

## CHAPTER 124D

## EDUCATION PROGRAMS

124D 03	Enrollment options program	124D 453	Current funding for career and technical education
124D 05	Attending school in another state, severance pay	124D 454	Access to Minnesota's transition system for children with a disability
124D 081	First-grade preparedness program	124D 52	Adult basic education
124D 10	Charter schools	124D 53	Adult basic education aid
124D 11	Revenue for a results-oriented charter school	124D 54	Adult high school graduation aid
124D 112	Repealed	124D 548	Repealed
124D 113	Repealed	124D 57	Hearing impaired educational support services
124D 1155	Fast break to learning grants	124D 65	Limited English proficiency (LEP) programs aid
124D 116	Repealed	124D 67	Repealed
124D 121	Definition of flexible learning year program	124D 68	Graduation incentives program
124D 122	Establishment of flexible learning year program	124D 69	Aid for alternative programs provided under contract
124D 126	Powers and duties of commissioner flexible learning year programs	124D 75	Licenses for American Indian language and culture education teachers exemptions
124D 127	Termination of flexible learning year program	124D 79	Community and commissioner participation in American Indian education
124D 128	Learning year program to provide instruction throughout year	124D 80	Committees on American Indian education programs
124D 13	Early childhood family education (ECFE) programs	124D 81	Continuation of Indian education grants
124D 135	Early childhood family education (ECFE) revenue	124D 83	State revenue for American Indian tribal contract or grant schools
124D 14	Repealed	124D 84	Indian scholarships
124D 15	School readiness programs	124D 85	Indian post-secondary preparation grants
124D 16	School readiness aid	124D 86	Integration revenue
124D 17	Way to grow/school readiness program	124D 87	Interdistrict desegregation or integration transportation aid
124D 19	Community education programs advisory council	124D 88	Metropolitan magnet school grants
124D 20	Community education revenue	124D 89	Summer cultural exchange grant program
124D 22	School-age care revenue	124D 93	Minnesota local partnership program
124D 221	After-school enrichment programs	124D 94	Minnesota academic excellence foundation
124D 23	Family services and community-based collaboratives	124D 95	Summer scholarships for academic enrichment
124D 26	Improved learning program	124D 96	Welfare and correctional institutions policies for educational programs
124D 33	Male responsibility and fathering grants	124D 97	Veterans training program
124D 34	Minnesota foundation for student organizations		
124D 355	Vocational education student organizations		

## 124D.03 ENROLLMENT OPTIONS PROGRAM

*[For text of subs 1 to 3, see M S 1998]*

Subd 4 **Desegregation district transfers.** (a) This subdivision applies to a transfer into or out of a district that has a desegregation plan approved by the commissioner of children, families, and learning

(b) An application to transfer may be submitted at any time for enrollment beginning at any time

(c) The parent or guardian of a pupil who is a resident of a district that has a desegregation plan must submit an application to the resident district. If the district accepts the application, it must forward the application to the nonresident district

(d) The parent or guardian of a pupil who applies for enrollment in a nonresident district that has a desegregation plan must submit an application to the nonresident district

(e) Each district must accept or reject an application it receives and notify the parent or guardian in writing within 30 calendar days of receiving the application. A notification of acceptance must include the date enrollment can begin

(f) If an application is rejected, the district must state the reason for rejection in the notification. If a district that has a desegregation plan rejects an application for a reason related to the desegregation plan, the district must state with specificity how acceptance of the application would result in noncompliance with department of children, families, and learning rules with respect to the school or program for which application was made.

(g) If an application is accepted, the parent or guardian must notify the nonresident district in writing within 15 calendar days of receiving the acceptance whether the pupil intends to enroll in the nonresident district. Notice of intention to enroll obligates the pupil to enroll in the nonresident district, unless the boards of the resident and nonresident districts agree otherwise. If a parent or guardian does not notify the nonresident district, the pupil may not enroll in that nonresident district at that time, unless the boards of the resident and nonresident district agree otherwise.

(h) Within 15 calendar days of receiving the notice from the parent or guardian, the nonresident district shall notify the resident district in writing of the pupil's intention to enroll in the nonresident district.

(i) A pupil enrolled in a nonresident district under this subdivision is not required to make annual or periodic application for enrollment but may remain enrolled in the same district. A pupil may transfer to the resident district at any time.

(j) A pupil enrolled in a nonresident district and applying to transfer into or out of a district that has a desegregation plan must follow the procedures of this subdivision. For the purposes of this type of transfer, "resident district" means the nonresident district in which the pupil is enrolled at the time of application.

(k) A district that has a desegregation plan approved by the commissioner must accept or reject each individual application in a manner that will enable compliance with its desegregation plan.

*[For text of subs 5 to 11, see M S 1998]*

**Subd 12 Termination of enrollment.** A district may terminate the enrollment of a nonresident student enrolled under this section or section 124D 07 or 124D 08 at the end of a school year if the student meets the definition of a habitual truant under section 260C 007, subdivision 19, the student has been provided appropriate services under chapter 260A, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 16 enrolled under this section if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under section 120A 22, subdivision 8.

**History:** 1998 c 398 art 5 s 55, 1999 c 139 art 4 s 2, 1999 c 241 art 9 s 25

## 124D.05 ATTENDING SCHOOL IN ANOTHER STATE; SEVERANCE PAY.

*[For text of subs 1 and 2, see M S 1998]*

**Subd 3 Severance pay.** A district must pay severance pay to a teacher who is placed on unrequested leave of absence by the district as a result of an agreement under this section. A teacher is eligible under this subdivision if the teacher

- (1) is a teacher, as defined in section 122A 40, subdivision 1, but not a superintendent,
- (2) has a continuing contract with the district according to section 122A 40, subdivision

7

The amount of severance pay must be equal to the teacher's salary for the school year during which the teacher was placed on unrequested leave of absence minus the gross amount the teacher was paid during the 12 months following the teacher's termination of salary, by an entity whose teachers by statute or rule must possess a valid Minnesota teaching license, and minus the amount a teacher receives as severance or other similar pay according to a contract with the district or district policy. These entities include, but are not limited to, the district that placed the teacher on unrequested leave of absence, another district in Minnesota, an education district, an intermediate school district, a service cooperative, a board formed under section 471 59, a state residential academy, the Perpich center for arts educa-

tion, a vocational center, or a special education cooperative. These entities do not include a district in another state, a Minnesota public post-secondary institution, or a state agency. Only amounts earned by the teacher as a substitute teacher or in a position requiring a valid Minnesota teaching license shall be subtracted. A teacher may decline any offer of employment as a teacher without loss of rights to severance pay.

To determine the amount of severance pay that is due for the first six months following termination of the teacher's salary, the district may require the teacher to provide documented evidence of the teacher's employers and gross earnings during that period. The district must pay the teacher the amount of severance pay it determines to be due from the proceeds of the levy for this purpose. To determine the amount of severance pay that is due for the second six months of the 12 months following the termination of the teacher's salary, the district may require the teacher to provide documented evidence of the teacher's employers and gross earnings during that period. The district must pay the teacher the amount of severance pay it determines to be due from the proceeds of the levy for this purpose.

A teacher who receives severance pay under this subdivision waives all further reinstatement rights under section 122A 40, subdivision 10 or 11. If the teacher receives severance pay, the teacher must not receive credit for any years of service in the district paying severance pay prior to the year in which the teacher becomes eligible to receive severance pay.

The severance pay is subject to section 465 72. The district may levy annually according to section 126C 43 for the severance pay.

**History:** 1999 c 241 art 10 s 8

#### 124D.081 FIRST-GRADE PREPAREDNESS PROGRAM.

*[For text of subsds 1 and 2, see M S 1998]*

Subd 3 **Qualifying school site.** (a) The commissioner shall rank all school sites with kindergarten programs that do not exclusively serve students under sections 125A 03 to 125A 24, and 125A 65. The ranking must be from highest to lowest based on the site's free and reduced lunch count as a percent of the fall enrollment using the preceding October 1 enrollment data. Once a school site is calculated to be eligible, it remains eligible for the duration of the pilot program, unless the site's ranking falls below the state average for elementary schools. For each school site, the percentage used to calculate the ranking must be the greater of (1) the percent of the fall kindergarten enrollment receiving free and reduced lunch, or (2) the percent of the total fall enrollment receiving free and reduced lunch. The list of ranked sites must be separated into the following geographic areas: Minneapolis district, St. Paul district, suburban Twin Cities districts in the seven-county metropolitan area, and school districts in greater Minnesota.

(b) The commissioner shall establish a process and timelines to qualify school sites for the next school year. School sites must be qualified in each geographic area from the list of ranked sites until the estimated revenue available for this program has been allocated. The total estimated revenue must be distributed to qualified school sites in each geographic area as follows: 25 percent for Minneapolis sites, 25 percent for St. Paul sites, 25 percent for suburban Twin Cities sites, and 25 percent for greater Minnesota.

*[For text of subsds 4 to 6, see M S 1998]*

Subd 7 [Repealed, 1999 c 241 art 2 s 62]

Subd 8 [Repealed, 1999 c 241 art 2 s 62]

**History:** 1999 c 241 art 2 s 9

#### 124D.10 CHARTER SCHOOLS.

*[For text of subsds 1 and 2, see M S 1998]*

Subd 3 **Sponsor.** A school board, intermediate school district school board, education districts organized under sections 123A 15 to 123A 19, private college, community college,

state university, technical college, or the University of Minnesota may sponsor one or more charter schools

**Subd 4 Formation of school.** (a) A sponsor may authorize one or more licensed teachers under section 122A 18, subdivision 1, to operate a charter school subject to approval by the commissioner. A board must vote on charter school application for sponsorship no later than 90 days after receiving the application. After 90 days, the applicant may apply to the commissioner. If a board elects not to sponsor a charter school, the applicant may appeal the board's decision to the commissioner. If the commissioner authorizes the school, the commissioner must sponsor the school according to this section. The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A.

