

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2397

02/27/2014 Authored by Mariani, Metsa and Brynaert

The bill was read for the first time and referred to the Committee on Education Policy

03/24/2014 Adoption of Report: Amended and re-referred to the Committee on Education Finance

03/31/2014 Adoption of Report: Amended and Placed on the General Register

Read Second Time

A bill for an act

1.1 relating to education; providing for policy and technical modifications in early
 1.2 childhood and family, kindergarten through grade 12, and adult education
 1.3 including general education, education excellence, English learners and language
 1.4 proficiency, special programs, nutrition, libraries, unsession and conforming
 1.5 changes, and an interstate compact; amending Minnesota Statutes 2012,
 1.6 sections 13.32, subdivision 6; 119A.535; 120A.22, subdivision 2; 120A.32;
 1.7 120B.022; 120B.12; 120B.31, by adding a subdivision; 120B.35, subdivision
 1.8 4; 121A.36; 121A.582, subdivision 1; 122A.06, subdivision 4; 122A.09,
 1.9 subdivision 7; 122A.14, subdivisions 2, 3; 122A.18, subdivisions 2a, 4; 122A.19;
 1.10 122A.40, subdivision 5; 122A.41, subdivision 2; 122A.413, subdivision 2;
 1.11 122A.414, subdivision 2; 122A.48, subdivision 3; 122A.60, subdivisions 1a,
 1.12 2, 3; 122A.68, subdivision 3; 122A.74; 123A.06, subdivision 2; 123B.04,
 1.13 subdivision 4; 123B.147, subdivision 3; 124D.03, subdivisions 3, 4, 5, 6, by
 1.14 adding a subdivision; 124D.08, by adding a subdivision; 124D.09, subdivision
 1.15 9; 124D.111, subdivision 3; 124D.13, subdivision 2; 124D.141, subdivision
 1.16 3; 124D.15, subdivision 3; 124D.49, subdivision 3; 124D.52, as amended;
 1.17 124D.522; 124D.59, subdivision 2, by adding a subdivision; 124D.895;
 1.18 124D.8955; 124D.896; 125A.023, subdivisions 3, 4; 125A.027, subdivisions 1,
 1.19 4; 125A.03; 125A.08; 125A.22; 127A.065; 127A.41, subdivision 7; 127A.70,
 1.20 subdivision 1, by adding a subdivision; 128C.02, subdivision 5; 134.355,
 1.21 subdivision 8; 260D.06, subdivision 2; Minnesota Statutes 2013 Supplement,
 1.22 sections 120A.22, subdivision 5; 120B.021, subdivision 4; 120B.11; 120B.115;
 1.23 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision
 1.24 1; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2;
 1.25 122A.40, subdivision 8; 122A.41, subdivision 5; 124D.10, subdivisions 1, 3,
 1.26 4, 6, 6a, 8, 9, 17a, 17b; 124D.11, subdivision 4; 124D.165, subdivisions 2, 4;
 1.27 124D.4531, subdivisions 1, 3, 3a; 124D.52, subdivision 8; 124D.861, subdivision
 1.28 3; 125A.30; 127A.70, subdivision 2; 626.556, subdivision 2; Laws 2011, First
 1.29 Special Session chapter 11, article 2, section 12; Laws 2012, chapter 263,
 1.30 section 1; proposing coding for new law in Minnesota Statutes, chapters 123A;
 1.31 124D; 127A; repealing Minnesota Statutes 2012, sections 119A.04, subdivision
 1.32 3; 119A.08; 120A.30; 120B.19; 120B.24; 121A.17, subdivision 9; 122A.19,
 1.33 subdivision 3; 122A.52; 122A.53; 122A.61, subdivision 2; 123B.15; 123B.16;
 1.34 123B.17; 123B.18; 123B.26; 123B.27; 124D.24; 124D.25; 124D.26; 124D.27;
 1.35 124D.28; 124D.29; 124D.30; 124D.31; 125A.027, subdivision 3.

1.37 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

ENGLISH LEARNERS AND WORLD LANGUAGE PROFICIENCY

Section 1. Minnesota Statutes 2012, section 119A.535, is amended to read:

119A.535 APPLICATION REQUIREMENTS.

Eligible Head Start organizations must submit a plan to the department for approval on a form and in the manner prescribed by the commissioner. The plan must include:

(1) the number of low-income children and families the program will be able to serve;

(2) a description of the program design and service delivery area which meets the needs of and encourages access by low-income working families;

(3) a program design that ensures fair and equitable access to Head Start services for all populations and parts of the service area;

(4) a plan for providing Head Start services in conjunction with full-day child care programs to minimize child transitions, increase program intensity and duration, and improve child and family outcomes as required in section 119A.5411; and

(5) identification of regular Head Start, early Head Start, full-day services identified in section 119A.5411, and innovative services based upon demonstrated needs to be provided; and

(6) evidence parents of English learners are provided with oral or written information to monitor the program's impact on their children's English language development, know whether their children are progressing in developing their English proficiency, and, where practicable, their native language proficiency, and actively engage with their children in developing their English and native language proficiency.

Sec. 2. Minnesota Statutes 2012, section 120B.022, is amended to read:

120B.022 ELECTIVE STANDARDS.

Subdivision 1. **Elective standards.** (a) A district must establish its own standards in the following subject areas:

(1) career and technical education; and

(2) world languages.

A school district must offer courses in all elective subject areas.

Subd. 1a. **Foreign language and culture; proficiency certificates.** (b) (a) World languages teachers and other school staff should develop and implement world languages programs that acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess, and encourage students' proficiency in multiple world languages. Programs under this ~~paragraph~~ section must encompass

3.1 indigenous American Indian languages and cultures, among other world languages and
3.2 cultures. The department shall consult with postsecondary institutions in developing
3.3 related professional development opportunities for purposes of this section.

3.4 (e) (b) Any Minnesota public, charter, or nonpublic school may award Minnesota
3.5 World Language Proficiency Certificates or Minnesota World Language Proficiency High
3.6 Achievement Certificates, consistent with this subdivision.

3.7 (c) The Minnesota World Language Proficiency Certificate recognizes students who
3.8 demonstrate listening, speaking, reading, and writing language skills at the American
3.9 Council on the Teaching of Foreign Languages' Intermediate-Low level on a valid and
3.10 reliable assessment tool. For languages listed as Category 3 by the United States Foreign
3.11 Service Institute or Category 4 by the United States Defense Language Institute, the
3.12 standard is Intermediate-Low for listening and speaking and Novice-High for reading
3.13 and writing.

3.14 (d) The Minnesota World Language Proficiency High Achievement Certificate
3.15 recognizes students who demonstrate listening, speaking, reading, and writing language
3.16 skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level
3.17 for K-12 learners on a valid and reliable assessment tool. For languages listed as Category
3.18 3 by the United States Foreign Service Institute or Category 4 by the United States
3.19 Defense Language Institute, the standard is Pre-Advanced for listening and speaking and
3.20 Intermediate-Mid for reading and writing.

3.21 Subd. 1b. State bilingual and multilingual seals. (a) Consistent with efforts to
3.22 strive for the world's best workforce under sections 120B.11 and 124D.10, subdivision 8,
3.23 paragraph (u), and close the academic achievement and opportunity gap under sections
3.24 124D.861 and 124D.862, voluntary state bilingual and multilingual seals are established
3.25 to recognize high school graduates who demonstrate level 3 functional native proficiency
3.26 in speaking and reading on either the Foreign Services Institute language proficiency tests
3.27 or on equivalent valid and reliable assessments in one or more languages in addition to
3.28 English. American Sign Language is a language other than English for purposes of this
3.29 subdivision and a world language for purposes of subdivision 1a.

3.30 (b) In addition to paragraph (a), to be eligible to receive a seal:

3.31 (1) students must satisfactorily complete all required English language arts credits;
3.32 and

3.33 (2) students whose primary language is other than English must demonstrate mastery
3.34 of Minnesota's English language proficiency standards.

3.35 (c) Consistent with this subdivision, a high school graduate who demonstrates
3.36 functional native proficiency in one language in addition to English is eligible to receive

4.1 the state bilingual seal. A high school graduate who demonstrates functional native
4.2 proficiency in more than one language in addition to English is eligible to receive the
4.3 state multilingual seal.

4.4 (d) School districts and charter schools, in consultation with regional centers
4.5 of excellence under section 120B.115, must give students periodic opportunities to
4.6 demonstrate their level of proficiency in speaking and reading in a language in addition
4.7 to English. Where valid and reliable assessments are unavailable, a school district or
4.8 charter school may rely on a licensed foreign language immersion teacher or a nonlicensed
4.9 community expert under section 122A.25 to assess a student's level of foreign, heritage, or
4.10 indigenous language proficiency under this section. School districts and charter schools
4.11 must maintain appropriate records to identify high school graduates eligible to receive the
4.12 state bilingual or multilingual seal. The school district or charter school must affix the
4.13 appropriate seal to the transcript of each high school graduate who meets the requirements
4.14 of this subdivision and may affix the seal to the student's diploma. A school district or
4.15 charter school must not charge the high school graduate a fee for this seal.

4.16 (e) A school district or charter school may award elective course credits in world
4.17 languages to a student who demonstrates the requisite proficiency in a language other
4.18 than English under this section.

4.19 (f) A school district or charter school may award community service credit to a
4.20 student who demonstrates level 3 functional native proficiency in speaking and reading
4.21 in a language other than English and who participates in community service activities
4.22 that are integrated into the curriculum, involve the participation of teachers, and support
4.23 biliteracy in the school or local community.

4.24 (g) The commissioner must develop a Web page for the electronic delivery of these
4.25 seals. The commissioner must list on the Web page those assessments that are equivalent
4.26 to the Foreign Services Institute language proficiency tests and make language proficiency
4.27 tests and equivalent assessments under this section available to school districts and charter
4.28 schools at no more than actual cost.

4.29 (h) The colleges and universities of the Minnesota State Colleges and Universities
4.30 system must award foreign language credits to a student who receives a state bilingual seal
4.31 or a state multilingual seal under this subdivision and may award foreign language credits to
4.32 a student who receives a Minnesota World Language Proficiency Certificate or a Minnesota
4.33 World Language Proficiency High Achievement Certificate under subdivision 1a.

4.34 **Subd. 2. Local assessments.** A district must use a locally selected assessment to
4.35 determine if a student has achieved an elective standard.

5.1 **EFFECTIVE DATE.** This section is effective the day following final enactment
 5.2 and applies to the 2014-2015 school year and later, except subdivision 1b, paragraph
 5.3 (h), is effective for students enrolling in a MnSCU system college or university in the
 5.4 2015-2016 school year or later.

5.5 Sec. 3. Minnesota Statutes 2013 Supplement, section 120B.11, is amended to read:

5.6 **120B.11 SCHOOL DISTRICT PROCESS FOR REVIEWING CURRICULUM,**
 5.7 **INSTRUCTION, AND STUDENT ACHIEVEMENT; STRIVING FOR THE**
 5.8 **WORLD'S BEST WORKFORCE.**

5.9 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10,
 5.10 the following terms have the meanings given them.

5.11 (a) "Instruction" means methods of providing learning experiences that enable a
 5.12 student to meet state and district academic standards and graduation requirements.

5.13 (b) "Curriculum" means district or school adopted programs and written plans for
 5.14 providing students with learning experiences that lead to expected knowledge and skills
 5.15 and career and college readiness.

5.16 (c) "World's best workforce" means striving to: meet school readiness goals; have
 5.17 all third grade students achieve grade-level literacy; close the academic achievement gap
 5.18 among all racial and ethnic groups of students and between students living in poverty and
 5.19 students not living in poverty; have all students attain career and college readiness before
 5.20 graduating from high school; and have all students graduate from high school.

5.21 Subd. 1a. **Performance measures.** Measures to determine school district and
 5.22 school site progress in striving to create the world's best workforce must include at least:

5.23 (1) student performance on the National ~~Association~~ Assessment of Education
 5.24 Progress;

5.25 (2) the size of the academic achievement gap, rigorous course taking under section
 5.26 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student
 5.27 subgroup;

5.28 (3) student performance on the Minnesota Comprehensive Assessments;

5.29 (4) high school graduation rates; and

5.30 (5) career and college readiness under section 120B.30, subdivision 1.

