

CHAPTER 125B

EDUCATION AND TECHNOLOGY

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125B.01 DEFINITIONS.

For the purpose of this chapter, the terms defined in section 120A.05 have the same meaning.

History: *Ex1959 c 71 art 2 s 1; 1998 c 397 art 11 s 3*

125B.02 STATE GOALS FOR TECHNOLOGICAL ADVANCES IN EDUCATION.

The general framework outcomes for technology use in education are:

(1) all Minnesota educational institutions, libraries, and communities will have access to local, state, and worldwide instructional resources databases;

(2) development of policies and procedures that assure instructional resource availability to help students successfully achieve education excellence and state standards;

(3) databases are accessible within each district and on the Internet; and

(4) development of policies, procedures, and systems that stimulate and promote teacher and student curriculum and learning collaboration.

History: *1Sp1995 c 3 art 12 s 2; 1998 c 397 art 1 s 58*

125B.022 CONTRACTS FOR COMPUTERS OR RELATED EQUIPMENT OR SERVICE.

(a) The school board of a school district may not enter into a contract or permit a school within the district to enter into a contract for the use of a computer or related equipment or service that requires advertising to be disseminated to students unless the school board:

(1) enters into the contract at a public hearing of the school board;

(2) makes a finding that the offered electronic product or service is an integral component of students' education;

(3) provides written notice to students' parents that advertising will be used in the classroom, media center, computer lab, or other areas of learning, whether data will be collected on students, and how that data will be used;

(4) as part of normal, ongoing district communications with parents, allows parents to request in writing that (i) their student not be exposed to the program that contains the advertising for the current school year, or that (ii) any or all data relating to the student that is collected as a result of this contract is not disclosed; and

(5) honors parents' request, under clause (4), that their student not be exposed to the advertising program or that data relating to the student is not disclosed and allows parents to withdraw their request at any time.

(b) Advertising under this section does not include:

(1) the identification of the source of the document or information; and

(2) advertising that is generally available to the public viewing a particular site or application and is not directed specifically to students benefiting from a contract under paragraph (a).

History: *2000 c 489 art 6 s 7*

125B.05 STATE INFORMATION SYSTEM.

Subdivision 1. **Information system.** The department of children, families, and learning shall develop and maintain a computerized information system for state information needs.

Subd. 2. **Purposes.** The purposes of the computerized information system shall be:

- (a) To provide comparable and accurate educational information in a manner which is timely and economical;
- (b) To ensure accountability for state appropriations;
- (c) To collect data to assess the needs of learners and children;
- (d) To provide school districts with an educational information system capability which will meet school district management needs; and
- (e) To provide for computerized analysis of educational information to meet the management needs of the state of Minnesota.

Subd. 3. **Software development.** A school district, charter school, or cooperative unit may not implement a financial, student, or staff software system until the system has been reviewed by the department to ensure that it provides the required data elements and format.

History: 1980 c 609 art 7 s 10; 1981 c 193 s 1-3; 1981 c 253 s 24; 1981 c 358 art 5 s 2; 1982 c 424 s 130; 1983 c 258 s 24; 1Sp1985 c 12 art 7 s 9; 1987 c 258 s 12; 1987 c 384 art 2 s 1; 1988 c 486 s 11; 1989 c 329 art 11 s 2-4; 1990 c 562 art 8 s 9,10; 1991 c 265 art 9 s 15-17; 1993 c 224 art 6 s 3; 1994 c 465 art 2 s 1; 1994 c 647 art 6 s 1; 1Sp1995 c 3 art 9 s 9; art 16 s 13; 1998 c 397 art 4 s 51; 1999 c 241 art 5 s 15

125B.07 DEPARTMENT DUTIES.

Subdivision 1. **Data acquisition calendar.** The department of children, families, and learning shall maintain a current annual data acquisition calendar specifying the reports which districts are required to provide to the department and the dates these reports are due.

Subd. 2. **Exemption from chapter 14.** The annual data acquisition calendar and the essential data elements are exempt from the Administrative Procedure Act.

Subd. 3. **Data system.** The department shall develop and operate a computerized data system. The system shall include: (1) information required by federal or state law or rule; and (2) information needed by the divisions of the department in order to disburse funds, to implement research or special projects approved by the commissioner, and to meet goals or provide information required by the commissioner, the governor, the legislature or the federal government.