(b) Before the operators may form and operate a school, the sponsor must file an affidavit with the commissioner stating its intent to authorize a charter school. The affidavit must state the terms and conditions under which the sponsor would authorize a charter school. The commissioner must approve or disapprove the sponsor's proposed authorization within 60 days of receipt of the affidavit. Failure to obtain commissioner approval precludes a sponsor from authorizing the charter school that was the subject of the affidavit.

(c) The operators authorized to organize and operate a school must hold an election for members of the school's board of directors in a timely manner after the school is operating. Any staff members who are employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents of children enrolled in the school may participate in the election. Licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors, unless the commissioner waives the requirement for the school. A provisional board may operate before the election of the school's board of directors. Board of director meetings must comply with section 471 705.

(d) The granting or renewal of a charter by a sponsoring entity must not be conditioned upon the bargaining unit status of the employees of the school.

**Subd 5 Conversion of existing schools.** A board may convert one or more of its existing schools to charter schools under this section if 60 percent of the full-time teachers at the school sign a petition seeking conversion. The conversion must occur at the beginning of an academic year.

**Subd 6 Contract.** The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

- (1) a description of a program that carries out one or more of the purposes in subdivision 1,
- (2) specific outcomes pupils are to achieve under subdivision 10,
- (3) admission policies and procedures,
- (4) management and administration of the school,
- (5) requirements and procedures for program and financial audits,
- (6) how the school will comply with subdivisions 8, 13, 16, and 23,
- (7) assumption of liability by the charter school,
- (8) types and amounts of insurance coverage to be obtained by the charter school,
- (9) the term of the contract, which may be up to three years, and
- (10) if the board of directors or the operators of the charter school provide special instruction and services for children with a disability under sections 125A 03 to 125A 24, and 125A 65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability.

*[For text of subd 7, see M S 1998]*

**Subd 8 State and local requirements.** (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution. If such a board denies a request to locate, within its boundaries a charter school sponsored by another school board, the sponsoring school board may appeal to the commissioner. If the commissioner authorizes the school, the commissioner must sponsor the school.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A 04.

(h) A charter school is subject to and must comply with The Pupil Fair Dismissal Act, sections 121A 40 to 121A 56, and the Minnesota Public School Fee law, sections 123B 34 to 123B 39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. The audit must be consistent with the requirements of sections 123B 75 to 123B 83, except to the extent deviations are necessary because of the program at the school. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits.

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

*[For text of subd 9, see M S 1998]*

**Subd 10 Pupil performance.** A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students. In the absence of the commissioner's requirements, the school must meet the outcomes contained in the contract with the sponsor. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.

**Subd 11 Employment and other operating matters.** A charter school must employ or contract with necessary teachers, as defined by section 122A 15, subdivision 1, who hold valid licenses to perform the particular service for which they are employed in the school. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties.

The board of directors also shall decide matters related to the operation of the school, including budgeting, curriculum and operating procedures.

*[For text of subs 12 and 13, see M S 1998]*

**Subd 14 Annual public reports.** A charter school must report at least annually to its sponsor and the commissioner the information required by the sponsor or the commissioner. The reports are public data under chapter 13.

**Subd 15 Review and comment.** The department must review and comment on the evaluation, by the chartering school district, of the performance of a charter school before the charter school's contract is renewed. The information from the review and comment shall be reported to the commissioner of children, families, and learning in a timely manner. Periodically, the commissioner shall report trends or suggestions based on the evaluation of charter school contracts to the education committees of the state legislature.

*[For text of subs 16 and 17, see M S 1998]*

Subd 18 **Authority to raise initial working capital.** A sponsor may authorize a charter school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. A sponsor may not authorize a school before the commissioner has approved the authorization.

*[For text of subds 19 to 22, see M S 1998]*

Subd 23 **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with a sponsor must be for the term contained in the contract according to subdivision 6. The sponsor may or may not renew a contract at the end of the term for any ground listed in paragraph (b). A sponsor may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 days before not renewing or terminating a contract, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and that the charter school's board of directors may request in writing an informal hearing before the sponsor within 14 days of receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for a hearing within the 14-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the charter school's board of directors of the hearing date. The sponsor shall conduct an informal hearing before taking final action. The sponsor shall take final action to renew or not renew a contract by the last day of classes in the school year. If the sponsor is a local board, the school's board of directors may appeal the sponsor's decision to the commissioner.

(b) A contract may be terminated or not renewed upon any of the following grounds:

- (1) failure to meet the requirements for pupil performance contained in the contract,
- (2) failure to meet generally accepted standards of fiscal management,
- (3) violations of law, or
- (4) other good cause shown.

If a contract is terminated or not renewed, the school must be dissolved according to the applicable provisions of chapter 308A or 317A.

*[For text of subd 24, see M S 1998]*

Subd 25 **Extent of specific legal authority.** (a) The board of directors of a charter school may sue and be sued.

(b) The board may not levy taxes or issue bonds.

(c) The commissioner, a sponsor, members of the board of a sponsor in their official capacity, and employees of a sponsor are immune from civil or criminal liability with respect to all activities related to a charter school they approve or sponsor. The board of directors shall obtain at least the amount of and types of insurance required by the contract, according to subdivision 6.

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 5 s.7-11

## 124D.11 REVENUE FOR A RESULTS-ORIENTED CHARTER SCHOOL.

Subdivision 1 **General education revenue.** General education revenue must be paid to a charter school as though it were a district. The general education revenue for each adjusted marginal cost pupil unit is the state average general education revenue per pupil unit, plus the referendum equalization aid allowance in the pupil's district of residence, minus an amount equal to the product of the formula allowance according to section 126C 10, subdivision 2, times 0.485, calculated without basic skills revenue, transportation sparsity revenue, and the transportation portion of the transition revenue adjustment, plus basic skills revenue as though the school were a school district.

*[For text of subds 2 and 3, see M S 1998]*

Subd 4 **Building lease aid.** When a charter school finds it economically advantageous to rent or lease a building or land for any instructional purposes and it determines that the total

operating capital revenue under section 126C 10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for building lease aid for this purpose. Criteria for aid approval and revenue uses shall be as defined for the building lease levy in section 126C 40, subdivision 1, paragraphs (a) and (b). The amount of building lease aid per pupil unit served for a charter school for any year shall not exceed the lesser of (a) 90 percent of the approved cost or (b) the product of the pupil units served for the current school year times \$1,500.

*[For text of subd 5, see M S 1998]*

**Subd 6 Other aid, grants, revenue.** (a) A charter school is eligible to receive other aids, grants, and revenue according to chapters 120A to 129C, as though it were a district.

(b) Notwithstanding paragraph (a), a charter school may not receive aid, a grant, or revenue if a levy is required to obtain the money, except as otherwise provided in this section.

(c) Federal aid received by the state must be paid to the school, if it qualifies for the aid as though it were a school district.

(d) A charter school may receive money from any source for capital facilities needs. In the year-end report to the commissioner of children, families, and learning, the charter school shall report the total amount of funds received from grants and other outside sources.

(e) Notwithstanding paragraph (a) or (b), a charter school is eligible to receive the aid portion of integration revenue under section 124D 86, subdivision 3, for enrolled students who are residents of a district that is eligible for integration revenue if the enrollment of the pupil in the charter school contributes to desegregation or integration purposes. If the charter school has elected not to provide transportation under section 124D 10, subdivision 16, the aid shall be reduced by the amount per pupil unit specified for the district where the charter school is located under section 123B 92, subdivision 8.

*[For text of subs 7 and 8, see M S 1998]*

**Subd 9 Payment of aids to charter schools.** (a) Notwithstanding section 127A 45, subdivision 3, aid payments for the current fiscal year to a charter school not in its first year of operation shall be of an equal amount on each of the 23 payment dates. A charter school in its first year of operation shall receive, on its first payment date, ten percent of its cumulative amount guaranteed for the year and 22 payments of an equal amount thereafter the sum of which shall be 90 percent of the cumulative amount guaranteed.

(b) Notwithstanding section 127A 45, subdivision 3, and paragraph (a), 90 percent of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day of student attendance for that school year.

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 1 s 2, art 5 s 12-14

**124D.112** [Repealed, 1998 c 398 art 6 s 38, 1999 c 241 art 7 s 3]

**124D.113** [Repealed, 1999 c 241 art 7 s 3]

### **124D.1155 FAST BREAK TO LEARNING GRANTS.**

**Subdivision 1 Establishment.** A grant program is established to ensure that all children have an opportunity to eat a nutritious breakfast each school day and that barriers such as the social stigma of poverty, or inadequate facilities or transportation do not deny student access to nutritious food.

**Subd 2 Eligibility.** An applicant for a grant must be a public or nonpublic elementary school that participates in the federal school breakfast and lunch programs. The commissioner must give first priority to schools where at least 33 percent of the lunches the school served to children during the preceding school year were provided free or at a reduced price. The commissioner must give second priority to all other public or nonpublic elementary schools.

**Subd 3 Application process.** To obtain a grant to receive reimbursement for providing breakfasts to all children, a public or nonpublic elementary school must submit an application to the commissioner in the form and manner the commissioner prescribes. The application must describe how the applicant will encourage all children in the school to participate in the breakfast program. The applicant also must demonstrate to the commissioner that the ap-

plicant will collect a \$1 local funding match for every \$3 of state funding the applicant receives. The applicant must raise the local match either by charging student households not eligible for federal free or reduced price meals or by soliciting funds from nonpublic sources. The applicant can determine the method for charging student households for school breakfast, but must consider the household's ability to pay. The applicant cannot charge student households for school breakfast so that the total charges exceed the difference between the revenue from federal and state aids and the actual cost of providing the breakfast. The commissioner may require additional information from the applicant.