5.31 Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, shall
 5.32 adopt a comprehensive, long-term strategic plan to support and improve teaching and
 5.33 learning that is aligned with creating the world's best workforce and includes:

6.1 (1) clearly defined district and school site goals and benchmarks for instruction and
6.2 student achievement for all student subgroups identified in section 120B.35, subdivision 3,
6.3 paragraph (b), clause (2);

6.4 (2) a process for assessing and evaluating each student's progress toward meeting state
6.5 and local academic standards and identifying the strengths and weaknesses of instruction
6.6 in pursuit of student and school success and curriculum affecting students' progress and
6.7 growth toward career and college readiness and leading to the world's best workforce;

6.8 (3) a system to periodically review and evaluate the effectiveness of all instruction
6.9 and curriculum, taking into account strategies and best practices, student outcomes, school
6.10 principal evaluations under section 123B.147, subdivision 3, and teacher evaluations
6.11 under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

6.12 (4) strategies for improving instruction, curriculum, and student achievement,
6.13 including the English and, where practicable, the native language development and the
6.14 academic achievement of English learners;

6.15 (5) education effectiveness practices that integrate high-quality instruction, rigorous
6.16 curriculum, technology, and a collaborative professional culture that develops and
6.17 supports teacher quality, performance, and effectiveness; and

6.18 (6) an annual budget for continuing to implement the district plan.

6.19 Subd. 3. **District advisory committee.** Each school board shall establish an
6.20 advisory committee to ensure active community participation in all phases of planning and
6.21 improving the instruction and curriculum affecting state and district academic standards,
6.22 consistent with subdivision 2. A district advisory committee, to the extent possible,
6.23 shall reflect the diversity of the district and its school sites, ~~and shall~~ include teachers,
6.24 parents, support staff, students, and other community residents, and provide translation
6.25 to the extent appropriate and practicable. The district advisory committee shall pursue
6.26 community support to accelerate the academic and native literacy and achievement of
6.27 English learners with varied needs, from young children to adults, consistent with section
6.28 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees
6.29 of the district advisory committee under subdivision 4. The district advisory committee
6.30 shall recommend to the school board rigorous academic standards, student achievement
6.31 goals and measures consistent with subdivision 1a and sections 120B.022, ~~subdivision~~
6.32 ~~1, paragraphs (b) and (c)~~ subdivisions 1a and 1b, and 120B.35, district assessments, and
6.33 program evaluations. School sites may expand upon district evaluations of instruction,
6.34 curriculum, assessments, or programs. Whenever possible, parents and other community
6.35 residents shall comprise at least two-thirds of advisory committee members.

7.1 Subd. 4. **Site team.** A school may establish a site team to develop and implement
7.2 strategies and education effectiveness practices to improve instruction, curriculum,
7.3 cultural competencies, including cultural awareness and cross-cultural communication,
7.4 and student achievement at the school site, consistent with subdivision 2. The team advises
7.5 the board and the advisory committee about developing the annual budget and revising an
7.6 instruction and curriculum improvement plan that aligns curriculum, assessment of student
7.7 progress, and growth in meeting state and district academic standards and instruction.

7.8 Subd. 5. **Report.** Consistent with requirements for school performance reports
7.9 under section 120B.36, subdivision 1, the school board shall publish a report in the local
7.10 newspaper with the largest circulation in the district, by mail, or by electronic means on
7.11 the district Web site. The school board shall hold an annual public meeting to review,
7.12 and revise where appropriate, student achievement goals, local assessment outcomes,
7.13 plans, strategies, and practices for improving curriculum and instruction and cultural
7.14 competency, and to review district success in realizing the previously adopted student
7.15 achievement goals and related benchmarks and the improvement plans leading to the
7.16 world's best workforce. The school board must transmit an electronic summary of its
7.17 report to the commissioner in the form and manner the commissioner determines.

7.18 Subd. 7. **Periodic report.** Each school district shall periodically survey affected
7.19 constituencies, in their native languages where appropriate and practicable, about their
7.20 connection to and level of satisfaction with school. The district shall include the results of
7.21 this evaluation in the summary report required under subdivision 5.

7.22 Subd. 9. **Annual evaluation.** (a) The commissioner must identify effective
7.23 strategies, practices, and use of resources by districts and school sites in striving for the
7.24 world's best workforce. The commissioner must assist districts and sites throughout the
7.25 state in implementing these effective strategies, practices, and use of resources.

7.26 (b) The commissioner must identify those districts in any consecutive three-year
7.27 period not making sufficient progress toward improving teaching and learning for all
7.28 students, including English learners with varied needs, consistent with section 124D.59,
7.29 subdivisions 2 and 2a, and striving for the world's best workforce. The commissioner, in
7.30 collaboration with the identified district, may require the district to use up to two percent
7.31 of its basic general education revenue per fiscal year during the proximate three school
7.32 years to implement commissioner-specified strategies and practices, consistent with
7.33 paragraph (a), to improve and accelerate its progress in realizing its goals under this
7.34 section. In implementing this section, the commissioner must consider districts' budget
7.35 constraints and legal obligations.

8.1 Sec. 4. Minnesota Statutes 2013 Supplement, section 120B.115, is amended to read:

8.2 **120B.115 REGIONAL CENTERS OF EXCELLENCE.**

8.3 (a) Regional centers of excellence are established to assist and support school
8.4 boards, school districts, school sites, and charter schools in implementing research-based
8.5 interventions and practices to increase the students' achievement within a region.
8.6 The centers must develop partnerships with local and regional service cooperatives,
8.7 postsecondary institutions, integrated school districts, the department, children's mental
8.8 health providers, or other local or regional entities interested in providing a cohesive
8.9 and consistent regional delivery system that serves all schools equitably. Centers must
8.10 assist school districts, school sites, and charter schools in developing similar partnerships.
8.11 Center support may include assisting school districts, school sites, and charter schools
8.12 with common principles of effective practice, including:

8.13 (1) defining measurable education goals under ~~section~~ sections 120B.11, subdivision
8.14 2, and 120B.22, subdivisions 1a and 1b;

8.15 (2) implementing evidence-based practices;

8.16 (3) engaging in data-driven decision-making;

8.17 (4) providing multilayered levels of support;

8.18 (5) supporting culturally responsive teaching and learning aligning the development
8.19 of academic English proficiency, state and local academic standards, and career and
8.20 college readiness benchmarks; and

8.21 (6) engaging parents, families, youth, and local community members in programs
8.22 and activities at the school district, school site, or charter school that foster collaboration
8.23 and shared accountability for the achievement of all students; and

8.24 (7) translating district forms and other information such as a multilingual glossary of
8.25 commonly used education terms and phrases.

8.26 Centers must work with school site leadership teams to build ~~capacity~~ the expertise and
8.27 experience to implement programs that close the achievement gap, provide effective and
8.28 differentiated programs and instruction for different types of English learners, including
8.29 English learners with limited or interrupted formal schooling and long-term English
8.30 learners under section 124D.59, subdivisions 2 and 2a, increase students' progress and
8.31 growth toward career and college readiness, and increase student graduation rates.

8.32 (b) The department must assist the regional centers of excellence to meet staff,
8.33 facilities, and technical needs, provide the centers with programmatic support, and work
8.34 with the centers to establish a coherent statewide system of regional support, including
8.35 consulting, training, and technical support, to help school boards, school districts, school

9.1 sites, and charter schools effectively and efficiently implement the world's best workforce
 9.2 goals under section 120B.11 and other state and federal education initiatives.

9.3 Sec. 5. Minnesota Statutes 2012, section 120B.12, is amended to read:

9.4 **120B.12 READING PROFICIENTLY NO LATER THAN THE END OF**
 9.5 **GRADE 3.**

9.6 Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or
 9.7 above grade level no later than the end of grade 3, including English learners, and that
 9.8 teachers provide comprehensive, scientifically based reading instruction consistent with
 9.9 section 122A.06, subdivision 4.

9.10 Subd. 2. **Identification; report.** For the 2011-2012 school year and later, each
 9.11 school district shall identify before the end of kindergarten, grade 1, and grade 2 students
 9.12 who are not reading at grade level before the end of the current school year. Reading
 9.13 assessments in English, and in the predominant languages of district students where
 9.14 practicable, must identify and evaluate students' areas of academic need related to literacy.
 9.15 The district also must monitor the progress and provide reading instruction appropriate
 9.16 to the specific needs of English learners. The district must use a locally adopted,
 9.17 developmentally appropriate, and culturally responsive assessment and annually report
 9.18 summary assessment results to the commissioner by July 1.

9.19 Subd. 2a. **Parent notification and involvement.** Schools, at least annually,
 9.20 must give the parent of each student who is not reading at or above grade level timely
 9.21 information about:

9.22 (1) student's reading proficiency as measured by a locally adopted assessment;

9.23 (2) reading-related services currently being provided to the student; and

9.24 (3) strategies for parents to use at home in helping their student succeed in becoming
 9.25 grade-level proficient in reading in English and in their native language.

9.26 Subd. 3. **Intervention.** For each student identified under subdivision 2, the district
 9.27 shall provide reading intervention to accelerate student growth ~~in order to~~ and reach the
 9.28 goal of reading at or above grade level by the end of the current grade and school year.
 9.29 District intervention methods shall encourage ~~parental involvement~~ family engagement
 9.30 and, where possible, collaboration with appropriate school and community programs.
 9.31 Intervention methods may include, but are not limited to, requiring attendance in summer
 9.32 school, intensified reading instruction that may require that the student be removed from
 9.33 the regular classroom for part of the school day ~~or~~, extended-day programs, or programs
 9.34 that strengthen students' cultural connections.

10.1 Subd. 4. **Staff development.** Each district shall use the data under subdivision 2 to
10.2 identify the staff development needs so that:

10.3 (1) elementary teachers are able to implement comprehensive, scientifically based
10.4 reading and oral language instruction in the five reading areas of phonemic awareness,
10.5 phonics, fluency, vocabulary, and comprehension as defined in section 122A.06,
10.6 subdivision 4, and other literacy-related areas including writing until the student achieves
10.7 grade-level reading proficiency;

10.8 (2) elementary teachers have sufficient training to provide comprehensive,
10.9 scientifically based reading and oral language instruction that meets students'
10.10 developmental, linguistic, and literacy needs using the intervention methods or programs
10.11 selected by the district for the identified students;

10.12 (3) licensed teachers employed by the district have regular opportunities to improve
10.13 reading and writing instruction; ~~and~~

10.14 (4) licensed teachers recognize students' diverse needs in cross-cultural settings
10.15 and are able to serve the oral language and linguistic needs of students who are English
10.16 learners by maximizing strengths in their native languages in order to cultivate students'
10.17 English language development, including oral academic language development, and
10.18 build academic literacy; and

10.19 (5) licensed teachers are well trained in culturally responsive pedagogy that enables
10.20 students to master content, develop skills to access content, and build relationships.

10.21 Subd. 4a. **Local literacy plan.** Consistent with this section, a school district must
10.22 adopt a local literacy plan to have every child reading at or above grade level no later than
10.23 the end of grade 3, including English learners. The plan must include a process to assess
10.24 students' level of reading proficiency, notify and involve parents, intervene with students
10.25 who are not reading at or above grade level, and identify and meet staff development
10.26 needs. The district must post its literacy plan on the official school district Web site.

10.27 Subd. 5. **Commissioner.** The commissioner shall recommend to districts multiple
10.28 assessment tools to assist districts and teachers with identifying students under subdivision
10.29 2. The commissioner shall also make available examples of nationally recognized and
10.30 research-based instructional methods or programs to districts to provide comprehensive,
10.31 scientifically based reading instruction and intervention under this section.

10.32 Sec. 6. Minnesota Statutes 2013 Supplement, section 120B.125, is amended to read:

10.33 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**
10.34 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**
10.35 **CAREER TRACKING PROHIBITED.**

11.1 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,
11.2 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,
11.3 school districts, beginning in the 2013-2014 school year, must assist all students by no
11.4 later than grade 9 to explore their college and career interests and aspirations and develop
11.5 a plan for a smooth and successful transition to postsecondary education or employment.

11.6 All students' plans must be designed to:

11.7 (1) provide a comprehensive academic plan for completing a college and
11.8 career-ready curriculum premised on meeting state and local academic standards
11.9 and developing 21st century skills such as team work, collaboration, creativity,
11.10 communication, critical thinking, and good work habits;

11.11 (2) emphasize academic rigor and high expectations;

11.12 (3) help students identify personal learning styles that may affect their postsecondary
11.13 education and employment choices;

11.14 (4) help students gain access to postsecondary education and career options;

11.15 (5) integrate strong academic content into career-focused courses and integrate
11.16 relevant career-focused courses into strong academic content;

11.17 (6) help students and families identify and gain access to appropriate counseling
11.18 and other supports and assistance that enable students to complete required coursework,
11.19 prepare for postsecondary education and careers, and obtain information about
11.20 postsecondary education costs and eligibility for financial aid and scholarship;

11.21 (7) help students and families identify collaborative partnerships of ~~kindergarten~~
11.22 prekindergarten through grade 12 schools, postsecondary institutions, economic
11.23 development agencies, and employers that support students' transition to postsecondary
11.24 education and employment and provide students with experiential learning opportunities;
11.25 and

11.26 (8) be reviewed and revised at least annually by the student, the student's parent or
11.27 guardian, and the school or district to ensure that the student's course-taking schedule
11.28 keeps the student making adequate progress to meet state and local high school graduation
11.29 requirements and with a reasonable chance to succeed with employment or postsecondary
11.30 education without the need to first complete remedial course work.