Subd. 4. **Certification of software vendors.** The commissioner shall maintain a list of certified service providers for administrative data processing software and support. To be certified, a service provider must provide the commissioner with a written statement identifying software products and support functions that will be provided to school districts and stating its intent to meet state standards for software, data elements, edits, and support services. The standards must ensure the quality of the data reported to the state. The commissioner must conduct regular training sessions for service providers on the standards. If a service provider fails to meet the standards, the commissioner must notify the service provider of areas of noncompliance and assist the service provider in correcting the problem. If the provider fails to comply with standards within two months of being notified of noncompliance, the commissioner may remove the service provider from the list of certified providers. The commissioner may recertify a service provider when the commissioner determines that the areas of noncompliance have been corrected.

Subd. 5. **Information on certified service providers.** The commissioner must include the list of certified service providers in the annual data acquisition calendar. The commissioner must notify school districts if a service provider is removed from the list and of the areas of noncompliance.

Subd. 6. **Essential data.** The department shall maintain a list of essential data elements which must be recorded and stored about each pupil, licensed and nonlicensed staff member, and educational program. Each school district must provide the essential data to the department in the form and format prescribed by the department.

Subd. 7. **Contracting.** The department may provide by contract for the technical support of and the development of applications software by a regional management information center or by any other appropriate provider.

History: 1980 c 609 art 7 s 11; 1981 c 253 s 25; 1982 c 424 s 130; 1987 c 398 art 7 s 14,15; 1991 c 265 art 9 s 18-20; 1992 c 499 art 6 s 1,2; 1993 c 224 art 14 s 6; 1Sp1995 c 3 art 9 s 10; art 16 s 13; 1998 c 397 art 4 s 51; 1998 c 398 art 5 s 55

125B.09 DEPARTMENT POWERS AND DUTIES DELEGATED.

The department may provide, by the delegation of powers and duties or by contract, for the implementation and technical support of a computerized information reporting system, including the development of applications software pursuant to section 125B.05, subdivision 3, by any appropriate provider.

History: 1980 c 609 art 7 s 12; 1987 c 258 s 3; 1990 c 375 s 3; 1991 c 265 art 9 s 21; 1Sp1995 c 3 art 9 s 11; 1998 c 397 art 4 s 51; art 11 s 3

125B.11 REGIONAL CLEARINGHOUSES FOR IMPROVING EDUCATION TECHNOLOGY.

Subdivision 1. **Establishment.** The commissioner of children, families, and learning shall establish a grant program for regional clearinghouses for school districts. The grants must be used to upgrade and refurbish computers that are donated to schools and provide opportunities for student involvement. The purposes of the enterprises are to:

(1) serve as centers where business or others may donate new or used computer and other technology for use by Minnesota schools;

(2) provide an opportunity for students to upgrade donated and existing school-owned computers so that they are capable of being connected to the Internet and local networks; and

(3) provide a means of informing schools of available technology and distributing donated and upgraded computers to schools for technology improvements in support of learning.

Each clearinghouse must encourage opportunities for students to learn skills, including the technical skills needed to retrofit and upgrade computers. The clearinghouse shall retain the ability to review equipment for suitability and refuse equipment that does not meet the standards or is not suitable for use in schools. At a minimum, all donated computers must be suitable for upgrade so that the retrofitted computer can be connected to the Internet and a local computer network.

Subd. 2. **Grants.** The commissioner shall establish procedures and develop forms for applying for grants under this section. The grants may be used to purchase needed technology for upgrading donated computers and other donated technology, for the cost of computer distribution, and for the cost of informing businesses and others about technology donations to the clearinghouse. The commissioner shall develop guidelines for the use and distribution of any computers donated and upgraded through this grant program. The commissioner may establish priorities and prorate grants to match appropriations for the grant program.

History: 1996 c 412 art 12 s 1; 1998 c 397 art 4 s 51

125B.15 INTERNET ACCESS FOR STUDENTS.

(a) Recognizing the difference between school libraries, school computer labs, and school media centers, which serve unique educational purposes, and public libraries, which are designed for public inquiry, all computers at a school site with access to the Internet available for student use must be equipped to restrict, including by use of

available software filtering technology or other effective methods, all student access to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law.

(b) A school site is not required to purchase filtering technology if the school site would incur more than incidental expense in making the purchase.