**Subd 4 Grant awards.** The commissioner shall award grants to the 41 grant recipients under Laws 1997, First Special Session chapter 4, article 6, section 19, and then according to need as determined by the percentage of students enrolled in the school who are eligible for federal free or reduced price meals and that meet the requirements of subdivisions 2 and 3 until funding under this section is expended. The commissioner shall determine the amount of the grant using average statewide statistics and individual school statistics adjusted for other state and federal reimbursements. Grant recipients must use the proceeds to provide breakfast to school children every day school is in session.

**Subd 5 Expiration.** This section expires June 30, 2001.

**History:** 1999 c 241 art 7 s 1

**124D.116** [Repealed, 1999 c 241 art 7 s 3]

#### **124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.**

"Flexible learning year program" means any district plan approved by the commissioner that utilizes buildings and facilities during the entire year or that provides forms of optional scheduling of pupils and personnel during the learning year in elementary and secondary schools or residential facilities for children with a disability.

**History:** 1998 c 398 art 5 s 55

#### **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

The board of any district, with the approval of the commissioner, may establish and operate a flexible learning year program in one or more of the day or residential facilities for children with a disability within the district.

**History:** 1998 c 398 art 5 s 55

#### **124D.126 POWERS AND DUTIES OF COMMISSIONER; FLEXIBLE LEARNING YEAR PROGRAMS.**

**Subdivision 1 Powers and duties.** The commissioner must

- (1) promulgate rules necessary to the operation of sections 124D 12 to 124D 127,
- (2) cooperate with and provide supervision of flexible learning year programs to determine compliance with the provisions of sections 124D 12 to 124D 127, the commissioner's standards and qualifications, and the proposed program as submitted and approved,
- (3) provide any necessary adjustments of (a) attendance and membership computations and (b) the dates and percentages of apportionment of state aids, and
- (4) consistent with the definition of "average daily membership" in section 126C 05, subdivision 8, furnish the board of a district implementing a flexible learning year program with a formula for computing average daily membership. This formula must be computed so that tax levies to be made by the district, state aids to be received by the district, and any and all other formulas based upon average daily membership are not affected solely as a result of adopting this plan of instruction.

**Subd 2 Limitations.** Sections 124D 12 to 124D 127 may not be construed to authorize the commissioner to require the establishment of a flexible learning year program in any district in which the board has not voted to establish, maintain, and operate such a program.

**History:** 1998 c 398 art 5 s 55

#### **124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.**

The board of any district, with the approval of the commissioner of children, families, and learning, may terminate a flexible learning year program in one or more of the day or



residential facilities for children with a disability within the district. This section shall not be construed to permit an exception to section 120A 22, 127A 41, subdivision 7, or 127A 43.

**History:** 1998 c 398 art 5 s 55

#### 124D.128 LEARNING YEAR PROGRAM TO PROVIDE INSTRUCTION THROUGHOUT YEAR.

*[For text of subd 1, see M S 1998]*

Subd 2 **Commissioner designation.** An area learning center designated by the state must be a site. To be designated, a district or center must demonstrate to the commissioner that it will

(1) provide a program of instruction that permits pupils to receive instruction throughout the entire year, and

(2) maintain a record system that, for purposes of section 124 17, permits identification of membership attributable to pupils participating in the program. The record system and identification must ensure that the program will not have the effect of increasing the total number of pupil units attributable to an individual pupil as a result of a learning year program.

*[For text of subs 3 to 6, see M S 1998]*

Subd 7 **Exemption.** To operate the pilot program, the commissioner of children, families, and learning may exempt the district from specific rules relating to student and financial accounting, reporting, and revenue computation.

**History:** 1998 c 398 art 5 s 55

#### 124D.13 EARLY CHILDHOOD FAMILY EDUCATION (ECFE) PROGRAMS.

*[For text of subd 1, see M S 1998]*

Subd 2 **Program characteristics.** Early childhood family education programs are programs for children in the period of life from birth to kindergarten, for the parents of such children, and for expectant parents. The programs may include the following:

(1) programs to educate parents about the physical, mental, and emotional development of children,

(2) programs to enhance the skills of parents in providing for their children's learning and development,

(3) learning experiences for children and parents that promote children's development,

(4) activities designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems,

(5) activities and materials designed to encourage self-esteem, skills, and behavior that prevent sexual and other interpersonal violence,

(6) educational materials which may be borrowed for home use,

(7) information on related community resources,

(8) programs to prevent child abuse and neglect,

(9) other programs or activities to improve the health, development, and school readiness of children, or

(10) activities designed to maximize development during infancy.

The programs must not include activities for children that do not require substantial involvement of the children's parents. The programs must be reviewed periodically to assure the instruction and materials are not racially, culturally, or sexually biased. The programs must encourage parents to be aware of practices that may affect equitable development of children.

*[For text of subs 3 to 5, see M S 1998]*

Subd 6 **Participants' fees.** A district must establish a reasonable sliding fee scale but it shall waive the fee for a participant unable to pay

*[For text of subds 7 to 12, see M S 1998]*

**History:** 1999 c 205 art 1 s 41,70

#### 124D.135 EARLY CHILDHOOD FAMILY EDUCATION (ECFE) REVENUE.

Subdivision 1 **Revenue.** The revenue for early childhood family education programs for a school district equals \$113 50 for fiscal years 2000 and 2001 and \$120 for 2002 and later fiscal years times the greater of

(1) 150, or

(2) the number of people under five years of age residing in the district on October 1 of the previous school year

*[For text of subd 2, see M S 1998]*

Subd 3 **Early childhood family education levy.** For fiscal year 2001 to obtain early childhood family education revenue, a district may levy an amount equal to the tax rate of 5282 percent times the adjusted tax capacity of the district for the year preceding the year the levy is certified. Beginning with levies for fiscal year 2002, by September 30 of each year, the commissioner shall establish a tax rate for early childhood education revenue that raises \$21,027,000 for fiscal year 2002 and \$22,135,000 in fiscal year 2003 and each subsequent year. If the amount of the early childhood family education levy would exceed the early childhood family education revenue, the early childhood family education levy must equal the early childhood family education revenue.

*[For text of subds 4 to 7, see M S 1998]*

**History:** 1999 c 205 art 1 s 42,43, 1999 c 249 s 7

**124D.14** [Repealed, 1999 c 205 art 1 s 73]

#### 124D.15 SCHOOL READINESS PROGRAMS.

Subdivision 1 **Establishment; purpose.** A district or a group of districts may establish a school readiness program for eligible children. The purpose of a school readiness program is to provide all eligible children adequate opportunities to participate in child development programs that enable the children to enter school with the necessary skills and behavior and family stability and support to progress and flourish.

Subd 2 **Child eligibility.** (a) A child is eligible to participate in a school readiness program offered by the resident district or another district if the child is

(1) at least 3-1/2 years old but has not entered kindergarten, and

(2) receives developmental screening under section 121A 17 within 90 days of enrolling in the program or the child's fourth birthday

(b) A child younger than 3-1/2 years old may participate in a school readiness program if the district or group of districts that establishes the program determines that the program can more effectively accomplish its purpose by including children younger than 3-1/2 years old

Subd 3 **Program eligibility.** A school readiness program must include the following

(1) a comprehensive plan to anticipate and meet the needs of participating families by coordinating existing social services programs and by fostering collaboration among agencies or other community-based organizations and programs that provide a full range of flexible, family-focused services to families with young children,

(2) a development and learning component to help children develop appropriate social, cognitive, and physical skills, and emotional well-being,

(3) health referral services to address children's medical, dental, mental health, and nutritional needs,

- (4) a nutrition component to meet children's daily nutritional needs,
- (5) parents' involvement in meeting children's educational, health, social service, and other needs,
- (6) community outreach to ensure participation by families who represent the racial, cultural, and economic diversity of the community,
- (7) community-based staff and program resources, including interpreters, that reflect the racial and ethnic characteristics of the children participating in the program, and
- (8) a literacy component to ensure that the literacy needs of parents are addressed through referral to and cooperation with adult basic education programs and other adult literacy programs

Subd 4 **Program goals.** School readiness programs are encouraged to

- (1) prepare an individualized service plan to meet each child's developmental and learning needs,
- (2) provide parent education to increase parents' knowledge, understanding, skills, and experience in child development and learning,
- (3) foster substantial parent involvement that may include having parents develop curriculum or serve as a paid or volunteer educator, resource person, or other staff,
- (4) identify the needs of families in the content of the child's school readiness and family literacy,
- (5) expand collaboration with public organizations, businesses, nonprofit organizations, or other private organizations to develop a coordinated system of flexible, family-focused services available to anticipate and meet the full range of needs of all eligible children and their families,
- (6) coordinate treatment and follow-up services for children's identified physical and mental health problems,
- (7) offer transportation for eligible children and their families for whom other forms of transportation are unavailable or would constitute an excessive financial burden,
- (8) make substantial outreach efforts to assure significant participation by families with the greatest needs, including those families whose income level does not exceed the most recent update of the poverty guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law Number 97-35),
- (9) use community-based, trained home visitors serving as paraprofessionals to provide social support, referrals, parent education, and other services,
- (10) create community-based family resource centers and interdisciplinary teams, and
- (11) enhance the quality of family or center-based child care programs by providing supplementary services and resources, staff training, and assistance with children with special needs

*[For text of subd 5, see M S 1998]*

Subd 6 **Coordination with other providers.** (a) The district must coordinate the school readiness program with existing community-based social services providers and foster collaboration among agencies and other community-based organizations and programs that provide flexible, family-focused services to families with children. The district must actively encourage greater sharing of responsibility and accountability among service providers and facilitate children's transition between programs

(b) To the extent possible, resources must follow the children so that children receive appropriate services in a stable environment and are not moved from one program location to another. Where geographically feasible, the district must actively promote collocating of services for children and their families

Subd 7 **Advisory council.** Each school readiness program must have an advisory council composed of members of existing early education-related boards, parents of participating children, child care providers, culturally specific service organizations, local resource and referral agencies, and representatives of early childhood service providers. The council must advise the board in creating and administering the program and must monitor the prog-

ress of the program. The council must ensure that children at greatest risk receive appropriate services. If the board is unable to appoint to the advisory council members of existing early education-related boards, it must appoint parents of children enrolled in the program who represent the racial, cultural, and economic diversity of the district and representatives of early childhood service providers as representatives to an existing advisory council.