11.31 (b) A school district may develop grade-level curricula or provide instruction that
11.32 introduces students to various careers, but must not require any curriculum, instruction,
11.33 or employment-related activity that obligates an elementary or secondary student to
11.34 involuntarily select a career, career interest, employment goals, or related job training.

11.35 (c) Educators must possess the knowledge and skills to effectively teach all English
11.36 learners in their classrooms. School districts must provide appropriate curriculum,

12.1 targeted materials, professional development opportunities for educators, and sufficient
12.2 resources to enable English learners to become career- and college-ready.

12.3 Sec. 7. Minnesota Statutes 2013 Supplement, section 120B.35, subdivision 3, is
12.4 amended to read:

12.5 Subd. 3. **State growth target; other state measures.** (a) The state's educational
12.6 assessment system measuring individual students' educational growth is based on
12.7 indicators of achievement growth that show an individual student's prior achievement.
12.8 Indicators of achievement and prior achievement must be based on highly reliable
12.9 statewide or districtwide assessments.

12.10 (b) The commissioner, in consultation with a stakeholder group that includes
12.11 assessment and evaluation directors ~~and~~, district staff, experts in culturally responsive
12.12 teaching, and researchers, must implement a model that uses a value-added growth
12.13 indicator and includes criteria for identifying schools and school districts that demonstrate
12.14 medium and high growth under section 120B.299, subdivisions 8 and 9, and may
12.15 recommend other value-added measures under section 120B.299, subdivision 3. The model
12.16 may be used to advance educators' professional development and replicate programs that
12.17 succeed in meeting students' diverse learning needs. Data on individual teachers generated
12.18 under the model are personnel data under section 13.43. The model must allow users to:

12.19 (1) report student growth consistent with this paragraph; and

12.20 (2) for all student categories, report and compare aggregated and disaggregated state
12.21 growth data using the nine student categories identified under the federal 2001 No Child
12.22 Left Behind Act and two student gender categories of male and female, respectively,
12.23 following appropriate reporting practices to protect nonpublic student data.

12.24 The commissioner must report measures of student growth, consistent with this
12.25 paragraph.

12.26 (c) When reporting student performance under section 120B.36, subdivision 1, the
12.27 commissioner annually, beginning July 1, 2011, must report two core measures indicating
12.28 the extent to which current high school graduates are being prepared for postsecondary
12.29 academic and career opportunities:

12.30 (1) a preparation measure indicating the number and percentage of high school
12.31 graduates in the most recent school year who completed course work important to
12.32 preparing them for postsecondary academic and career opportunities, consistent with
12.33 the core academic subjects required for admission to Minnesota's public colleges and
12.34 universities as determined by the Office of Higher Education under chapter 136A; and

13.1 (2) a rigorous coursework measure indicating the number and percentage of high
13.2 school graduates in the most recent school year who successfully completed one or more
13.3 college-level advanced placement, international baccalaureate, postsecondary enrollment
13.4 options including concurrent enrollment, other rigorous courses of study under section
13.5 120B.021, subdivision 1a, or industry certification courses or programs.

13.6 When reporting the core measures under clauses (1) and (2), the commissioner must also
13.7 analyze and report separate categories of information using the nine student categories
13.8 identified under the federal 2001 No Child Left Behind Act and two student gender
13.9 categories of male and female, respectively, following appropriate reporting practices to
13.10 protect nonpublic student data.

13.11 (d) When reporting student performance under section 120B.36, subdivision 1, the
13.12 commissioner annually, beginning July 1, 2014, must report summary data on school
13.13 safety and students' engagement and connection at school. The summary data under this
13.14 paragraph are separate from and must not be used for any purpose related to measuring
13.15 or evaluating the performance of classroom teachers. The commissioner, in consultation
13.16 with qualified experts on student engagement and connection and classroom teachers,
13.17 must identify highly reliable variables that generate summary data under this paragraph.
13.18 The summary data may be used at school, district, and state levels only. Any data on
13.19 individuals received, collected, or created that are used to generate the summary data
13.20 under this paragraph are nonpublic data under section 13.02, subdivision 9.

13.21 (e) For purposes of statewide educational accountability, the commissioner must
13.22 identify and report measures that demonstrate the success of learning year program
13.23 providers under sections 123A.05 and 124D.68, among other such providers, in improving
13.24 students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually
13.25 report summary data on:

13.26 (1) the four- and six-year graduation rates of students under this paragraph;

13.27 (2) the percent of students under this paragraph whose progress and performance
13.28 levels are meeting career and college readiness benchmarks under section 120B.30,
13.29 subdivision 1; and

13.30 (3) the success that learning year program providers experience in:

13.31 (i) identifying at-risk and off-track student populations by grade;

13.32 (ii) providing successful prevention and intervention strategies for at-risk students;

13.33 (iii) providing successful recuperative and recovery or reenrollment strategies for
13.34 off-track students; and

13.35 (iv) improving the graduation outcomes of at-risk and off-track students.

14.1 The commissioner may include in the annual report summary data on other education
14.2 providers serving a majority of students eligible to participate in a learning year program.

14.3 (f) The commissioner, in consultation with recognized experts with knowledge and
14.4 experience in assessing the language proficiency and academic performance of English
14.5 learners, must identify and report appropriate and effective measures to improve current
14.6 categories of language difficulty and assessments, and monitor and report data on students'
14.7 English proficiency levels, program placement, and academic language development,
14.8 including oral academic language.

14.9 Sec. 8. Minnesota Statutes 2013 Supplement, section 120B.36, subdivision 1, is
14.10 amended to read:

14.11 Subdivision 1. **School performance reports.** (a) The commissioner shall report
14.12 student academic performance under section 120B.35, subdivision 2; the percentages of
14.13 students showing low, medium, and high growth under section 120B.35, subdivision
14.14 3, paragraph (b); school safety and student engagement and connection under section
14.15 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,
14.16 subdivision 3, paragraph (c); the percentage of students under section 120B.35,
14.17 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are
14.18 meeting career and college readiness benchmarks under sections 120B.30, subdivision 1,
14.19 and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible
14.20 districts in reducing disparities in students' academic achievement and realizing racial and
14.21 economic integration under section 124D.861; the acquisition of English, and where
14.22 practicable, native language academic literacy, including oral academic language, and
14.23 the academic progress of English learners under section 124D.59, subdivisions 2 and
14.24 2a; two separate student-to-teacher ratios that clearly indicate the definition of teacher
14.25 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;
14.26 staff characteristics excluding salaries; student enrollment demographics; district mobility;
14.27 and extracurricular activities. The report also must indicate a school's adequate yearly
14.28 progress status under applicable federal law, and must not set any designations applicable
14.29 to high- and low-performing schools due solely to adequate yearly progress status.

14.30 (b) The commissioner shall develop, annually update, and post on the department
14.31 Web site school performance reports.

14.32 (c) The commissioner must make available performance reports by the beginning
14.33 of each school year.

15.1 (d) A school or district may appeal its adequate yearly progress status in writing to
15.2 the commissioner within 30 days of receiving the notice of its status. The commissioner's
15.3 decision to uphold or deny an appeal is final.

15.4 (e) School performance data are nonpublic data under section 13.02, subdivision 9,
15.5 until the commissioner publicly releases the data. The commissioner shall annually post
15.6 school performance reports to the department's public Web site no later than September 1,
15.7 except that in years when the reports reflect new performance standards, the commissioner
15.8 shall post the school performance reports no later than October 1.

15.9 Sec. 9. Minnesota Statutes 2012, section 122A.06, subdivision 4, is amended to read:

15.10 Subd. 4. **Comprehensive, scientifically based reading instruction.** (a)
15.11 "Comprehensive, scientifically based reading instruction" includes a program or collection
15.12 of instructional practices that is based on valid, replicable evidence showing that when
15.13 these programs or practices are used, students can be expected to achieve, at a minimum,
15.14 satisfactory reading progress. The program or collection of practices must include, at a
15.15 minimum, effective, balanced instruction in all five areas of reading: phonemic awareness,
15.16 phonics, fluency, vocabulary development, and reading comprehension.

15.17 Comprehensive, scientifically based reading instruction also includes and integrates
15.18 instructional strategies for continuously assessing, evaluating, and communicating
15.19 the student's reading progress and needs in order to design and implement ongoing
15.20 interventions so that students of all ages and proficiency levels can read and comprehend
15.21 text, write, and apply higher level thinking skills. For English learners developing literacy
15.22 skills, districts are encouraged to use strategies that teach reading and writing in the
15.23 students' native language and English at the same time.

15.24 (b) "Fluency" is the ability of students to read text with speed, accuracy, and proper
15.25 expression.

15.26 (c) "Phonemic awareness" is the ability of students to notice, think about, and
15.27 manipulate individual sounds in spoken syllables and words.

15.28 (d) "Phonics" is the understanding that there are systematic and predictable
15.29 relationships between written letters and spoken words. Phonics instruction is a way
15.30 of teaching reading that stresses learning how letters correspond to sounds and how to
15.31 apply this knowledge in reading and spelling.

15.32 (e) "Reading comprehension" is an active process that requires intentional thinking
15.33 during which meaning is constructed through interactions between text and reader.
15.34 Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and

16.1 implementing specific cognitive strategies to help beginning readers derive meaning
16.2 through intentional, problem-solving thinking processes.

16.3 (f) "Vocabulary development" is the process of teaching vocabulary both directly
16.4 and indirectly, with repetition and multiple exposures to vocabulary items. Learning in
16.5 rich contexts, incidental learning, and use of computer technology enhance the acquiring
16.6 of vocabulary.

16.7 (g) Nothing in this subdivision limits the authority of a school district to select a
16.8 school's reading program or curriculum.

16.9 Sec. 10. Minnesota Statutes 2013 Supplement, section 122A.09, subdivision 4, is
16.10 amended to read:

16.11 Subd. 4. **License and rules.** (a) The board must adopt rules to license public school
16.12 teachers and interns subject to chapter 14.

16.13 (b) The board must adopt rules requiring a person to pass a skills examination in
16.14 reading, writing, and mathematics as a requirement for initial teacher licensure, except
16.15 that the board may issue up to two additional temporary, one-year teaching licenses to an
16.16 otherwise qualified candidate who has not yet passed the skills exam. Such rules must
16.17 require college and universities offering a board-approved teacher preparation program to
16.18 provide remedial assistance to persons who did not achieve a qualifying score on the skills
16.19 examination, including those for whom English is a second language.

16.20 (c) The board must adopt rules to approve teacher preparation programs. The board,
16.21 upon the request of a postsecondary student preparing for teacher licensure or a licensed
16.22 graduate of a teacher preparation program, shall assist in resolving a dispute between the
16.23 person and a postsecondary institution providing a teacher preparation program when the
16.24 dispute involves an institution's recommendation for licensure affecting the person or the
16.25 person's credentials. At the board's discretion, assistance may include the application
16.26 of chapter 14.

16.27 (d) The board must provide the leadership and adopt rules for the redesign of teacher
16.28 education programs to implement a research based, results-oriented curriculum that
16.29 focuses on the skills teachers need in order to be effective. The board shall implement new
16.30 systems of teacher preparation program evaluation to assure program effectiveness based
16.31 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher
16.32 preparation programs including alternative teacher preparation programs under section
16.33 122A.245, among other programs, must include a content-specific, board-approved,
16.34 performance-based assessment that measures teacher candidates in three areas: planning

17.1 for instruction and assessment; engaging students and supporting learning; and assessing
17.2 student learning.

17.3 (e) The board must adopt rules requiring candidates for initial licenses to pass an
17.4 examination of general pedagogical knowledge and examinations of licensure-specific
17.5 teaching skills. The rules shall be effective by September 1, 2001. The rules under this
17.6 paragraph also must require candidates for initial licenses to teach prekindergarten or
17.7 elementary students to pass, as part of the examination of licensure-specific teaching
17.8 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,
17.9 scientifically based reading instruction under section 122A.06, subdivision 4, and their
17.10 knowledge and understanding of the foundations of reading development, the development
17.11 of reading comprehension, and reading assessment and instruction, and their ability to
17.12 integrate that knowledge and understanding.

