve the outcomes and procedures for evaluating progress at each school site toward meeting education outcomes.

Subd. 2a. **Staff development outcomes.** (a) The staff development committee shall adopt a staff development plan for the improvement of student achievement of education outcomes. The plan must be consistent with education outcomes determined by the school board. The plan shall include the following outcomes:

- (1) foster readiness for learning;
 - (2) facilitate organizational changes by enabling a site-based team composed of pupils, parents, school personnel, and community members to address pupils' needs;
 - (3) develop programs to increase pupils' educational progress by developing appropriate outcomes and personal learning goals and by encouraging pupils and their parents to assume responsibility for their education;
 - (4) design and develop programs containing various instructional opportunities that recognize pupils' individual needs and utilize family and community resources;
 - (5) evaluate the effectiveness of education policies, processes, and products through appropriate evaluation procedures that include multiple criteria and indicators;
 - (6) provide staff time or mentorship oversight for peer review of probationary, continuing contract, and nonprobationary teachers;
 - (7) train elementary and secondary staff to help students learn to resolve conflicts in effective, nonviolent ways;
 - (8) encourage staff to teach and model violence prevention policy and curricula that address issues of sexual and racial harassment; and
 - (9) teach elementary and secondary staff to effectively meet the needs of children with disabilities within the regular classroom setting.
- (b) If a school board approves a plan to accomplish any of the purposes listed in paragraph (a), it must also provide challenging instructional activities and experiences that recognize and cultivate students' advanced abilities and talents.

History: 1993 c 224 art 7 s 24

126.82 STATE MULTICULTURAL EDUCATION ADVISORY COMMITTEE.

(a) The commissioner shall appoint a state multicultural education advisory committee to advise the department and the state board on multicultural education. The committee must have 12 members and be composed of representatives from among the following groups and community organizations: African-American, Asian-Pacific, Hispanic, and American Indian.

(b) The state committee shall provide information and recommendations on:

- (1) department procedures for reviewing and approving district plans and disseminating information on multicultural education;
- (2) department procedures for improving inclusive education plans, curriculum and instruction improvement plans, and performance-based assessments;
- (3) developing learner outcomes which are multicultural; and

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(4) other recommendations that will further inclusive, multicultural education.

(c) The committee shall also participate in determining the criteria for and awarding the grants established under Laws 1993, chapter 224, article 8, section 22, subdivision 8.

History: 1993 c 224 art 8 s 10

126.83 SECONDARY CREDIT FOR EIGHTH GRADE STUDENTS.

A student in eighth grade who satisfactorily completes at least 120 hours of instruction in a high school course is eligible to receive secondary course credit and the credit shall count toward the student's graduation requirements. This section expires August 1, 1996.

History: 1993 c 224 art 9 s 35