**Subd 8 Prioritizing services.** The district must give greatest priority to providing services to eligible children identified, through a means such as the early childhood screening process, as being developmentally disadvantaged or experiencing risk factors that could impede their school readiness.

**Subd 9 Child records.** (a) A record of a child's progress and development must be maintained in the child's cumulative record while enrolled in the school readiness program. The cumulative record must be used for the purpose of planning activities to suit individual needs and shall become part of the child's permanent record. The cumulative record is private data under chapter 13. Information in the record may be disseminated to an educator or service provider only to the extent that that person has a need to know the information.

(b) An educator or service provider may transmit information in the child's cumulative record to an educator or service provider in another program for young children when the child applies to enroll in that other program.

*[For text of subd 10, see M S 1998]*

**Subd 11 District standards.** The board of the district must develop standards for the school readiness program that reflect the eligibility criteria in subdivision 3. The board must consider including in the standards the program characteristics in subdivision 4.

*[For text of subds 12 and 13, see M S 1998]*

**History:** 1999 c 205 art 1 s 70

#### 124D.16 SCHOOL READINESS AID.

*[For text of subd 1, see M S 1998]*

**Subd 2 Amount of aid.** (a) A district is eligible to receive school readiness aid if the program plan as required by subdivision 1 has been approved by the commissioner.

(b) For fiscal year 1998 and thereafter, a district must receive school readiness aid equal to

(1) the number of eligible four-year old children in the district times the ratio of 50 percent of the total school readiness aid for that year to the total number of eligible four-year old children reported to the commissioner for that year, plus

(2) the number of pupils enrolled in the school district from families eligible for the free or reduced school lunch program times the ratio of 50 percent of the total school readiness aid for that year to the total number of pupils in the state from families eligible for the free or reduced school lunch program.

**Subd 3 Use of aid.** School readiness aid shall be used only to provide a school readiness program and may be used to provide transportation. Not more than five percent of the aid may be used for the cost of administering the program. Aid must be used to supplement and not supplant local, state, and federal funding. Aid may not be used for instruction and services required under sections 125A 03 to 125A 24 and 125A 65. Aid may not be used to purchase land or construct buildings, but may be used to lease or renovate existing buildings.

**Subd 4 Separate accounts.** The district must deposit school readiness aid in a separate account within the community education fund.

**History:** 1999 c 205 art 1 s 70

#### 124D.17 WAY TO GROW/SCHOOL READINESS PROGRAM.

*[For text of subds 1 to 6, see M S 1998]*

Subd 7 **Advisory committee.** Each grantee must establish a program advisory board of 12 or more members to advise the grantee on program design, operation, and evaluation. The board must include representatives of local units of government and representatives of the project area who reflect the geographic, cultural, racial, and ethnic diversity of that community.

Subd 8 [Repealed, 1999 c 86 art 2 s 6]

**History:** 1999 c 86 art 2 s 2

## 124D.19 COMMUNITY EDUCATION PROGRAMS; ADVISORY COUNCIL.

[For text of subs 1 to 10, see M S 1998]

Subd 11 **School-age care programs.** (a) A school board may offer, as part of a community education program, a school-age care program for children from kindergarten through grade 6 for the purpose of expanding students' learning opportunities. If the school board chooses not to offer a school-age care program, it may allow an appropriate insured community group, for profit entity or nonprofit organization to use available school facilities for the purpose of offering a school-age care program.

(b) A school-age care program must include the following:

- (1) adult supervised programs while school is not in session,
- (2) parental involvement in program design and direction,
- (3) partnerships with the kindergarten through grade 12 system, and other public, private, or nonprofit entities,
- (4) opportunities for trained secondary school pupils to work with younger children in a supervised setting as part of a community service program, and
- (5) access to available school facilities, including the gymnasium, sports equipment, computer labs, and media centers, when not otherwise in use as part of the operation of the school. The school district may establish reasonable rules relating to access to these facilities and may require that

(i) the organization request access to the facilities and prepare and maintain a schedule of proposed use,

(ii) the organization provide evidence of adequate insurance to cover the activities to be conducted in the facilities, and

(iii) the organization prepare and maintain a plan demonstrating the adequacy and training of staff to supervise the use of the facilities.

(c) The district may charge a sliding fee based upon family income for school-age care programs. The district may receive money from other public or private sources for the school-age care program. The board of the district must develop standards for school-age child care programs. The state board of education may not adopt rules for school-age care programs.

(d) The district shall maintain a separate account within the community services fund for all funds related to the school-age care program.

(e) A district is encouraged to coordinate the school-age care program with its special education, vocational education, adult basic education, early childhood family education programs, kindergarten through grade 12 instruction and curriculum services, youth development and youth service agencies, and with related services provided by other governmental agencies and nonprofit agencies.

**History:** 1999 c 205 art 1 s 44

## 124D.20 COMMUNITY EDUCATION REVENUE.

[For text of subs 1 to 4, see M S 1998]

Subd 5 **Community education levy.** To obtain community education revenue, a district may levy the amount raised by a tax rate of .4795 percent times the adjusted net tax capacity of the district. If the amount of the community education levy would exceed the com-

munity education revenue, the community education levy shall be determined according to subdivision 6

[For text of subs 6 to 10, see M S 1998]

**History:** 1999 c. 205 art 2 s. 1

#### 124D.22 SCHOOL-AGE CARE REVENUE.

Subdivision 1 **Eligibility.** A district that offers a school-age care program according to section 124D 19, subdivision 11, is eligible for school-age care revenue for the additional costs of providing services to children with disabilities or to children experiencing family or related problems of a temporary nature who participate in the school-age care program

Subd 2 **School-age care revenue.** The school-age care revenue for an eligible district equals the approved additional cost of providing services to children with disabilities or children experiencing family or related problems of a temporary nature who participate in the school-age care program

Subd 3 **School-age care levy.** To obtain school-age care revenue, a school district may levy an amount equal to the district's school-age care revenue as defined in subdivision 2 multiplied by the lesser of one, or the ratio of the quotient derived by dividing the adjusted net tax capacity of the district for the year before the year the levy is certified by the resident pupil units in the district for the school year to which the levy is attributable, to \$3,280

Subd 4 **School-age care aid.** A district's school-age care aid is the difference between its school-age care revenue and its school-age care levy. If a district does not levy the entire amount permitted, school-age care aid must be reduced in proportion to the actual amount levied

**History:** 1999 c. 205 art 1 s. 45

#### 124D.221 AFTER-SCHOOL ENRICHMENT PROGRAMS.

Subdivision 1 **Establishment.** A competitive statewide after-school enrichment grant program is established to provide implementation grants to community or nonprofit organizations, to political subdivisions, or to school-based programs. The commissioner shall develop criteria for after-school enrichment programs

Subd 2 **Priority neighborhoods.** For grants in Minneapolis and St. Paul, the commissioner must give priority to neighborhoods in this subdivision. In Minneapolis, priority neighborhoods are Near North, Hawthorne, Sumner-Glenwood, Harrison, Jordan, Powderhorn, Central, Whittier, Cleveland, McKinley, Waite Park, Sheridan, Holland, and Phillips. In St. Paul, priority neighborhoods are Summit-University, Thomas-Dale, North End, Payne-Phalen, Dayton's Bluff, and the West Side

Subd 3 **Program outcomes.** The expected outcomes of the after-school enrichment programs are to

- (1) increase the number of children participating in adult-supervised programs in non-school hours,
- (2) support academic achievement, including the areas of reading and math,
- (3) reduce the amount of juvenile crime,
- (4) increase school attendance and reduce the number of school suspensions,
- (5) increase the number of youth engaged in community service and other activities designed to support character improvement, strengthen families, and instill community values,
- (6) increase skills in technology, the arts, sports, and other activities, and
- (7) increase and support the academic achievement and character development of adolescent parents

Subd 4 **Plan.** An applicant shall develop a plan for an after-school enrichment program for youth. The plan must include

- (1) collaboration with and leverage of existing community resources that have demonstrated effectiveness,
- (2) creative outreach to children and youth,

- (3) involvement of local governments, including park and recreation boards or schools, unless no government agency is appropriate,
- (4) community control over the design of the enrichment program, and
- (5) identification of the sources of nonpublic funding

Subd 5 **Plan approval; grants.** An applicant shall submit a plan developed under subdivision 4 to the commissioner for approval. The commissioner shall award a grant for the implementation of an approved plan.

**History:** 1999 c 205 art 3 s 1

#### 124D.23 FAMILY SERVICES AND COMMUNITY-BASED COLLABORATIVES.

*[For text of subs 1 to 9, see M S 1998]*

Subd 10 **Liability insurance.** The commissioner of children, families, and learning may designate one collaborative to act as a lead collaborative for purposes of obtaining liability coverage for participating collaboratives.

**History:** 1999 c 205 art 1 s 46

#### 124D.26 IMPROVED LEARNING PROGRAM.

*[For text of subd 1, see M S 1998]*

Subd 2 **Rules and rights.** The commissioner of children, families, and learning may waive district compliance with its rules which would prevent implementation of an improved learning program. Participation in an improved learning program as a principal-teacher, counselor-teacher, or career teacher must not affect seniority in the district or rights under the applicable collective bargaining agreement.