17.13 (f) The board must adopt rules requiring teacher educators to work directly with
17.14 elementary or secondary school teachers in elementary or secondary schools to obtain
17.15 periodic exposure to the elementary or secondary teaching environment.

17.16 (g) The board must grant licenses to interns and to candidates for initial licenses
17.17 based on appropriate professional competencies that are aligned with the board's licensing
17.18 system and students' diverse learning needs. All teacher candidates must have preparation
17.19 in English language development and content instruction for English learners in order to be
17.20 able to effectively instruct the English learners in their classrooms. The board must include
17.21 these licenses in a statewide differentiated licensing system that creates new leadership
17.22 roles for successful experienced teachers premised on a collaborative professional culture
17.23 dedicated to meeting students' diverse learning needs in the 21st century, recognizes the
17.24 importance of cultural and linguistic competencies, including the ability to teach and
17.25 communicate in culturally competent and aware ways, and formalizes mentoring and
17.26 induction for newly licensed teachers ~~that is~~ provided through a teacher support framework.

17.27 (h) The board must design and implement an assessment system which requires a
17.28 candidate for an initial license and first continuing license to demonstrate the abilities
17.29 necessary to perform selected, representative teaching tasks at appropriate levels.

17.30 (i) The board must receive recommendations from local committees as established
17.31 by the board for the renewal of teaching licenses. The board must require licensed teachers
17.32 who are renewing a continuing license to include in the renewal requirements further
17.33 preparation in English language development and specially designed content instruction
17.34 in English for English learners.

18.1 (j) The board must grant life licenses to those who qualify according to requirements
18.2 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and
18.3 214.10. The board must not establish any expiration date for application for life licenses.

18.4 (k) The board must adopt rules that require all licensed teachers who are renewing
18.5 their continuing license to include in their renewal requirements further preparation in
18.6 the areas of using positive behavior interventions and in accommodating, modifying, and
18.7 adapting curricula, materials, and strategies to appropriately meet the needs of individual
18.8 students and ensure adequate progress toward the state's graduation rule.

18.9 (l) In adopting rules to license public school teachers who provide health-related
18.10 services for disabled children, the board shall adopt rules consistent with license or
18.11 registration requirements of the commissioner of health and the health-related boards who
18.12 license personnel who perform similar services outside of the school.

18.13 (m) The board must adopt rules that require all licensed teachers who are renewing
18.14 their continuing license to include in their renewal requirements further reading
18.15 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect
18.16 until they are approved by law. Teachers who do not provide direct instruction including, at
18.17 least, counselors, school psychologists, school nurses, school social workers, audiovisual
18.18 directors and coordinators, and recreation personnel are exempt from this section.

18.19 (n) The board must adopt rules that require all licensed teachers who are renewing
18.20 their continuing license to include in their renewal requirements further preparation,
18.21 first, in understanding the key warning signs of early-onset mental illness in children
18.22 and adolescents and then, during subsequent licensure renewal periods, preparation may
18.23 include providing a more in-depth understanding of students' mental illness trauma,
18.24 accommodations for students' mental illness, parents' role in addressing students' mental
18.25 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942
18.26 governing restrictive procedures, and de-escalation methods, among other similar topics.

18.27 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
18.28 individuals entering a teacher preparation program after that date.

18.29 Sec. 11. Minnesota Statutes 2012, section 122A.14, subdivision 2, is amended to read:

18.30 Subd. 2. **Preparation programs.** The board shall review and approve or
18.31 disapprove preparation programs for school administrators and alternative preparation
18.32 programs for administrators under section 122A.27, and must consider other alternative
18.33 competency-based preparation programs leading to licensure. Among other requirements,
18.34 preparation programs must include instruction on meeting the varied needs of English

19.1 learners, from young children to adults, in English and, where practicable, in students'
19.2 native language.

19.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
19.4 individuals entering a school administrator preparation program after that date.

19.5 Sec. 12. Minnesota Statutes 2012, section 122A.14, subdivision 3, is amended to read:

19.6 Subd. 3. **Rules for continuing education requirements.** The board shall
19.7 adopt rules establishing continuing education requirements that promote continuous
19.8 improvement and acquisition of new and relevant skills by school administrators. The
19.9 board shall require school administrators to periodically receive information and training
19.10 about building coherent and effective English learner strategies that include relevant
19.11 professional development, accountability for student progress, students' access to the
19.12 general curriculum, and sufficient staff capacity to effect these strategies. A retired school
19.13 principal who serves as a substitute principal or assistant principal for the same person
19.14 on a day-to-day basis for no more than 15 consecutive school days is not subject to
19.15 continuing education requirements as a condition of serving as a substitute principal or
19.16 assistant principal.

19.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to school
19.18 administrators renewing an administrator's license after that date.

19.19 Sec. 13. Minnesota Statutes 2013 Supplement, section 122A.18, subdivision 2, is
19.20 amended to read:

19.21 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of
19.22 Teaching must issue licenses under its jurisdiction to persons the board finds to be
19.23 qualified and competent for their respective positions.

19.24 (b) The board must require a person to pass an examination of skills in reading,
19.25 writing, and mathematics before being granted an initial teaching license to provide direct
19.26 instruction to pupils in prekindergarten, elementary, secondary, or special education
19.27 programs, except that the board may issue up to two additional temporary, one-year
19.28 teaching licenses to an otherwise qualified candidate who has not yet passed the skills
19.29 exam. The board must require colleges and universities offering a board approved teacher
19.30 preparation program to make available upon request remedial assistance that includes a
19.31 formal diagnostic component to persons enrolled in their institution who did not achieve a
19.32 qualifying score on the skills examination, including those for whom English is a second
19.33 language. The colleges and universities must make available assistance in the specific

20.1 academic areas of deficiency in which the person did not achieve a qualifying score.
20.2 School districts may make available upon request similar, appropriate, and timely remedial
20.3 assistance that includes a formal diagnostic component to those persons employed by the
20.4 district who completed their teacher education program, who did not achieve a qualifying
20.5 score on the skills examination, including those persons for whom English is a second
20.6 language and persons under section 122A.23, subdivision 2, paragraph (h), who completed
20.7 their teacher's education program outside the state of Minnesota, and who received a
20.8 temporary license to teach in Minnesota. The Board of Teaching shall report annually
20.9 to the education committees of the legislature on the total number of teacher candidates
20.10 during the most recent school year taking the skills examination, the number who achieve
20.11 a qualifying score on the examination, the number who do not achieve a qualifying score
20.12 on the examination, the distribution of all candidates' scores, the number of candidates
20.13 who have taken the examination at least once before, and the number of candidates who
20.14 have taken the examination at least once before and achieve a qualifying score.

20.15 (c) The Board of Teaching must grant continuing licenses only to those persons who
20.16 have met board criteria for granting a continuing license, which includes passing the
20.17 skills examination in reading, writing, and mathematics consistent with paragraph (b) and
20.18 section 122A.09, subdivision 4, paragraph (b).

20.19 (d) All colleges and universities approved by the board of teaching to prepare persons
20.20 for teacher licensure must include in their teacher preparation programs a common core
20.21 of teaching knowledge and skills to be acquired by all persons recommended for teacher
20.22 licensure. Among other requirements, teacher candidates must demonstrate the knowledge
20.23 and skills needed to provide appropriate instruction to English learners to support and
20.24 accelerate their academic literacy, including oral academic language, and achievement in
20.25 content areas in a regular classroom setting. This common core shall meet the standards
20.26 developed by the interstate new teacher assessment and support consortium in its 1992
20.27 "model standards for beginning teacher licensing and development." Amendments to
20.28 standards adopted under this paragraph are covered by chapter 14. The board of teaching
20.29 shall report annually to the education committees of the legislature on the performance
20.30 of teacher candidates on common core assessments of knowledge and skills under this
20.31 paragraph during the most recent school year.

20.32 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
20.33 individuals entering a teacher preparation program after that date.

20.34 Sec. 14. Minnesota Statutes 2012, section 122A.18, subdivision 2a, is amended to read:

21.1 Subd. 2a. **Reading strategies.** (a) All colleges and universities approved by the
21.2 Board of Teaching to prepare persons for classroom teacher licensure must include in
21.3 their teacher preparation programs research-based best practices in reading, consistent
21.4 with section 122A.06, subdivision 4, that enable the licensure candidate to know how to
21.5 teach reading in the candidate's content areas. Teacher candidates must be instructed in
21.6 how to use students' native languages as a resource in creating effective differentiated
21.7 instructional strategies for English learners developing literacy skills. These colleges and
21.8 universities also must prepare candidates for initial licenses to teach prekindergarten or
21.9 elementary students for the assessment of reading instruction portion of the examination
21.10 of licensure-specific teaching skills under section 122A.09, subdivision 4, paragraph (e).

21.11 (b) Board-approved teacher preparation programs for teachers of elementary
21.12 education must require instruction in the application of comprehensive, scientifically
21.13 based, and balanced reading instruction programs that:

21.14 (1) teach students to read using foundational knowledge, practices, and strategies
21.15 consistent with section 122A.06, subdivision 4, so that all students will achieve continuous
21.16 progress in reading; and

21.17 (2) teach specialized instruction in reading strategies, interventions, and remediations
21.18 that enable students of all ages and proficiency levels to become proficient readers.

21.19 (c) Nothing in this section limits the authority of a school district to select a school's
21.20 reading program or curriculum.

21.21 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
21.22 individuals entering a teacher preparation program after that date.

21.23 Sec. 15. Minnesota Statutes 2012, section 122A.18, subdivision 4, is amended to read:

21.24 Subd. 4. **Expiration and renewal.** (a) Each license the Department of Education
21.25 issues through its licensing section must bear the date of issue. Licenses must expire
21.26 and be renewed according to the respective rules the Board of Teaching, the Board
21.27 of School Administrators, or the commissioner of education adopts. Requirements for
21.28 renewing a license must include showing satisfactory evidence of successful teaching or
21.29 administrative experience for at least one school year during the period covered by the
21.30 license in grades or subjects for which the license is valid or completing such additional
21.31 preparation as the Board of Teaching prescribes. The Board of School Administrators
21.32 shall establish requirements for renewing the licenses of supervisory personnel except
21.33 athletic coaches. The State Board of Teaching shall establish requirements for renewing
21.34 the licenses of athletic coaches.

22.1 (b) Relicensure applicants who have been employed as a teacher during the renewal
 22.2 period of their expiring license, as a condition of relicensure, must present to their local
 22.3 continuing education and relicensure committee or other local relicensure committee
 22.4 evidence of work that demonstrates professional reflection and growth in best teaching
 22.5 practices, including among other things, practices in meeting the varied needs of English
 22.6 learners, from young children to adults under section 124D.59, subdivisions 2 and 2a. The
 22.7 applicant must include a reflective statement of professional accomplishment and the
 22.8 applicant's own assessment of professional growth showing evidence of:

22.9 (1) support for student learning;

22.10 (2) use of best practices techniques and their applications to student learning;

22.11 (3) collaborative work with colleagues that includes examples of collegiality such as
 22.12 attested-to committee work, collaborative staff development programs, and professional
 22.13 learning community work; or

22.14 (4) continual professional development that may include (i) job-embedded or other
 22.15 ongoing formal professional learning or (ii) for teachers employed for only part of the
 22.16 renewal period of their expiring license, other similar professional development efforts
 22.17 made during the relicensure period.

22.18 The Board of Teaching must ensure that its teacher relicensing requirements also include
 22.19 this paragraph.

22.20 (c) The Board of Teaching shall offer alternative continuing relicensure options for
 22.21 teachers who are accepted into and complete the National Board for Professional Teaching
 22.22 Standards certification process, and offer additional continuing relicensure options for
 22.23 teachers who earn National Board for Professional Teaching Standards certification.
 22.24 Continuing relicensure requirements for teachers who do not maintain National Board for
 22.25 Professional Teaching Standards certification are those the board prescribes, consistent
 22.26 with this section.

22.27 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
 22.28 licensed teachers renewing a teaching license after that date.

22.29 Sec. 16. Minnesota Statutes 2012, section 122A.19, is amended to read:

22.30 **122A.19 BILINGUAL AND ENGLISH AS A SECOND LANGUAGE**
 22.31 **TEACHERS; LICENSES.**

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

23.1 (a) Possess competence and communicative skills in English and in another language;
 23.2 (b) Possess a bachelor's degree or other academic degree approved by the board,
 23.3 and meet such requirements as to course of study and training as the board may prescribe,
 23.4 consistent with subdivision 4.