(c) A school district receiving technology revenue under section 125B.25 must prohibit, including through use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography.

(d) A school district, its agents or employees, are immune from liability for failure to comply with this section if they have made a good faith effort to comply with the requirements of this section.

(e) "School site" means an education site as defined in section 123B.04, subdivision 1, or charter school under section 124D.10.

History: 2000 c 489 art 6 s 25

125B.20 Subdivision 1. [Repealed, 1Sp1997 c 4 art 9 s 13; 1999 c 241 art 4 s 19]

Subd. 2. [Repealed, 1Sp1997 c 4 art 9 s 13; 1999 c 241 art 4 s 19]

Subd. 3. [Repealed, 1Sp1997 c 4 art 9 s 13; 1999 c 241 art 4 s 19; 1Sp2001 c 3 art 4 s 6]

Subd. 4. [Repealed, 1Sp1997 c 4 art 9 s 13; 1999 c 241 art 4 s 19]

Subd. 5. [Repealed, 1Sp1997 c 4 art 9 s 13; 1999 c 241 art 4 s 19]

NOTE: Subdivision 1 was also amended by Laws 2001, First Special Session chapter 3, article 4, section 1, to read as follows:

"Subdivision 1. **Establishment; purpose.** The purpose of developing a statewide school district telecommunications network is to expand the availability of a broad range of courses and degrees to students throughout the state, to share information resources to improve access, quality, and efficiency, to improve learning, and distance cooperative learning opportunities, and to promote the exchange of ideas among students, parents, teachers, media generalists, librarians, and the public. In addition, through the development of this statewide telecommunications network emphasizing cost-effective, competitive connections, all Minnesotans will benefit by enhancing access to telecommunications technology throughout the state. Network connections for school districts and public libraries are coordinated and fully integrated into the existing state telecommunications and interactive television networks to achieve comprehensive and efficient interconnectivity of school districts and libraries to higher education institutions, state agencies, other governmental units, agencies, and institutions throughout Minnesota. A school district may apply to the commissioner for a grant under subdivision 2. The Minnesota education telecommunications council established in Laws 1995, First Special Session chapter 3, article 12, section 7, shall establish priorities for awarding grants, making grant awards, and being responsible for the coordination of networks."

125B.21 MINNESOTA EDUCATION TELECOMMUNICATIONS COUNCIL.

Subdivision 1. **State council membership.** The membership of the Minnesota education telecommunications council established in Laws 1993, First Special Session chapter 2, is expanded to include representatives of elementary and secondary education. The membership shall consist of three representatives from the University of Minnesota; three representatives of the board of trustees for Minnesota state colleges and universities; one representative of the higher education services offices; one representative appointed by the private college council; one representative selected by the commissioner of administration; eight representatives selected by the commissioner of children, families, and learning, at least one of which must come from each of the six higher education telecommunication regions; a representative from the office of technology; two members each from the senate and the house of representatives selected by the subcommittee on committees of the committee on rules and administration of the senate and the speaker of the house, one member from each body must be a member of the minority party; and three representatives of libraries, one representing regional public libraries, one representing multitype libraries, and one representing community libraries, selected by the governor; and two members, one selected from and representing the higher education regional coordinators and one selected from and representing the kindergarten through grade 12 cluster regions. The council shall serve as a forum to establish and advocate for a statewide vision and plans for the use of distance learning technologies, including:

(1) the coordination and collaboration of distance learning opportunities;

- (2) the implementation of the use of distance learning technologies;
- (3) the collaboration of distance learning users;
- (4) the implementation of educational policy relating to telecommunications;
- (5) the exchange of ideas;
- (6) the communications with state government and related agencies and entities;
- (7) the coordination of networks for post-secondary campuses, kindergarten through grade 12 education, and regional and community libraries; and
- (8) the promotion of consistency of the operation of the learning network with standards of an open system architecture.

Subd. 2. [Repealed by amendment, 1Sp2001 c 6 art 4 s 11]

Subd. 3. [Repealed by amendment, 1Sp2001 c 6 art 4 s 11]

History: *1Sp1995 c 3 art 12 s 7; 1Sp1997 c 4 art 9 s 12; 1998 c 270 s 4; 1998 c 359 s 20; 1999 c 241 art 4 s 18,28; 2000 c 489 art 10 s 13; 1Sp2001 c 6 art 4 s 11*

125B.25 [Expired]