*[For text of subd 3, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### 124D.33 MALE RESPONSIBILITY AND FATHERING GRANTS.

*[For text of subs 1 and 2, see M S 1998]*

Subd 3 **Expected outcomes.** Grant recipients must use the funds for programs designed to prevent teen pregnancy and to prevent crime in the long term. Recipient programs must demonstrate the following outcomes:

- (1) a reduction in the incidence of teen pregnancy,
- (2) an increase in the establishment of paternity, especially through the recognition of parentage process,
- (3) an increase in the number of child support orders and collection,
- (4) an understanding of early childhood development, including the importance of fathers in the lives of children,
- (5) an understanding of the connection between sexual behavior, adolescent pregnancy, and the roles and responsibilities of marriage and parenting,
- (6) an understanding that abstinence is the only completely safe means of sexual protection, and
- (7) an understanding of the long-term responsibility of fatherhood.

Subd 4 **Grant applications.** (a) An application for a grant may be submitted by a youth or parenting program whose purpose is to reduce teen pregnancy or teach child development and parenting skills in collaboration with a district. Each grant application must include a description of the program's structure and components, including collaborative and outreach efforts, an implementation and evaluation plan to measure the program's success, a plan for using males as instructors and mentors, and a cultural diversity plan to ensure that staff or teachers will reflect the cultural backgrounds of the population served and that the program content is culturally sensitive.

(b) Grant recipients must, at a minimum, provide education in responsible parenting and child development, responsible decision-making related to marriage and relationships, and the legal implications of paternity. Grant recipients also must provide public awareness efforts in the collaborating school district. Grant recipients may offer support groups, health and nutrition education, and mentoring and peer teaching.

(c) A grant applicant must establish an advisory committee to assist the applicant in planning and implementation of a grant. The advisory committee must include student representatives, adult males from the community, representatives of community organizations, teachers, parent educators, and representatives of family social service agencies.

(d) A grant applicant must detail in its application how it will evaluate the effectiveness of its program, including how it will collect data to establish whether the expected outcomes have been met. The applicant must report the data it collects to the commissioner semiannually.

*[For text of subd 5, see M S 1998]*

**History:** 1999 c 205 art 3 s 2,3

#### **124D.34 MINNESOTA FOUNDATION FOR STUDENT ORGANIZATIONS.**

**Subdivision 1 Citation.** This section may be cited as the "Minnesota Foundation For Student Organizations Act."

**Subd 2 Creation of foundation.** There is created the Minnesota Foundation for Student Organizations. The purpose of the foundation is to promote vocational student organizations and applied leadership opportunities in Minnesota public and nonpublic schools through public-private partnerships. The foundation is a nonprofit organization. The board of directors of the foundation and activities of the foundation are under the direction of the commissioner of children, families, and learning.

**Subd 3 Board of directors.** The board of directors of the Minnesota Foundation for Student Organizations consists of

(1) seven members appointed by the board of directors of the school-to-work student organizations and chosen so that each represents one of the following career areas: agriculture, family and consumer sciences, service occupations, health occupations, marketing, business, and technical/industrial,

(2) seven members from business, industry, and labor appointed by the governor to staggered terms and chosen so that each represents one of the following career areas: agriculture, family and consumer sciences, service occupations, health occupations, marketing, business, and technical/industrial,

(3) five students or alumni of school-to-work student organizations representing diverse career areas, three from secondary student organizations, and two from post-secondary student organizations. The students or alumni shall be appointed by the criteria and process agreed upon by the executive directors of the student-to-work organizations, and

(4) four members from education appointed by the governor to staggered terms and chosen so that each represents one of the following groups: school district level administrators, secondary school administrators, middle school administrators, and post-secondary administrators.

Executive directors of vocational education student organizations are ex officio, non-voting members of the board.

*[For text of subs 4 and 5, see M S 1998]*

**Subd 6 Contracts.** The foundation board shall review and approve each contract of the board. Each contract of the foundation board shall be subject to the same review and approval procedures as a contract of the commissioner of children, families, and learning.

**Subd 7 Foundation staff.** The commissioner of children, families, and learning shall appoint the executive director of the foundation from three candidates nominated and submitted by the foundation board of directors and, as necessary, other staff who shall perform duties and have responsibilities solely related to the foundation. The employees appointed



are not state employees under chapter 43A, but are covered under section 3 736. The employees may participate in the state health and state insurance plans for employees in unclassified service. The employees shall be supervised by the executive director.

The commissioner shall appoint from the office of lifework development a liaison to the foundation board.

*[For text of subds 8 and 9, see M S 1998]*

**Subd 10 Report.** The board of directors of the foundation must submit an annual report on the progress of its activities to the commissioner of children, families, and learning and to the board of trustees of the Minnesota state colleges and universities. The annual report shall contain a financial report for the preceding year. The foundation shall submit a biennium report to the legislature before February 15, in the odd-numbered year.

*[For text of subds 11 and 12, see M S 1998]*

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 3 s 4

### 124D.355 VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.

**Subdivision 1 Activities of the organization.** Any student enrolled in a vocational technical education program approved by the commissioner of children, families, and learning or the board of trustees of the Minnesota state colleges and universities may belong to a vocational student organization that is operated as an integral part of the vocational program. The commissioner of children, families, and learning and the board of trustees of the Minnesota state colleges and universities may provide necessary technical assistance and leadership at the state level for administration of approved vocational student organizations and fiscal accounts, including administration of state and national conferences.

**Subd 2 Accounts of the organization.** The commissioner and the board of trustees of the Minnesota state colleges and universities 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, 16B, and 16C, 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:** 1998 c 398 art 5 s 55

### 124D.453 CURRENT FUNDING FOR CAREER AND TECHNICAL EDUCATION.

**Subdivision 1 State payment of aids.** The state shall pay aids for career and technical programs on a current funding basis.

**Subd 2 Limit.** The commissioner may withhold all or any portion of the aid paid under this section for a career and technical education program which receives funds from any other source. A district or center must not receive a total amount of state aid pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

**Subd 3 Career and technical aid.** A district's career and technical education aid for fiscal year 2000 equals the lesser of

- (a) \$73 times the district's average daily membership in grades 10 to 12, or
- (b) 25 percent of approved expenditures for the following

(1) salaries paid to essential, licensed personnel providing direct instructional services to students in that fiscal year for services rendered in the district's approved career and technical education programs,

(2) contracted services provided by a public or private agency other than a Minnesota school district or cooperative center under subdivision 7,

(3) necessary travel between instructional sites by licensed career and technical education personnel,

(4) necessary travel by licensed career and technical education personnel for vocational student organization activities held within the state for instructional purposes,

(5) curriculum development activities that are part of a five-year plan for improvement based on program assessment,

(6) necessary travel by licensed career and technical education personnel for noncollegiate credit bearing professional development, and

(7) specialized vocational instructional supplies

(c) Up to ten percent of a district's career and technical aid may be spent on equipment purchases. Districts using career and technical aid for equipment purchases must report to the department on the improved learning opportunities for students that result from the investment in equipment.

**Subd 4 Allocation from cooperative centers and intermediate districts.** For purposes of subdivisions 3, paragraph (b), and 5, paragraph (b), a cooperative center or an intermediate district must allocate its approved expenditures for career and technical education programs among participating districts. For purposes of subdivision 5, paragraph (a), a cooperative center or an intermediate district must allocate its secondary vocational aid for fiscal year 1994 among participating districts. For 1995 and later fiscal years, career and technical aid for services provided by a cooperative center or an intermediate district shall be paid to the participating district.

**Subd 5 Aid guarantee.** Notwithstanding subdivision 3, the career and technical education aid for a district is not less than the lesser of

(a) 95 percent of the career and technical education aid the district received for the previous fiscal year, or

(b) 40 percent of the approved expenditures for career and technical programs included in subdivision 3, paragraph (b)

**Subd 6 Compliance with rules.** Aid must be paid under this section only for services rendered or for costs incurred in career and technical education programs approved by the commissioner and operated in accordance with rules promulgated by the commissioner. These rules must provide minimum student-staff ratios required for a career and technical education program area to qualify for this aid. The rules must not require the collection of data at the program or course level to calculate career and technical aid. The rules must not require any minimum number of administrative staff, any minimum period of coordination time or extended employment for career and technical education personnel, or the availability of vocational student activities or organizations for a career and technical education program to qualify for this aid. The requirement in these rules that program components be available for a minimum number of hours must not be construed to prevent pupils from enrolling in career and technical education courses on an exploratory basis for less than a full school year. The commissioner must not require a district to offer more than four credits or 560 hours of vocational education course offerings in any school year. Rules relating to career and technical education programs must not incorporate the provisions of the state plan for vocational education by reference. This aid shall be paid only for services rendered and for costs incurred by essential, licensed personnel who meet the work experience requirements for licensure pursuant to the rules of the department of children, families, and learning. Licensed personnel means persons holding a valid career and technical license issued by the commissioner. If an average of five or fewer secondary full-time equivalent students are enrolled per teacher in an approved post-secondary program at intermediate district No. 287, 916, or 917, licensed personnel means persons holding a valid vocational license issued by the commissioner or the board of trustees of the Minnesota state colleges and universities. Notwithstanding section 127A 42, the commissioner may modify or withdraw the program or aid approval and withhold aid under this section without proceeding under section 127A 42 at any time. To do so, the commissioner must determine that the program does not comply with rules of the department of children, families, and learning or that any facts concerning the program or its budget differ from the facts in the district's approved application.

Subd 7 **Aid for contracted services.** In addition to the provisions of subdivisions 2 and 6, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of career and technical education services. The commissioner must promulgate rules relating to program approval procedures and criteria for these contracts and aid must be paid only for contracts approved by the commissioner. The district or cooperative center contracting for these services must be construed to be providing the services.