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

23.9 Subd. 3. **Employment of teachers.** ~~Teachers employed in a bilingual education~~
 23.10 ~~or English as a second language program established pursuant to sections 124D.58 to~~
 23.11 ~~124D.64 shall not be employed to replace any presently employed teacher who otherwise~~
 23.12 ~~would not be replaced.~~

23.13 Subd. 4. **Teacher preparation programs.** For the purpose of licensing bilingual
 23.14 and English as a second language teachers, the board may approve programs at colleges
 23.15 or universities designed for their training. These programs must provide instruction in
 23.16 implementing research-based practices designed specifically for English learners. The
 23.17 programs must focus on developing English learners' academic language proficiency in
 23.18 English, including oral academic language, giving English learners meaningful access to
 23.19 the full school curriculum, developing culturally relevant teaching practices appropriate
 23.20 for immigrant students, and providing more intensive instruction and resources to English
 23.21 learners with lower levels of academic English proficiency and varied needs, consistent
 23.22 with section 124D.59, subdivisions 2 and 2a.

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

23.29 Subd. 6. **Affirmative efforts in hiring.** In hiring for all ~~positions in~~ bilingual
 23.30 education ~~programs~~ program positions, districts must give preference to and make
 23.31 affirmative efforts to seek, recruit, and employ persons who (1) are (a) native speakers of the
 23.32 language which is the medium of instruction in the bilingual education program or share a
 23.33 native language with the majority of their students, and (b) who (2) share the culture of the
 23.34 English learners who are enrolled in the program. The district shall provide procedures for
 23.35 the involvement of involving the parent advisory committees in designing the procedures

24.1 for ~~the recruitment~~ recruiting, screening, and ~~selection of~~ selecting applicants. This section
24.2 must not be construed to limit the school board's authority to hire and discharge personnel.

24.3 **EFFECTIVE DATE.** Subdivisions 1, 2, 5, and 6 are effective August 1, 2015.
24.4 Subdivision 3 is effective the day following final enactment. Subdivision 4 is effective
24.5 August 1, 2015, and applies to an individual entering a teacher preparation program after
24.6 that date.

24.7 Sec. 17. Minnesota Statutes 2013 Supplement, section 122A.40, subdivision 8, is
24.8 amended to read:

24.9 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
24.10 **teachers.** (a) To improve student learning and success, a school board and an exclusive
24.11 representative of the teachers in the district, consistent with paragraph (b), may develop
24.12 a teacher evaluation and peer review process for probationary and continuing contract
24.13 teachers through joint agreement. If a school board and the exclusive representative of the
24.14 teachers do not agree to an annual teacher evaluation and peer review process, then the
24.15 school board and the exclusive representative of the teachers must implement the plan
24.16 for evaluation and review under paragraph (c). The process must include having trained
24.17 observers serve as peer coaches or having teachers participate in professional learning
24.18 communities, consistent with paragraph (b).

24.19 (b) To develop, improve, and support qualified teachers and effective teaching
24.20 practices and improve student learning and success, the annual evaluation process for
24.21 teachers:

24.22 (1) must, for probationary teachers, provide for all evaluations required under
24.23 subdivision 5;

24.24 (2) must establish a three-year professional review cycle for each teacher that
24.25 includes an individual growth and development plan, a peer review process, the
24.26 opportunity to participate in a professional learning community under paragraph (a), and
24.27 at least one summative evaluation performed by a qualified and trained evaluator such as a
24.28 school administrator. For the years when a tenured teacher is not evaluated by a qualified
24.29 and trained evaluator, the teacher must be evaluated by a peer review;

24.30 (3) must be based on professional teaching standards established in rule;

24.31 (4) must coordinate staff development activities under sections 122A.60 and
24.32 122A.61 with this evaluation process and teachers' evaluation outcomes;

24.33 (5) may provide time during the school day and school year for peer coaching and
24.34 teacher collaboration;

24.35 (6) may include mentoring and induction programs;

25.1 (7) must include an option for teachers to develop and present a portfolio
25.2 demonstrating evidence of reflection and professional growth, consistent with section
25.3 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
25.4 based on student work samples and examples of teachers' work, which may include video
25.5 among other activities for the summative evaluation;

25.6 (8) must use data from valid and reliable assessments aligned to state and local
25.7 academic standards and must use state and local measures of student growth and literacy
25.8 that may include value-added models or student learning goals to determine 35 percent of
25.9 teacher evaluation results;

25.10 (9) must use longitudinal data on student engagement and connection, the academic
25.11 literacy, including oral academic language, and achievement of content areas of English
25.12 learners, and other student outcome measures explicitly aligned with the elements of
25.13 curriculum for which teachers are responsible;

25.14 (10) must require qualified and trained evaluators such as school administrators to
25.15 perform summative evaluations;

25.16 (11) must give teachers not meeting professional teaching standards under clauses
25.17 (3) through (10) support to improve through a teacher improvement process that includes
25.18 established goals and timelines; and

25.19 (12) must discipline a teacher for not making adequate progress in the teacher
25.20 improvement process under clause (11) that may include a last chance warning,
25.21 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
25.22 other discipline a school administrator determines is appropriate.

25.23 Data on individual teachers generated under this subdivision are personnel data
25.24 under section 13.43.

25.25 (c) The department, in consultation with parents who may represent parent
25.26 organizations and teacher and administrator representatives appointed by their respective
25.27 organizations, representing the Board of Teaching, the Minnesota Association of School
25.28 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
25.29 and Secondary Principals Associations, Education Minnesota, and representatives of
25.30 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
25.31 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
25.32 in teacher evaluation, must create and publish a teacher evaluation process that complies
25.33 with the requirements in paragraph (b) and applies to all teachers under this section and
25.34 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher
25.35 evaluation and peer review process. The teacher evaluation process created under this

26.1 subdivision does not create additional due process rights for probationary teachers under
26.2 subdivision 5.

26.3 Sec. 18. Minnesota Statutes 2013 Supplement, section 122A.41, subdivision 5, is
26.4 amended to read:

26.5 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
26.6 **teachers.** (a) To improve student learning and success, a school board and an exclusive
26.7 representative of the teachers in the district, consistent with paragraph (b), may develop an
26.8 annual teacher evaluation and peer review process for probationary and nonprobationary
26.9 teachers through joint agreement. If a school board and the exclusive representative of
26.10 the teachers in the district do not agree to an annual teacher evaluation and peer review
26.11 process, then the school board and the exclusive representative of the teachers must
26.12 implement the plan for evaluation and review developed under paragraph (c). The process
26.13 must include having trained observers serve as peer coaches or having teachers participate
26.14 in professional learning communities, consistent with paragraph (b).

26.15 (b) To develop, improve, and support qualified teachers and effective teaching
26.16 practices and improve student learning and success, the annual evaluation process for
26.17 teachers:

26.18 (1) must, for probationary teachers, provide for all evaluations required under
26.19 subdivision 2;

26.20 (2) must establish a three-year professional review cycle for each teacher that
26.21 includes an individual growth and development plan, a peer review process, the
26.22 opportunity to participate in a professional learning community under paragraph (a), and
26.23 at least one summative evaluation performed by a qualified and trained evaluator such
26.24 as a school administrator;

26.25 (3) must be based on professional teaching standards established in rule;

26.26 (4) must coordinate staff development activities under sections 122A.60 and
26.27 122A.61 with this evaluation process and teachers' evaluation outcomes;

26.28 (5) may provide time during the school day and school year for peer coaching and
26.29 teacher collaboration;

26.30 (6) may include mentoring and induction programs;

26.31 (7) must include an option for teachers to develop and present a portfolio
26.32 demonstrating evidence of reflection and professional growth, consistent with section
26.33 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
26.34 based on student work samples and examples of teachers' work, which may include video
26.35 among other activities for the summative evaluation;

27.1 (8) must use data from valid and reliable assessments aligned to state and local
27.2 academic standards and must use state and local measures of student growth and literacy
27.3 that may include value-added models or student learning goals to determine 35 percent of
27.4 teacher evaluation results;

27.5 (9) must use longitudinal data on student engagement and connection, the academic
27.6 literacy, including oral academic language, and achievement of English learners, and
27.7 other student outcome measures explicitly aligned with the elements of curriculum for
27.8 which teachers are responsible;

27.9 (10) must require qualified and trained evaluators such as school administrators to
27.10 perform summative evaluations;

27.11 (11) must give teachers not meeting professional teaching standards under clauses
27.12 (3) through (10) support to improve through a teacher improvement process that includes
27.13 established goals and timelines; and

27.14 (12) must discipline a teacher for not making adequate progress in the teacher
27.15 improvement process under clause (11) that may include a last chance warning,
27.16 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
27.17 other discipline a school administrator determines is appropriate.

27.18 Data on individual teachers generated under this subdivision are personnel data
27.19 under section 13.43.

27.20 (c) The department, in consultation with parents who may represent parent
27.21 organizations and teacher and administrator representatives appointed by their respective
27.22 organizations, representing the Board of Teaching, the Minnesota Association of School
27.23 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
27.24 and Secondary Principals Associations, Education Minnesota, and representatives of
27.25 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
27.26 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
27.27 in teacher evaluation, must create and publish a teacher evaluation process that complies
27.28 with the requirements in paragraph (b) and applies to all teachers under this section and
27.29 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher
27.30 evaluation and peer review process. The teacher evaluation process created under this
27.31 subdivision does not create additional due process rights for probationary teachers under
27.32 subdivision 2.

27.33 Sec. 19. Minnesota Statutes 2012, section 122A.413, subdivision 2, is amended to read:

27.34 Subd. 2. **Plan components.** The educational improvement plan must be approved
27.35 by the school board and have at least these elements:

- 28.1 (1) assessment and evaluation tools to measure student performance and progress,
28.2 including the academic literacy, oral academic language, and achievement of English
28.3 learners, among other measures;
- 28.4 (2) performance goals and benchmarks for improvement;
- 28.5 (3) measures of student attendance and completion rates;
- 28.6 (4) a rigorous research and practice-based professional development system, based
28.7 on national and state standards of effective teaching practice applicable to all students
28.8 including English learners with varied needs, and consistent with section 122A.60, that is
28.9 aligned with educational improvement and designed to achieve ongoing and schoolwide
28.10 progress and growth in teaching practice;
- 28.11 (5) measures of student, family, and community involvement and satisfaction;
- 28.12 (6) a data system about students and their academic progress that provides parents
28.13 and the public with understandable information;
- 28.14 (7) a teacher induction and mentoring program for probationary teachers that
28.15 provides continuous learning and sustained teacher support; and
- 28.16 (8) substantial participation by the exclusive representative of the teachers in
28.17 developing the plan.

28.18 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to plans
28.19 approved after that date.

28.20 Sec. 20. Minnesota Statutes 2012, section 122A.414, subdivision 2, is amended to read:

28.21 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this
28.22 program, a school district, intermediate school district, school site, or charter school must
28.23 have an educational improvement plan under section 122A.413 and an alternative teacher
28.24 professional pay system agreement under paragraph (b). A charter school participant also
28.25 must comply with subdivision 2a.

28.26 (b) The alternative teacher professional pay system agreement must:

28.27 (1) describe how teachers can achieve career advancement and additional
28.28 compensation;

28.29 (2) describe how the school district, intermediate school district, school site, or
28.30 charter school will provide teachers with career advancement options that allow teachers
28.31 to retain primary roles in student instruction and facilitate site-focused professional
28.32 development that helps other teachers improve their skills;

28.33 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation
28.34 paid before implementing the pay system from being reduced as a result of participating

29.1 in this system, and base at least 60 percent of any compensation increase on teacher
 29.2 performance using:

29.3 (i) schoolwide student achievement gains under section 120B.35 or locally selected
 29.4 standardized assessment outcomes, or both;

29.5 (ii) measures of student achievement, including the academic literacy, oral academic
 29.6 language, and achievement of English learners, among other measures; and

29.7 (iii) an objective evaluation program that includes:

29.8 (A) individual teacher evaluations aligned with the educational improvement plan
 29.9 under section 122A.413 and the staff development plan under section 122A.60; and

29.10 (B) objective evaluations using multiple criteria conducted by a locally selected and
 29.11 periodically trained evaluation team that understands teaching and learning;

29.12 (4) provide integrated ongoing site-based professional development activities to
 29.13 improve instructional skills and learning that are aligned with student needs under section
 29.14 122A.413, consistent with the staff development plan under section 122A.60 and led
 29.15 during the school day by trained teacher leaders such as master or mentor teachers;

29.16 (5) allow any teacher in a participating school district, intermediate school district,
 29.17 school site, or charter school that implements an alternative pay system to participate in
 29.18 that system without any quota or other limit; and

29.19 (6) encourage collaboration rather than competition among teachers.

29.20 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
 29.21 agreements approved after that date.