Subd 8 **District reports.** Each district or cooperative center must report data to the department for all career and technical education programs as required by the department to implement the career and technical aid formula.

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 3 s 1,4

**NOTE** This section is repealed by Laws 1999 chapter 241, article 3, section 5 effective for revenue for fiscal year 2001

#### 124D.454 ACCESS TO MINNESOTA'S TRANSITION SYSTEM FOR CHILDREN WITH A DISABILITY.

Subdivision 1 **Purpose.** The purpose of this section is to provide a method to fund transition programs for children with a disability. As used in this section, the term "children with a disability" shall have the meaning ascribed to it in section 125A.02.

*[For text of subd 2, see M S 1998]*

Subd 3 **Base revenue.** (a) The transition program-disabled base revenue equals the sum of the following amounts computed using base year data:

(1) 68 percent of the salary of each essential licensed person who provides direct instructional services to students employed during that fiscal year for services rendered in that district's transition program for children with a disability,

(2) 47 percent of the costs of necessary equipment for transition programs for children with a disability,

(3) 47 percent of the costs of necessary travel between instructional sites by transition program teachers of children with a disability but not including travel to and from local, regional, district, state, or national vocational student organization meetings,

(4) 47 percent of the costs of necessary supplies for transition programs for children with a disability but not to exceed an average of \$47 in any one school year for each child with a disability receiving these services,

(5) for transition programs for children with disabilities provided by a contract approved by the commissioner with public, private, or voluntary agencies other than a Minnesota school district or cooperative center, in place of programs provided by the district, 52 percent of the difference between the amount of the contract and the basic revenue of the district for that pupil for the fraction of the school day the pupil receives services under the contract,

(6) for transition programs for children with disabilities provided by a contract approved by the commissioner with public, private, or voluntary agencies other than a Minnesota school district or cooperative center, that are supplementary to a full educational program provided by the school district, 52 percent of the amount of the contract, and

(7) for a contract approved by the commissioner with another Minnesota school district or cooperative center for vocational evaluation services for children with a disability for children that are not yet enrolled in grade 12, 52 percent of the amount of the contract.

(b) If requested by a school district for transition programs during the base year for less than the full school year, the commissioner may adjust the base revenue to reflect the expenditures that would have occurred during the base year had the program been operated for the full year.

*[For text of subd 4, see M S 1998]*

Subd 5 **State total transition program-disabled revenue.** The state total transition program-disabled revenue for fiscal year 2000 equals \$8,982,000. The state total transition program-disabled revenue for fiscal year 2001 equals \$8,966,000. The state total transition program-disabled revenue for later fiscal years equals

- (1) the state total transition program—disabled revenue for the preceding fiscal year, times
- (2) the program growth factor, times
- (3) the ratio of the state total average daily membership for the current fiscal year to the state total average daily membership for the preceding fiscal year

*[For text of subs 6 and 7, see M S 1998]*

**Subd 8 Use of aid.** The aid provided pursuant to this section shall be paid only for services rendered as designated in subdivision 2 or for the costs designated in subdivision 3 which are incurred in transition programs for children with a disability which are approved by the commissioner of children, families, and learning and operated in accordance with rules promulgated by the commissioner. These rules shall be subject to the restrictions provided in section 124D 453, subdivision 6. The procedure for application for approval of these programs shall be as provided in section 125A 75, subdivisions 4 and 6, and the application review process shall be conducted by the office of lifework development in the department.

**Subd 9 Payment of aid.** All aid pursuant to this section shall be paid to the district or cooperative center providing the services. All aid received by a district or center from any source for transition programs for children with a disability shall be utilized solely for that purpose.

*[For text of subd 10, see M S 1998]*

**Subd 11 Revenue allocation from cooperative centers and intermediate districts.** For purposes of this section and section 125A 77, a cooperative center or an intermediate district must allocate its approved expenditures for transition programs for children with a disability among participating school districts. Aid for transition programs for children with a disability for services provided by a cooperative or intermediate district shall be paid to the participating districts.

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 2 s 10, art 3 s 4

## 124D.52 ADULT BASIC EDUCATION.

*[For text of subs 1 to 3, see M S 1998]*

**Subd 4 English as a second language programs.** Persons may teach English as a second language classes conducted at a worksite, if they meet the requirements of section 122A 19, subdivision 1, clause (a), regardless of whether they are licensed teachers. Persons teaching English as a second language for an approved adult basic education program must possess a bachelor's or master's degree in English as a second language, applied linguistics, or bilingual education, or a related degree as approved by the commissioner.

**Subd 5 Basic service level.** A district, or a consortium of districts, with a program approved by the commissioner under subdivision 2 must establish, in consultation with the commissioner, a basic level of service for every adult basic education site in the district or consortium. The basic service level must describe minimum levels of academic instruction and support services to be provided at each site. The program must set a basic service level that promotes effective learning and student achievement with measurable results. Each district or consortium of districts must submit its basic service level to the commissioner for approval.

**History:** 1999 c 205 art 4 s 3,4

## 124D.53 ADULT BASIC EDUCATION AID.

*[For text of subs 1 and 2, see M S 1998]*

**Subd 3 Aid.** Adult basic education aid for each approved program equals \$2,295 for fiscal year 2000 and \$2,338 for fiscal year 2001 and later fiscal years times the number of full-time equivalent students in its adult basic education program during the first prior program year.

Subd 4 [Repealed, 1998 c 398 art 1 s 51]

*[For text of subd 5, see M S 1998]*

Subd 6 [Repealed, 1999 c 205 art 4 s 13]

Subd 7 **Basic population aid.** A district with a population of less than 30,000 is eligible for basic population aid if (1) the district levied for adult basic education for revenue in fiscal year 1999, and (2) the district has a basic service level approved by the commissioner under section 124D 52, subdivision 5, or is a member of a consortium with an approved basic service level. Basic population aid is equal to the greater of \$4,000 or \$1 times the population of the district. District population is determined according to section 275 14. Aid under this section is in addition to aid under subdivision 3 and must be used for sites that meet the approved basic service level under section 124D 52, subdivision 5.

**History:** 1999 c 205 art 4 s 5,6

#### 124D.54 ADULT HIGH SCHOOL GRADUATION AID.

Subdivision 1 **Aid eligibility.** Adult high school graduation aid for eligible pupils age 21 or over equals

(1) for fiscal year 2000 1/30 multiplied by the average daily membership under section 126C 05, subdivision 12, multiplied by the greater of (i) \$1,676 or (ii) \$3,251,000 divided by the state total weighted average daily membership, not to exceed \$2,295,

(2) for fiscal year 2001 and later fiscal years \$2,338 multiplied by 1/30 multiplied by the average daily membership under section 126C 05, subdivision 12.

Adult high school graduation aid must be paid in addition to any other aid to the district. Pupils age 21 or over may not be counted by the district for any purpose other than adult high school graduation aid.

*[For text of subd 2, see M S 1998]*

**History:** 1999 c 205 art 4 s 7, 1999 c 249 s 4

124D.548 [Repealed, 1998 c 398 art 6 s 38]

#### 124D.57 HEARING IMPAIRED EDUCATIONAL SUPPORT SERVICES.

*[For text of subd 1, see M S 1998]*

Subd 2 **Support services.** The commissioner may pay school districts or public or private community agencies for the following support services:

(1) interpreter services to provide translation for an individual or a group of students, or

(2) notetaker services to convert spoken language to written language when the student must maintain visual contact with other persons such as an interpreter or instructor.

*[For text of subd 3, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### 124D.65 LIMITED ENGLISH PROFICIENCY (LEP) PROGRAMS AID.

Subdivision 1 **Adjusted LEP base revenue.** (a) A district's adjusted limited English proficiency programs base revenue for fiscal year 2000 equals the product of

(1) the district's base revenue for limited English proficiency programs under this section and section 125A 77, times

(2) the ratio of

(i) the greater of 20 or the number of pupils of limited English proficiency enrolled in the district during the current fiscal year to

(ii) the greater of 20 or the number of pupils of limited English proficiency enrolled in the district during the base year

(b) For the purposes of this section, the base year for fiscal year 1996 is fiscal year 1995. The base year for later fiscal years is the second fiscal year preceding the fiscal year for which aid shall be paid. The current year is the fiscal year for which aid shall be paid.

(c) For the purposes of this section, a teacher includes nonlicensed personnel who provide direct instruction to students of limited English proficiency under the supervision of a licensed teacher

*[For text of subd 2, see M S 1998]*

Subd 3 [Repealed, 1999 c 241 art 1 s 69, art 2 s 62]

Subd 4 **State total LEP revenue.** (a) The state total limited English proficiency programs revenue for fiscal year 2000 equals \$27,454,000. The state total limited English proficiency programs revenue for fiscal year 2001 equals \$31,752,000.

(b) The state total limited English proficiency programs revenue for later fiscal years equals

(1) the state total limited English proficiency programs revenue for the preceding fiscal year, times

(2) the program growth factor under section 125A 76 subdivision 1, times

(3) the ratio of the state total number of pupils with limited English proficiency for the current fiscal year to the state total number of pupils with limited English proficiency for the preceding fiscal year

Subd 5 **School district LEP revenue.** (a) A school district's limited English proficiency programs revenue for fiscal year 2000 equals the state total limited English proficiency programs revenue, minus the amount determined under paragraph (b), times the ratio of the district's adjusted limited English proficiency programs base revenue to the state total adjusted limited English proficiency programs base revenue

(b) Notwithstanding paragraph (a), if the limited English proficiency programs base revenue for a district equals zero, the limited English proficiency programs revenue equals the sum of the following amounts, computed using current year data

(1) 68 percent of the salary of one full-time equivalent teacher for each 40 pupils of limited English proficiency enrolled, or 68 percent of the salary of one-half of a full-time teacher in a district with 20 or fewer pupils of limited English proficiency enrolled, and

(2) for supplies and equipment purchased or rented for use in the instruction of pupils of limited English proficiency an amount equal to 47 percent of the sum actually spent by the district but not to exceed an average of \$47 in any one school year for each pupil of limited English proficiency receiving instruction

(c) A district's limited English proficiency programs revenue for fiscal year 2001 and later equals the product of \$584 times the greater of 20 or the number of adjusted marginal cost pupils of limited English proficiency enrolled in the district during the current fiscal year

*[For text of subs 6 to 11, see M S 1998]*

**History:** 1999 c 241 art 1 s 3,4, art 2 s 11

**NOTE** Subdivisions 1 and 2 are repealed effective for revenue for fiscal year 2001. Laws 1999 chapter 241, article 1, section 69.

**124D.67** [Repealed, 1999 c 241 art 1 s 69]

## **124D.68 GRADUATION INCENTIVES PROGRAM.**

*[For text of subd 1, see M S 1998]*

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

(a) any pupil under the age of 21 who

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test,

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

(3) is pregnant or is a parent,

- (4) has been assessed as chemically dependent,
- (5) has been excluded or expelled according to sections 121A 40 to 121A 56,
- (6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D 69,
- (7) is a victim of physical or sexual abuse,
- (8) has experienced mental health problems,
- (9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program,
- (10) speaks English as a second language or has limited English proficiency, or
- (11) has withdrawn from school or has been chronically truant, 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 reemployment 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

*[For text of subs 3 to 6, see M S 1998]*

**Subd 7 Desegregation plans.** Notwithstanding any provision to the contrary, students may not enroll in a nonresident district under this section if their enrollment in another district would result in a violation of a district's desegregation plan, as mandated and approved by the commissioner of children, families, and learning

*[For text of subd 8, see M S 1998]*

**Subd 9 Enrollment verification.** (a) For a pupil attending an eligible program full time under subdivision 3, paragraph (d), the department must pay 90 percent of the district's average general education revenue less basic skills revenue to the eligible program and ten percent of the district's average general education revenue less basic skills 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, 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 general education revenue. If payment is made for a pupil under this subdivision, a district shall not reimburse a program under section 124D 69 for the same pupil. Basic skills revenue shall be paid according to section 126C 10, subdivision 4.

(b) The department must pay up to 100 percent of the 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 10, see M S 1998]*

**History:** 1998 c 398 art 5 s 55, 1999 c 107 s 66, 1999 c 241 art 1 s 5

## **124D.69 AID FOR ALTERNATIVE PROGRAMS PROVIDED UNDER CONTRACT.**

**Subdivision 1 Aid.** If a pupil enrolls in an alternative program, eligible under section 124D 68, subdivision 3, paragraph (d), or subdivision 4, operated by a private organization that has contracted with a school district to provide educational services for eligible pupils under section 124D 68, subdivision 2, the district contracting with the private organization must reimburse the provider an amount equal to at least 90 percent of the district's average general education less basic skills revenue per pupil unit times the number of pupil units for

pupils attending the program Basic skills revenue shall be paid according to section 126C 10, subdivision 4 Compensatory revenue must be allocated according to section 126C 15, subdivision 2 For a pupil attending the program part time, the revenue paid to the program must be reduced proportionately, according to the amount of time the pupil attends the program, and revenue paid to the district shall be reduced accordingly Pupils for whom a district provides reimbursement may not be counted by the district for any purpose other than computation of general education revenue If payment is made to a district or program for a pupil under this section, the department must not make a payment for the same pupil under section 124D 68, subdivision 9

*[For text of subd 2, see M S 1998]*

**History:** 1999 c 241 art 1 s 6

#### **124D.75 LICENSES FOR AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION TEACHERS; EXEMPTIONS.**

*[For text of subds 1 to 4, see M S 1998]*

Subd 5 **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 commissioner of children, families, and learning

*[For text of subds 6 to 9, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### **124D.79 COMMUNITY AND COMMISSIONER PARTICIPATION IN AMERICAN INDIAN EDUCATION.**

Subdivision 1 **Community involvement.** The commissioner must provide for the maximum involvement of the state committees on American Indian education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, American Indian teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian education, in the formulation of policy and procedures relating to the administration of sections 124D 71 to 124D 82

*[For text of subds 2 and 3, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### **124D.80 COMMITTEES ON AMERICAN INDIAN EDUCATION PROGRAMS.**

Subdivision 1 **Establishment.** The commissioner of children, families, and learning shall create one or more American Indian education committees Members must include representatives of tribal bodies, 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 education programs, persons involved in programs for American Indian children in American Indian schools, and persons knowledgeable in the field of American Indian education Members shall be appointed so as to be representative of significant segments of the population of American Indians

Subd 2 **Committee to advise commissioner.** Each committee on American Indian education programs shall advise the commissioner in the administration of the commissioner's duties under sections 124D 71 to 124D 82 and other programs for the education of American Indian people, as determined by the commissioner

Subd 3 **Expenses.** Each committee must be reimbursed for expenses according to section 15 059, subdivision 6 The commissioner must determine the membership terms and the duration of each committee, which expire no later than June 30, 2001

**History:** 1998 c 398 art 5 s 55



**124D.81 CONTINUATION OF INDIAN EDUCATION GRANTS.**

Subdivision 1 **Grants; procedures.** Each fiscal year the commissioner of children, families, and learning must make grants to no fewer than six American Indian language and culture education programs. At least three programs must be in urban areas and at least three must 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 commissioner must 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 subs 2 to 7, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

**124D.83 STATE REVENUE FOR AMERICAN INDIAN TRIBAL CONTRACT OR GRANT SCHOOLS.**

*[For text of subs 1 and 2, see M S 1998]*

Subd 3 **Waiver.** Notwithstanding subdivision 1, paragraphs (b) and (c), a tribal contract or grant school

(1) is not subject to the Minnesota Election Law,

(2) has no authority under this section to levy for property taxes, issue and sell bonds, or incur debt, and

(3) may request through its managing tribal organization a recommendation of the commissioner of children, families, and learning, for consideration of the legislature, that a tribal contract or grant school not be subject to specified statutes related to independent school districts.

*[For text of subs 4 and 5, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

**124D.84 INDIAN SCHOLARSHIPS:**

Subdivision 1 **Awards.** The commissioner, with the advice and counsel of the Minnesota Indian scholarship committee, may award scholarships to any Minnesota resident student who is of one-fourth or more Indian ancestry, who has applied for other existing state and federal scholarship and grant programs, and who, in the opinion of the commissioner, has the capabilities to benefit from further education. Scholarships must be for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray the total cost of education including tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned. The total cost of education includes all tuition and fees for each student enrolling in a public institution and the portion of tuition and fees for each student enrolling in a private institution that does not exceed the tuition and fees at a comparable public institution. Each student shall be awarded a scholarship based on the total cost of the student's education and a standardized need analysis. The amount and type of each scholarship shall be determined through the advice and counsel of the Minnesota Indian scholarship committee.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year the student is eligible for additional scholarships, if additional training is necessary to reach the student's educational and vocational objective. Scholarships may not be given to any Indian student for more than five years of study without special approval of the Minnesota Indian scholarship committee.

Subd 2 **Indian scholarship committee.** The Minnesota Indian scholarship committee is established. The commissioner must appoint members with the assistance of the Indian affairs council as provided in section 3 922, subdivision 6. Members shall be reimbursed for expenses as provided in section 15 059, subdivision 6. The commissioner shall determine the membership terms and duration of the committee, which expires no later than June 30, 2001. The committee shall provide advice to the commissioner in awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian post-secondary preparation grants to school districts.

**History:** 1998 c 398 art 5 s 55

#### 124D.85 INDIAN POST-SECONDARY PREPARATION GRANTS.

The commissioner of children, families, and learning, with the advice of the Minnesota Indian scholarship committee, may make grants to districts or tribal grant or contract schools to support post-secondary preparation for secondary pupils who are of one-fourth or more Indian ancestry and who, in the opinion of the superintendent, have the capabilities to benefit from higher education. Distribution of the grants must be in accordance with a plan prepared by the commissioner, with the advice of the Minnesota Indian scholarship committee, that describes the objectives and methods of implementing the grant program, including the manner in which grants will be distributed in proportion to the geographical distribution of the Indian population of the state.

**History:** 1998 c 398 art 5 s 55

#### 124D.86 INTEGRATION REVENUE.

Subdivision 1 **Use of the revenue.** Integration revenue under this section must be used for programs established under a desegregation plan or under court order, to increase learning opportunities and reduce the learning gap between learners living in high concentrations of poverty and their peers.

*[For text of subd 2, see M S 1998]*

Subd 3 **Integration revenue.** For fiscal year 2000 and later fiscal years, integration revenue equals the following amounts:

- (1) for independent school district No 709, Duluth, \$207 times the adjusted pupil units for the school year,
- (2) for independent school district No 625, St Paul, \$446 times the adjusted pupil units for the school year,
- (3) for special school district No 1, Minneapolis, \$536 times the adjusted pupil units for the school year, and
- (4) for a district not listed in clause (1), (2), or (3) that is required to implement a plan according to the requirements of Minnesota Rules, parts 3535 0100 to 3535 0180, as proposed in 23 State Register 1344, December 7, 1998, the lesser of the actual cost of implementing the plan during the fiscal year or \$93 times the adjusted pupil units for the school year.

*[For text of subs 4 to 6, see M S 1998]*

**History:** 1999 c 241 art 1 s 7, art 9 s 26,27

#### 124D.87 INTERDISTRICT DESEGREGATION OR INTEGRATION TRANSPORTATION AID.

(a) A district that provides transportation of pupils to and from an interdistrict program for desegregation or integration purposes is eligible for state aid to cover the additional costs of transportation.