29.22 Sec. 21. Minnesota Statutes 2012, section 122A.60, subdivision 1a, is amended to read:

29.23 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
 29.24 must:

29.25 (1) focus on the school classroom and research-based strategies that improve student
 29.26 learning;

29.27 (2) provide opportunities for teachers to practice and improve their instructional
 29.28 skills over time;

29.29 (3) provide opportunities for teachers to use student data as part of their daily work
 29.30 to increase student achievement;

29.31 (4) enhance teacher content knowledge and instructional skills, including to
 29.32 accommodate the delivery of digital and blended learning and curriculum and engage
 29.33 students with technology;

29.34 (5) align with state and local academic standards;

30.1 (6) provide opportunities to build professional relationships, foster collaboration
 30.2 among principals and staff who provide instruction, and provide opportunities for
 30.3 teacher-to-teacher mentoring; ~~and~~

30.4 (7) align with the plan of the district or site for an alternative teacher professional
 30.5 pay system; and

30.6 (8) provide teachers of English learners, including English as a second language and
 30.7 content teachers, with differentiated instructional strategies critical for ensuring students'
 30.8 long-term academic success; the means to effectively use assessment data on the academic
 30.9 literacy, oral academic language, and English language development of English learners;
 30.10 and skills to support native and English language development across the curriculum.

30.11 Staff development activities may include curriculum development and curriculum training
 30.12 programs, and activities that provide teachers and other members of site-based teams
 30.13 training to enhance team performance. The school district also may implement other
 30.14 staff development activities required by law and activities associated with professional
 30.15 teacher compensation models.

30.16 (b) Release time provided for teachers to supervise students on field trips and school
 30.17 activities, or independent tasks not associated with enhancing the teacher's knowledge
 30.18 and instructional skills, such as preparing report cards, calculating grades, or organizing
 30.19 classroom materials, may not be counted as staff development time that is financed with
 30.20 staff development reserved revenue under section 122A.61.

30.21 Sec. 22. Minnesota Statutes 2012, section 122A.60, subdivision 2, is amended to read:

30.22 Subd. 2. **Contents of plan.** The plan must include the staff development outcomes
 30.23 under subdivision 3, the means to achieve the outcomes, and procedures for evaluating
 30.24 progress at each school site toward meeting education outcomes, consistent with
 30.25 relicensure requirements under section 122A.18, subdivision 4. The plan also must:

30.26 (1) support stable and productive professional communities achieved through
 30.27 ongoing and schoolwide progress and growth in teaching practice;

30.28 (2) emphasize coaching, professional learning communities, classroom action
 30.29 research, and other job-embedded models;

30.30 (3) maintain a strong subject matter focus premised on students' learning goals;

30.31 (4) ensure specialized preparation and learning about issues related to teaching
 30.32 English learners and students with special needs by focusing on long-term systemic efforts
 30.33 to improve educational services and opportunities and raise student achievement; and

30.34 (5) reinforce national and state standards of effective teaching practice.

31.1 Sec. 23. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

31.2 Subd. 3. **Staff development outcomes.** The advisory staff development committee
31.3 must adopt a staff development plan for improving student achievement. The plan must
31.4 be consistent with education outcomes that the school board determines. The plan
31.5 must include ongoing staff development activities that contribute toward continuous
31.6 improvement in achievement of the following goals:

31.7 (1) improve student achievement of state and local education standards in all areas
31.8 of the curriculum by using research-based best practices methods;

31.9 (2) effectively meet the needs of a diverse student population, including at-risk
31.10 children, children with disabilities, English learners, and gifted children, within the
31.11 regular classroom and other settings;

31.12 (3) provide an inclusive curriculum for a racially, ethnically, linguistically, and
31.13 culturally diverse student population that is consistent with the state education diversity
31.14 rule and the district's education diversity plan;

31.15 (4) improve staff collaboration and develop mentoring and peer coaching programs
31.16 for teachers new to the school or district;

31.17 (5) effectively teach and model violence prevention policy and curriculum that
31.18 address early intervention alternatives, issues of harassment, and teach nonviolent
31.19 alternatives for conflict resolution;

31.20 (6) effectively deliver digital and blended learning and curriculum and engage
31.21 students with technology; and

31.22 (7) provide teachers and other members of site-based management teams with
31.23 appropriate management and financial management skills.

31.24 Sec. 24. Minnesota Statutes 2012, section 122A.68, subdivision 3, is amended to read:

31.25 Subd. 3. **Program components.** In order to be approved by the Board of Teaching,
31.26 a school district's residency program must at minimum include:

31.27 (1) training to prepare teachers to serve as mentors to teaching residents;

31.28 (2) a team mentorship approach to expose teaching residents to a variety of
31.29 teaching methods, philosophies, and classroom environments that includes differentiated
31.30 instructional strategies, effective use of student achievement data, and support for native
31.31 and English language development across the curriculum and grade levels, among other
31.32 things;

31.33 (3) ongoing peer coaching and assessment;

31.34 (4) assistance to the teaching resident in preparing an individual professional
31.35 development plan that includes goals, activities, and assessment methodologies; and

32.1 (5) collaboration with one or more teacher education institutions, career teachers,
 32.2 and other community experts to provide local or regional professional development
 32.3 seminars or other structured learning experiences for teaching residents.

32.4 A teaching resident's direct classroom supervision responsibilities shall not exceed
 32.5 80 percent of the instructional time required of a full-time equivalent teacher in the
 32.6 district. During the time a resident does not supervise a class, the resident shall participate
 32.7 in professional development activities according to the individual plan developed by the
 32.8 resident in conjunction with the school's mentoring team. Examples of development
 32.9 activities include observing other teachers, sharing experiences with other teaching
 32.10 residents, and professional meetings and workshops.

32.11 Sec. 25. Minnesota Statutes 2012, section 122A.74, is amended to read:

32.12 **122A.74 PRINCIPALS' LEADERSHIP INSTITUTE.**

32.13 Subdivision 1. **Establishment.** (a) The commissioner of education may contract
 32.14 with the Minnesota State University Mankato or the regents of the University of Minnesota
 32.15 to establish a Principals' Leadership Institute to provide professional development to
 32.16 school principals by:

32.17 (1) creating a network of leaders in the educational and business communities to
 32.18 communicate current and future trends in leadership techniques;

32.19 (2) helping to create a vision for the school that is aligned with the community
 32.20 and district priorities; ~~and~~

32.21 (3) developing strategies to retain highly qualified teachers and ensure that diverse
 32.22 student populations, including at-risk students, children with disabilities, English learners,
 32.23 and gifted students, among others, have equal access to these highly qualified teachers; and

32.24 (4) providing training to analyze data using culturally competent tools.

32.25 (b) The University of Minnesota must cooperate with participating members of the
 32.26 business community to provide funding and content for the institute.

32.27 (c) Participants must agree to attend the Principals' Leadership Institute for four
 32.28 weeks during the academic summer.

32.29 (d) The Principals' Leadership Institute must incorporate program elements offered
 32.30 by leadership programs at the University of Minnesota and program elements used by
 32.31 the participating members of the business community to enhance leadership within their
 32.32 businesses.

32.33 Subd. 2. **Method of selection and requirements.** (a) The board of each school
 32.34 district in the state may select a principal, upon the recommendation of the district's
 32.35 superintendent and based on the principal's leadership potential, to attend the institute.

33.1 (b) The school board annually shall forward its list of recommended participants to
33.2 the commissioner ~~of education~~ by February 1 ~~each year~~. In addition, a principal may submit
33.3 an application directly to the commissioner by February 1. The commissioner ~~of education~~
33.4 shall notify the school board, the principal candidates, and the University of Minnesota of
33.5 the principals selected to participate in the Principals' Leadership Institute each year.

33.6 Sec. 26. Minnesota Statutes 2012, section 123A.06, subdivision 2, is amended to read:

33.7 Subd. 2. **People to be served.** A state-approved alternative program shall provide
33.8 programs for secondary pupils and adults. A center may also provide programs and
33.9 services for elementary and secondary pupils who are not attending the state-approved
33.10 alternative program to assist them in being successful in school. A center shall use
33.11 research-based best practices for serving English learners and their parents, taking into
33.12 account the variations in students' backgrounds and needs and the amount of time and the
33.13 staff resources necessary for students to overcome gaps in their education and to develop
33.14 English proficiency and work-related skills. An individualized education program team
33.15 may identify a state-approved alternative program as an appropriate placement to the
33.16 extent a state-approved alternative program can provide the student with the appropriate
33.17 special education services described in the student's plan. Pupils eligible to be served are
33.18 those who qualify under the graduation incentives program in section 124D.68, subdivision
33.19 2, those enrolled under section 124D.02, subdivision 2, or those pupils who are eligible to
33.20 receive special education services under sections 125A.03 to 125A.24, and 125A.65.

33.21 Sec. 27. Minnesota Statutes 2012, section 123B.04, subdivision 4, is amended to read:

33.22 Subd. 4. **Achievement contract.** A school board may enter a written education site
33.23 achievement contract with each site decision-making team for: (1) setting individualized
33.24 learning and achievement measures and short- and long-term educational goals for each
33.25 student at that site that may include site-based strategies for English language instruction
33.26 targeting the teachers of English learners and all teachers and school administrators;
33.27 (2) recognizing each student's educational needs and aptitudes and levels of academic
33.28 attainment, whether on grade level or above or below grade level, so as to improve student
33.29 performance through such means as a cost-effective, research-based formative assessment
33.30 system designed to promote individualized learning and assessment; (3) using student
33.31 performance data to diagnose a student's academic strengths and weaknesses and indicate
33.32 to the student's teachers the specific skills and concepts that need to be introduced to
33.33 the student and developed through academic instruction or applied learning, organized
33.34 by strands within subject areas and linked to state and local academic standards during

34.1 the next year, consistent with the student's short- and long-term educational goals; and
34.2 (4) assisting the education site if progress in achieving student or contract goals or other
34.3 performance expectations or measures agreed to by the board and the site decision-making
34.4 team are not realized or implemented.

34.5 Sec. 28. Minnesota Statutes 2012, section 123B.147, subdivision 3, is amended to read:

34.6 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative,
34.7 supervisory, and instructional leadership services, under the supervision of the
34.8 superintendent of schools of the district and according to the policies, rules, and
34.9 regulations of the school board, for the planning, management, operation, and evaluation
34.10 of the education program of the building or buildings to which the principal is assigned.

34.11 (b) To enhance a principal's leadership skills and support and improve teaching
34.12 practices, school performance, and student achievement for diverse student populations,
34.13 including at-risk students, children with disabilities, English learners, and gifted students,
34.14 among others, a district must develop and implement a performance-based system for
34.15 annually evaluating school principals assigned to supervise a school building within the
34.16 district. The evaluation must be designed to improve teaching and learning by supporting
34.17 the principal in shaping the school's professional environment and developing teacher
34.18 quality, performance, and effectiveness. The annual evaluation must:

34.19 (1) support and improve a principal's instructional leadership, organizational
34.20 management, and professional development, and strengthen the principal's capacity in the
34.21 areas of instruction, supervision, evaluation, and teacher development;

34.22 (2) include formative and summative evaluations based on multiple measures of
34.23 student progress toward career and college readiness;

34.24 (3) be consistent with a principal's job description, a district's long-term plans and
34.25 goals, and the principal's own professional multiyear growth plans and goals, all of which
34.26 must support the principal's leadership behaviors and practices, rigorous curriculum,
34.27 school performance, and high-quality instruction;

34.28 (4) include on-the-job observations and previous evaluations;

34.29 (5) allow surveys to help identify a principal's effectiveness, leadership skills and
34.30 processes, and strengths and weaknesses in exercising leadership in pursuit of school
34.31 success;

34.32 (6) use longitudinal data on student academic growth as 35 percent of the evaluation
34.33 and incorporate district achievement goals and targets;

35.1 (7) be linked to professional development that emphasizes improved teaching and
35.2 learning, curriculum and instruction, student learning, and a collaborative professional
35.3 culture; and

35.4 (8) for principals not meeting standards of professional practice or other criteria
35.5 under this subdivision, implement a plan to improve the principal's performance and
35.6 specify the procedure and consequence if the principal's performance is not improved.

35.7 The provisions of this paragraph are intended to provide districts with sufficient
35.8 flexibility to accommodate district needs and goals related to developing, supporting,
35.9 and evaluating principals.