(b) A district in the metropolitan area may apply to the commissioner for state aid to cover the costs of transporting pupils who are enrolled under section 124D 03 if the enrollment of the student in the nonresident district contributes to desegregation or integration pur-

poses. The commissioner shall develop the form and manner of applications for state aid, the criteria to be used to determine when transportation is for desegregation or integration purposes, and the accounting procedure to be used to determine excess costs. In determining aid amounts, the commissioner shall consider other revenue received by the district for transportation for desegregation or integration purposes.

(c) Aid must be paid under paragraph (b) only if aid amounts under paragraph (a) have been fully funded.

**History:** 1999 c 241 art 2 s 12

#### 124D.88 METROPOLITAN MAGNET SCHOOL GRANTS.

*[For text of subs 1 and 2, see M S 1998]*

Subd 3 **Grant application process.** (a) Any group of school districts that meets the criteria required under paragraph (b)(1) may apply for a magnet school grant in an amount not to exceed \$20,800,000 for the approved costs or expansion of a magnet school facility.

(b)(1) Any group of districts that submits an application for a grant shall submit a proposal to the commissioner for review and comment under section 123B 71, and the commissioner shall prepare a review and comment on the proposed magnet school facility, regardless of the amount of the capital expenditure required to design, acquire, construct, remodel, improve, furnish, or equip the facility. The commissioner must not approve an application for a magnet school grant for any facility unless the facility receives a favorable review and comment under section 123B 71 and the participating districts

(i) establish a joint powers board under section 471 59 to represent all participating districts and govern the magnet school facility,

(n) design the planned magnet school facility to meet the applicable requirements contained in Minnesota Rules, chapter 3535,

(iii) submit a statement of need, including reasons why the magnet school will facilitate integration and improve learning,

(iv) prepare an educational plan that includes input from both community and professional staff, and

(v) develop an education program that will improve learning opportunities for students attending the magnet school.

(2) The districts may develop a plan that permits social service, health, and other programs serving students and community residents to be located within the magnet school facility. The commissioner shall consider this plan when preparing a review and comment on the proposed facility.

(c) When two or more districts enter into an agreement establishing a joint powers board to govern the magnet school facility, all member districts shall have the same powers.

(d) A joint powers board of participating school districts established under paragraphs (b) and (c) that intends to apply for a grant must adopt a resolution stating the costs of the proposed project, the purpose for which the debt is to be incurred, and an estimate of the dates when the contracts for the proposed project will be completed. A copy of the resolution must accompany any application for a state grant under this section.

(e)(1) The commissioner shall examine and consider all grant applications. If the commissioner finds that any joint powers district is not a qualified grant applicant, the commissioner shall promptly notify that joint powers board. The commissioner shall make awards to no more than two qualified applicants whose applications have been on file with the commissioner more than 30 days.

(2) A grant award is subject to verification by the joint powers board under paragraph (f). A grant award must not be made until the participating districts determine the site of the magnet school facility. If the total amount of the approved applications exceeds the amount of grant funding that is or can be made available, the commissioner shall allot the available amount equally between the approved applicant districts. The commissioner shall promptly certify to each qualified joint powers board the amount, if any, of the grant awarded to it.

(f) Each grant must be evidenced by a contract between the joint powers board and the state acting through the commissioner. The contract obligates the state to pay to the joint

powers board an amount computed according to paragraph (e)(2) and a schedule, and terms and conditions acceptable to the commissioner of finance

(g) Notwithstanding the provisions of section 123B 02, subdivision 3, the joint powers and its individual members may enter into long-term lease agreements as part of the magnet school program

**History:** 1999 c 241 art 4 s 10

#### 124D.89 SUMMER CULTURAL EXCHANGE GRANT PROGRAM.

Subdivision 1 **Cultural exchange program goals.** (a) A cultural exchange grant program is established to develop and create opportunities for children and staff of different ethnic, racial, and other cultural backgrounds to experience educational and social exchange. Participating school districts shall offer programs for credit with the goals set forth in paragraphs (b) to (e)

(b) The program must develop curriculum reflective of particular ethnic, racial, and other cultural aspects of various demographic groups in the state

(c) The program must develop immersion programs that are coordinated with the programs offered in paragraph (b)

(d) The program must create opportunities for students from across the state to enroll in programs in districts other than the one of residence, or in other schools within their district of residence

(e) The program must create opportunities for staff exchanges on a cultural basis

*[For text of subds 2 and 3, see M S 1998]*

**History:** 1999 c 241 art 9 s 28

#### 124D.93 MINNESOTA LOCAL PARTNERSHIP PROGRAM.

Subdivision 1 **Establishment.** A program is established under the direction of the commissioner of children, families, and learning with the cooperation of the commissioners of health and human services. It is expected that participants and other districts will become exemplary districts by the year 2000

*[For text of subds 2 and 3, see M S 1998]*

Subd 4 **Application process.** To obtain revenue, a district or districts must submit an application to the commissioner in the form and manner established by the commissioner. Additional information may be required by the commissioner

Subd 5 **Revenue.** The commissioner may award revenue to up to four applicants. The commissioner may determine the size of the award based upon the application. Recipients must be located throughout the state

*[For text of subd 6, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### 124D.94 MINNESOTA ACADEMIC EXCELLENCE FOUNDATION.

*[For text of subd 1, see M S 1998]*

Subd 2 **Creation of foundation.** There is created the Minnesota academic excellence foundation. The purpose of the foundation shall be to promote academic excellence in Minnesota public and nonpublic schools and communities through public-private partnerships. The foundation shall be a nonprofit organization. The board of directors of the foundation and foundation activities are under the direction of the commissioner of children, families, and learning

Subd 3 **Board of directors.** The board of directors of the foundation shall consist of the commissioner of children, families, and learning and 20 members to be appointed by the governor. Of the 20 members appointed by the governor, eight shall represent a variety of

education groups and 12 shall represent a variety of business groups. The members of the board of directors shall select one member to serve as chair. The commissioner of children, families, and learning shall serve as secretary for the board of directors and provide administrative support to the foundation. An executive committee of the foundation board composed of the board officers and chairs of board committees, may only advise and make recommendations to the foundation board.

*[For text of subs 4 and 5, see M S 1998]*

**Subd 6 Contracts.** The foundation board shall review and approve each contract of the board. Each contract of the foundation board shall be subject to the same review and approval procedures as a contract of the department of children, families, and learning.

**Subd 7 Foundation staff.** (a) The foundation board with review by the commissioner shall appoint the executive director and other staff who shall perform duties and have responsibilities solely related to the foundation.

(b) As part of the annual plan of work, the foundation, with review by the commissioner, may appoint up to three employees. The employees appointed under this paragraph are not state employees under chapter 43A, but are covered under section 3 736. At the foundation board's discretion, the employees may participate in the state health and state insurance plans for employees in unclassified service. The employees shall be supervised by the executive director.

*[For text of subd 8, see M S 1998]*

**Subd 9 Report.** The board of directors of the foundation shall submit an annual report to the commissioner of children, families, and learning on the progress of its activities. The annual report shall contain a financial report for the preceding year, including all receipts and expenditures of the foundation.

*[For text of subd 10, see M S 1998]*

**History:** 1998 c 398 art 5 s 55, 1999 c 241 art 6 s 4-6

#### 124D.95 SUMMER SCHOLARSHIPS FOR ACADEMIC ENRICHMENT.

*[For text of subs 1 to 5, see M S 1998]*

**Subd 6 Advisory committee.** An advisory committee shall assist the commissioner of children, families, and learning in approving eligible programs and shall assist the higher education services office in planning, implementing, and evaluating the scholarship program. The committee shall consist of 11 members, to include the executive director of the higher education services office or a representative, the commissioner of children, families, and learning or a representative, two secondary school administrators and two secondary teachers appointed by the commissioner of children, families, and learning, 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 and a state university representative appointed by the chancellor of the Minnesota state colleges and universities, and a University of Minnesota representative appointed by the president of the University of Minnesota. The committee expires June 30, 2001.

*[For text of subs 7 and 8, see M S 1998]*

**History:** 1998 c 398 art 5 s 55

#### 124D.96 WELFARE AND CORRECTIONAL INSTITUTIONS' POLICIES FOR EDUCATIONAL PROGRAMS.

Before July 1 of each year, each welfare and correctional institution which offers an elementary, secondary or vocational educational program shall develop a written policy for its educational program for the next school year. The institutional policy shall specify the educational goals for the institution, instructional plans for implementing these goals, esti-

mated number and grade level of students, number of licensed educational staff, areas of licensure, student to staff ratios, number of supervisory personnel, proposed educational budget, procedures for evaluation of the program, and any other information deemed necessary by the commissioner of children, families, and learning for the evaluation of the educational institutions. The institutions shall submit the policy to the commissioner of children, families, and learning who will review the policy to determine whether the program and personnel employed in the program are adequate to meet the institution's obligation to provide instruction and services in compliance with the department of children, families, and learning rules and standards. If necessary, the commissioner shall make recommendations to the institution for changes in its educational program.

**History:** 1998 c 398 art 5 s 55

#### **124D.97 VETERANS TRAINING PROGRAM.**

The commissioner shall continue the veterans training program. All receipts to the veterans training revolving fund for the veterans training program are appropriated to the commissioner to pay the necessary expenses of operation of the program. The department must act as the state agency for approving educational institutions for purposes of United States Code, title 38, chapter 36, relating to educational benefits for veterans and other persons. The commissioner may adopt rules to fulfill its obligations as the state approving agency. All federal money received for purposes of the veterans training program must be deposited in the veterans training revolving fund and is appropriated to the department for those purposes.

**History:** 1998 c 398 art 5 s 55