35.10 Sec. 29. Minnesota Statutes 2012, section 124D.13, subdivision 2, is amended to read:

35.11 Subd. 2. **Program requirements.** (a) Early childhood family education programs
35.12 are programs for children in the period of life from birth to kindergarten, for the parents
35.13 and other relatives of these children, and for expectant parents. To the extent that funds
35.14 are insufficient to provide programs for all children, early childhood family education
35.15 programs should emphasize programming for a child from birth to age three and
35.16 encourage parents and other relatives to involve four- and five-year-old children in school
35.17 readiness programs, and other public and nonpublic early learning programs. A district
35.18 may not limit participation to school district residents. Early childhood family education
35.19 programs must provide:

35.20 (1) programs to educate parents and other relatives about the physical, mental, and
35.21 emotional development of children and to enhance the skills of parents and other relatives
35.22 in providing for their children's learning and development;

35.23 (2) structured learning activities requiring interaction between children and their
35.24 parents or relatives;

35.25 (3) structured learning activities for children that promote children's development
35.26 and positive interaction with peers, which are held while parents or relatives attend parent
35.27 education classes;

35.28 (4) information on related community resources;

35.29 (5) information, materials, and activities that support the safety of children, including
35.30 prevention of child abuse and neglect; and

35.31 (6) a community outreach plan to ensure participation by families who reflect the
35.32 racial, cultural, linguistic, and economic diversity of the school district.

35.33 Early childhood family education programs are encouraged to provide parents of
35.34 English learners with translated oral and written information to monitor the program's
35.35 impact on their children's English language development, to know whether their children

36.1 are progressing in developing their English and native language proficiency, and to
 36.2 actively engage with and support their children in developing their English and native
 36.3 language proficiency.

36.4 The programs must include learning experiences for children, parents, and other
 36.5 relatives that promote children's early literacy and, where practicable, their native
 36.6 language skills. ~~The program must not include~~ and activities for children that ~~do not~~
 36.7 require substantial involvement of the children's parents or other relatives. Providers must
 36.8 review the program ~~must be reviewed~~ periodically to assure the instruction and materials
 36.9 are not racially, culturally, or sexually biased. The programs must encourage parents to be
 36.10 aware of practices that may affect equitable development of children.

36.11 (b) For the purposes of this section, "relative" or "relatives" means noncustodial
 36.12 grandparents or other persons related to a child by blood, marriage, adoption, or foster
 36.13 placement, excluding parents.

36.14 Sec. 30. Minnesota Statutes 2012, section 124D.15, subdivision 3, is amended to read:

36.15 Subd. 3. **Program requirements.** A school readiness program provider must:

36.16 (1) assess each child's cognitive and language skills with a comprehensive child
 36.17 assessment instrument when the child enters and again before the child leaves the program
 36.18 to ~~inform~~ improve program planning and implementation, communicate with parents, and
 36.19 promote kindergarten readiness;

36.20 (2) provide comprehensive program content and intentional instructional practice
 36.21 aligned with the state early childhood learning guidelines and kindergarten standards and
 36.22 based on early childhood research and professional practice that is focused on children's
 36.23 cognitive, social, emotional, and physical skills and development and prepares children
 36.24 for the transition to kindergarten, including early literacy and language skills;

36.25 (3) coordinate appropriate kindergarten transition with parents and kindergarten
 36.26 teachers;

36.27 (4) involve parents in program planning and decision making;

36.28 (5) coordinate with relevant community-based services;

36.29 (6) cooperate with adult basic education programs and other adult literacy programs;

36.30 (7) ensure staff-child ratios of one-to-ten and maximum group size of 20 children
 36.31 with the first staff required to be a teacher; and

36.32 (8) have teachers knowledgeable in early childhood curriculum content, assessment,
 36.33 native and English language development programs, and instruction.

36.34 Sec. 31. Minnesota Statutes 2012, section 124D.49, subdivision 3, is amended to read:

37.1 Subd. 3. **Local education and employment transitions systems.** A local education
37.2 and employment transitions partnership must assess the needs of employers, employees,
37.3 and learners, and develop a plan for implementing and achieving the objectives of a local
37.4 or regional education and employment transitions system. The plan must provide for a
37.5 comprehensive local system for assisting learners and workers in making the transition
37.6 from school to work or for retraining in a new vocational area. The objectives of a local
37.7 education and employment transitions system include:

37.8 (1) increasing the effectiveness of the educational programs and curriculum of
37.9 elementary, secondary, and postsecondary schools and the work site in preparing students
37.10 in the skills and knowledge needed to be successful in the workplace;

37.11 (2) implementing learner outcomes for students in grades kindergarten through 12
37.12 designed to introduce the world of work and to explore career opportunities, including
37.13 nontraditional career opportunities;

37.14 (3) eliminating barriers to providing effective integrated applied learning,
37.15 service-learning, or work-based curriculum;

37.16 (4) increasing opportunities to apply academic knowledge and skills, including
37.17 skills needed in the workplace, in local settings which include the school, school-based
37.18 enterprises, postsecondary institutions, the workplace, and the community;

37.19 (5) increasing applied instruction in the attitudes and skills essential for success in
37.20 the workplace, including cooperative working, leadership, problem-solving, English
37.21 language proficiency, and respect for diversity;

37.22 (6) providing staff training for vocational guidance counselors, teachers, and other
37.23 appropriate staff in the importance of preparing learners for the transition to work, and in
37.24 methods of providing instruction that incorporate applied learning, work-based learning,
37.25 English language proficiency, and service-learning experiences;

37.26 (7) identifying and enlisting local and regional employers who can effectively
37.27 provide work-based or service-learning opportunities, including, but not limited to,
37.28 apprenticeships, internships, and mentorships;

37.29 (8) recruiting community and workplace mentors including peers, parents, employers
37.30 and employed individuals from the community, and employers of high school students;

37.31 (9) identifying current and emerging educational, training, native and English
37.32 language development, and employment needs of the area or region, especially within
37.33 industries with potential for job growth;

37.34 (10) improving the coordination and effectiveness of local vocational and job training
37.35 programs, including vocational education, adult basic education, tech prep, apprenticeship,
37.36 service-learning, youth entrepreneur, youth training and employment programs

38.1 administered by the commissioner of employment and economic development, and local
38.2 job training programs under the Workforce Investment Act of 1998, Public Law 105-220;

38.3 (11) identifying and applying for federal, state, local, and private sources of funding
38.4 for vocational or applied learning programs;

38.5 (12) providing students with current information and counseling about career
38.6 opportunities, potential employment, educational opportunities in postsecondary
38.7 institutions, workplaces, and the community, and the skills and knowledge necessary to
38.8 succeed;

38.9 (13) providing educational technology, including interactive television networks
38.10 and other distance learning methods, to ensure access to a broad variety of work-based
38.11 learning opportunities;

38.12 (14) including students with disabilities in a district's vocational or applied learning
38.13 program and ways to serve at-risk learners through collaboration with area learning
38.14 centers under sections 123A.05 to 123A.09, or other alternative programs; and

38.15 (15) providing a warranty to employers, postsecondary education programs, and
38.16 other postsecondary training programs, that learners successfully completing a high school
38.17 work-based or applied learning program will be able to apply the knowledge and work
38.18 skills included in the program outcomes or graduation requirements. The warranty shall
38.19 require education and training programs to continue to work with those learners that need
38.20 additional skill or English language development until they can demonstrate achievement
38.21 of the program outcomes or graduation requirements.

38.22 Sec. 32. Minnesota Statutes 2012, section 124D.52, as amended by Laws 2013, chapter
38.23 116, article 2, section 7, is amended to read:

38.24 **124D.52 ADULT BASIC EDUCATION.**

38.25 Subdivision 1. **Program requirements.** (a) An adult basic education program is a
38.26 day or evening program offered by a district that is for people over 16 years of age who do
38.27 not attend an elementary or secondary school. The program offers academic and English
38.28 language instruction necessary to earn a high school diploma or equivalency certificate.

38.29 (b) Notwithstanding any law to the contrary, a school board or the governing body of
38.30 a consortium offering an adult basic education program may adopt a sliding fee schedule
38.31 based on a family's income, but must waive the fee for participants who are under the age
38.32 of 21 or unable to pay. The fees charged must be designed to enable individuals of all
38.33 socioeconomic levels to participate in the program. A program may charge a security
38.34 deposit to assure return of materials, supplies, and equipment.

39.1 (c) Each approved adult basic education program must develop a memorandum of
39.2 understanding with the local workforce development centers located in the approved
39.3 program's service delivery area. The memorandum of understanding must describe how
39.4 the adult basic education program and the workforce development centers will cooperate
39.5 and coordinate services to provide unduplicated, efficient, and effective services to clients.

39.6 (d) Adult basic education aid must be spent for adult basic education purposes as
39.7 specified in sections 124D.518 to 124D.531.

39.8 (e) A state-approved adult basic education program must count and submit student
39.9 contact hours for a program that offers high school credit toward an adult high school
39.10 diploma according to student eligibility requirements and measures of student progress
39.11 toward work-based competency demonstration requirements and, where appropriate,
39.12 English language proficiency requirements established by the commissioner and posted on
39.13 the department Web site in a readily accessible location and format.

39.14 Subd. 2. **Program approval.** (a) To receive aid under this section, a district, a
39.15 consortium of districts, the Department of Corrections, or a private nonprofit organization
39.16 must submit an application by June 1 describing the program, on a form provided by
39.17 the department. The program must be approved by the commissioner according to the
39.18 following criteria:

39.19 (1) how the needs of different levels of learning and English language proficiency
39.20 will be met;

39.21 (2) for continuing programs, an evaluation of results;

39.22 (3) anticipated number and education level of participants;

39.23 (4) coordination with other resources and services;

39.24 (5) participation in a consortium, if any, and money available from other participants;

39.25 (6) management and program design;

39.26 (7) volunteer training and use of volunteers;

39.27 (8) staff development services;

39.28 (9) program sites and schedules;

39.29 (10) program expenditures that qualify for aid;

39.30 (11) program ability to provide data related to learner outcomes as required by
39.31 law; and

39.32 (12) a copy of the memorandum of understanding described in subdivision 1
39.33 submitted to the commissioner.

39.34 (b) Adult basic education programs may be approved under this subdivision for
39.35 up to five years. Five-year program approval must be granted to an applicant who has
39.36 demonstrated the capacity to:

- 40.1 (1) offer comprehensive learning opportunities and support service choices
40.2 appropriate for and accessible to adults at all basic skill ~~need~~ and English language levels
40.3 of need;
- 40.4 (2) provide a participatory and experiential learning approach based on the strengths,
40.5 interests, and needs of each adult, that enables adults with basic skill needs to:
- 40.6 (i) identify, plan for, and evaluate their own progress toward achieving their defined
40.7 educational and occupational goals;
- 40.8 (ii) master the basic academic reading, writing, and computational skills, as well
40.9 as the problem-solving, decision making, interpersonal effectiveness, and other life and
40.10 learning skills they need to function effectively in a changing society;
- 40.11 (iii) locate and be able to use the health, governmental, and social services and
40.12 resources they need to improve their own and their families' lives; and
- 40.13 (iv) continue their education, if they desire, to at least the level of secondary school
40.14 completion, with the ability to secure and benefit from continuing education that will
40.15 enable them to become more employable, productive, and responsible citizens;
- 40.16 (3) plan, coordinate, and develop cooperative agreements with community resources
40.17 to address the needs that the adults have for support services, such as transportation, English
40.18 language learning, flexible course scheduling, convenient class locations, and child care;
- 40.19 (4) collaborate with business, industry, labor unions, and employment-training
40.20 agencies, as well as with family and occupational education providers, to arrange for
40.21 resources and services through which adults can attain economic self-sufficiency;
- 40.22 (5) provide sensitive and well trained adult education personnel who participate in
40.23 local, regional, and statewide adult basic education staff development events to master
40.24 effective adult learning and teaching techniques;
- 40.25 (6) participate in regional adult basic education peer program reviews and evaluations;
- 40.26 (7) submit accurate and timely performance and fiscal reports;
- 40.27 (8) submit accurate and timely reports related to program outcomes and learner
40.28 follow-up information; and
- 40.29 (9) spend adult basic education aid on adult basic education purposes only, which
40.30 are specified in sections 124D.518 to 124D.531.
- 40.31 (c) The commissioner shall require each district to provide notification by February
40.32 1, 2001, of its intent to apply for funds under this section as a single district or as part of
40.33 an identified consortium of districts. A district receiving funds under this section must
40.34 notify the commissioner by February 1 of its intent to change its application status for
40.35 applications due the following June 1.

41.1 Subd. 3. **Accounts; revenue; aid.** (a) Each district, group of districts, or private
41.2 nonprofit organization providing adult basic education programs must establish and
41.3 maintain a reserve account within the community service fund for ~~the receipt~~ receiving
41.4 and ~~disbursement of~~ disbursing all funds related to these programs. All revenue received
41.5 ~~pursuant to~~ under this section must be ~~utilized~~ used solely for the purposes of adult basic
41.6 education programs. State aid must not equal more than 100 percent of the unreimbursed
41.7 expenses of providing these programs, excluding in-kind costs.

41.8 (b) For purposes of paragraph (a), an adult basic education program may include as
41.9 valid expenditures for the previous fiscal year program spending that occurs from July
41.10 1 to September 30 of the following year. A program may carry over a maximum of 20
41.11 percent of its adult basic education aid revenue into the next fiscal year. Program spending
41.12 may only be counted for one fiscal year.

41.13 (c) Notwithstanding section 123A.26 or any other law to the contrary, an adult basic
41.14 education consortium providing an approved adult basic education program may be its own
41.15 fiscal agent and is eligible to receive state-aid payments directly from the commissioner.

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

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

41.31 Subd. 6. **Cooperative English as a second language and adult basic education**
41.32 **programs.** (a) A school district, or adult basic education consortium that receives revenue
41.33 under section 124D.531, may deliver English as a second language, citizenship, or other
41.34 adult education programming in collaboration with community-based and nonprofit
41.35 organizations located within its district or region, and with correctional institutions. The
41.36 organization or correctional institution must have the demonstrated capacity to offer

42.1 education programs for adults. Community-based or nonprofit organizations must meet
42.2 the criteria in paragraph (b), or have prior experience. A community-based or nonprofit
42.3 organization or a correctional institution may be reimbursed for unreimbursed expenses
42.4 as defined in section 124D.518, subdivision 5, for ~~the administration of~~ administering
42.5 English as a second language or adult basic education programs, not to exceed eight
42.6 percent of the total funds provided by a school district or adult basic education consortium.
42.7 The administrative reimbursement for a school district or adult basic education consortium
42.8 that delivers services cooperatively with a community-based or nonprofit organization
42.9 or correctional institution is limited to five percent of the program aid, not to exceed the
42.10 unreimbursed expenses of administering programs delivered by community-based or
42.11 nonprofit organizations or correctional institutions.

42.12 (b) A community-based organization or nonprofit organization that delivers education
42.13 services under this section must demonstrate that it has met the following criteria:

42.14 (1) be legally established as a nonprofit organization;

42.15 (2) have an established system for fiscal accounting and reporting that is consistent
42.16 with the ~~Department of Education's~~ department's adult basic education completion report
42.17 and reporting requirements under section 124D.531;

42.18 (3) require all instructional staff to complete a training course in teaching adult
42.19 learners; and

42.20 (4) develop a learning plan for each student that identifies defined educational and
42.21 occupational goals with measures to evaluate progress.

42.22 Subd. 7. **Performance tracking system.** (a) By July 1, 2000, each approved adult
42.23 basic education program must develop and implement a performance tracking system to
42.24 provide information necessary to comply with federal law and serve as one means of
42.25 assessing the effectiveness of adult basic education programs. For required reporting,
42.26 longitudinal studies, and program improvement, the tracking system must be designed to
42.27 collect data on the following core outcomes for learners, including English learners, who
42.28 have completed participating in the adult basic education program:

42.29 (1) demonstrated improvements in literacy skill levels in reading, writing, speaking
42.30 the English language, numeracy, problem solving, English language acquisition, and
42.31 other literacy skills;

42.32 (2) placement in, retention in, or completion of postsecondary education, training,
42.33 unsubsidized employment, or career advancement;

42.34 (3) receipt of a secondary school diploma or its recognized equivalent; and

42.35 (4) reduction in participation in the diversionary work program, Minnesota family
42.36 investment program, and food support education and training program.

43.1 (b) A district, group of districts, state agency, or private nonprofit organization
43.2 providing an adult basic education program may meet this requirement by developing a
43.3 tracking system based on either or both of the following methodologies:

43.4 (1) conducting a reliable follow-up survey; or

43.5 (2) submitting student information, including Social Security numbers for data
43.6 matching.

43.7 Data related to obtaining employment must be collected in the first quarter following
43.8 program completion or can be collected while the student is enrolled, if known. Data
43.9 related to employment retention must be collected in the third quarter following program
43.10 exit. Data related to any other specified outcome may be collected at any time during a
43.11 program year.

43.12 (c) When a student in a program is requested to provide the student's Social Security
43.13 number, the student must be notified in a written form easily understandable to the student
43.14 that:

43.15 (1) providing the Social Security number is optional and no adverse action may be
43.16 taken against the student if the student chooses not to provide the Social Security number;

43.17 (2) the request is made under section 124D.52, subdivision 7;

43.18 (3) if the student provides the Social Security number, it will be used to assess the
43.19 effectiveness of the program by tracking the student's subsequent career; and

43.20 (4) the Social Security number will be shared with the Department of Education;
43.21 Minnesota State Colleges and Universities; Office of Higher Education; Department of
43.22 Human Services; and Department of Employment and Economic Development in order
43.23 to accomplish the purposes described in paragraph (a) and will not be used for any other
43.24 purpose or reported to any other governmental entities.

43.25 (d) Annually a district, group of districts, state agency, or private nonprofit
43.26 organization providing programs under this section must forward the tracking data
43.27 collected to the Department of Education. For the purposes of longitudinal studies on the
43.28 employment status of former students under this section, the Department of Education
43.29 must forward the Social Security numbers to the Department of Employment and
43.30 Economic Development to electronically match the Social Security numbers of former
43.31 students with wage detail reports filed under section 268.044. The results of data matches
43.32 must, for purposes of this section and consistent with the requirements of the United
43.33 States Code, title 29, section 2871, of the Workforce Investment Act of 1998, be compiled
43.34 in a longitudinal form by the Department of Employment and Economic Development
43.35 and released to the Department of Education in the form of summary data that does not
43.36 identify the individual students. The Department of Education may release this summary

44.1 data. State funding for adult basic education programs must not be based on the number or
 44.2 percentage of students who decline to provide their Social Security numbers or on whether
 44.3 the program is evaluated by means of a follow-up survey instead of data matching.

44.4 Subd. 8. **Standard high school diploma for adults.** (a) The commissioner shall
 44.5 adopt rules for providing a standard adult high school diploma to persons who:

44.6 (1) are not eligible for kindergarten through grade 12 services;

44.7 (2) do not have a high school diploma; and

44.8 (3) successfully complete an adult basic education program of instruction approved
 44.9 by the commissioner of education necessary to earn an adult high school diploma.

44.10 (b) Persons participating in an approved adult basic education program of instruction
 44.11 must demonstrate the competencies, knowledge, and skills and, where appropriate,
 44.12 English language proficiency, sufficient to ensure that postsecondary programs and
 44.13 institutions and potential employers regard persons with a standard high school diploma
 44.14 and persons with a standard adult high school diploma as equally well prepared and
 44.15 qualified graduates. Approved adult basic education programs of instruction under this
 44.16 subdivision must issue a standard adult high school diploma to persons who successfully
 44.17 demonstrate the competencies, knowledge, and skills required by the program.

44.18 Sec. 33. Minnesota Statutes 2012, section 124D.522, is amended to read:

44.19 **124D.522 ADULT BASIC EDUCATION SUPPLEMENTAL SERVICE**
 44.20 **GRANTS.**

44.21 (a) The commissioner, in consultation with the policy review task force under
 44.22 section 124D.521, may make grants to nonprofit organizations to provide services that are
 44.23 not offered by a district adult basic education program or that are supplemental to either
 44.24 the statewide adult basic education program, or a district's adult basic education program.
 44.25 The commissioner may make grants for: staff development for adult basic education
 44.26 teachers and administrators; training for volunteer tutors; training, services, and materials
 44.27 for serving disabled students through adult basic education programs; statewide promotion
 44.28 of adult basic education services and programs; development and dissemination of
 44.29 instructional and administrative technology for adult basic education programs; programs
 44.30 which primarily serve communities of color; adult basic education distance learning
 44.31 projects, including television instruction programs; initiatives to accelerate English
 44.32 language acquisition and the achievement of career- and college-ready skills among
 44.33 English learners; and other supplemental services to support the mission of adult basic
 44.34 education and innovative delivery of adult basic education services.

45.1 (b) The commissioner must establish eligibility criteria and grant application
 45.2 procedures. Grants under this section must support services throughout the state, focus
 45.3 on educational results for adult learners, and promote outcome-based achievement
 45.4 through adult basic education programs. Beginning in fiscal year 2002, the commissioner
 45.5 may make grants under this section from the state total adult basic education aid set
 45.6 aside for supplemental service grants under section 124D.531. Up to one-fourth of the
 45.7 appropriation for supplemental service grants must be used for grants for adult basic
 45.8 education programs to encourage and support innovations in adult basic education
 45.9 instruction and service delivery. A grant to a single organization cannot exceed 20 percent
 45.10 of the total supplemental services aid. Nothing in this section prevents an approved adult
 45.11 basic education program from using state or federal aid to purchase supplemental services.

45.12 Sec. 34. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to read:

45.13 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through
 45.14 grade 12 who meets the requirements under subdivision 2a or the following requirements:

45.15 (1) the pupil, as declared by a parent or guardian first learned a language other than
 45.16 English, comes from a home where the language usually spoken is other than English, or
 45.17 usually speaks a language other than English; and

45.18 (2) the pupil is determined by a valid assessment measuring the pupil's English
 45.19 language proficiency and by developmentally appropriate measures, which might include
 45.20 observations, teacher judgment, parent recommendations, or developmentally appropriate
 45.21 assessment instruments, to lack the necessary English skills to participate fully in
 45.22 academic classes taught in English.

45.23 (b) ~~Notwithstanding paragraph (a),~~ A pupil enrolled in a Minnesota public school
 45.24 in grades any grade 4 through 12 who was enrolled in a Minnesota public school on
 45.25 the dates during in the previous school year when a commissioner provided took a
 45.26 commissioner-provided assessment that measures measuring the pupil's emerging
 45.27 academic English was administered, shall not be counted as an English learner in
 45.28 calculating English learner pupil units under section 126C.05, subdivision 17, and shall not
 45.29 generate state English learner aid under section 124D.65, subdivision 5, ~~unless~~ if the pupil
 45.30 scored below the state cutoff score or is otherwise counted as a nonproficient participant
 45.31 on ~~an~~ the assessment measuring the pupil's emerging academic English provided by the
 45.32 commissioner during the previous school year or in the judgment of the pupil's classroom
 45.33 teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate
 45.34 academic language proficiency in English, including oral academic language, sufficient to
 45.35 successfully and fully participate in the general core curriculum in the regular classroom.

46.1 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade
46.2 12 shall not be counted as an English learner in calculating English learner pupil units
46.3 under section 126C.05, subdivision 17, and shall not generate state English learner aid
46.4 under section 124D.65, subdivision 5, if:

46.5 (1) the pupil is not enrolled during the current fiscal year in an educational program
46.6 for English learners ~~in accordance with~~ under sections 124D.58 to 124D.64; or

46.7 (2) the pupil has generated five or more years of average daily membership in
46.8 Minnesota public schools since July 1, 1996.

46.9 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
46.10 later.

46.11 Sec. 35. Minnesota Statutes 2012, section 124D.59, is amended by adding a
46.12 subdivision to read:

46.13 **Subd. 2a. English learner; interrupted formal education.** Consistent with
46.14 subdivision 2, an English learner includes an English learner with an interrupted formal
46.15 education who:

46.16 (1) comes from a home where the language usually spoken is other than English, or
46.17 usually speaks a language other than English;

46.18 (2) enters school in the United States after grade 6;

46.19 (3) has at least two years less schooling than the English learner's peers;

46.20 (4) functions at least two years below expected grade level in reading and
46.21 mathematics; and

46.22 (5) may be preliterate in the English learner's native language.

46.23 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
46.24 later.

46.25 Sec. 36. Minnesota Statutes 2013 Supplement, section 124D.861, subdivision 3,
46.26 is amended to read:

46.27 **Subd. 3. Public engagement; progress report and budget process.** (a) To
46.28 receive revenue under section 124D.862, the school board of an eligible district must
46.29 incorporate school and district plan components under section 120B.11 into the district's
46.30 comprehensive integration plan.

46.31 (b) A school board must hold at least one formal annual hearing to publicly report its
46.32 progress in realizing the goals identified in its plan. At the hearing, the board must provide
46.33 the public with longitudinal data demonstrating district and school progress in reducing

47.1 the disparities in student academic performance among the specified categories of students
47.2 and in realizing racial and economic integration, consistent with the district plan and the
47.3 measures in paragraph (a). At least 30 days before the formal hearing under this paragraph,
47.4 the board must post its plan, its preliminary analysis, relevant student performance data,
47.5 and other longitudinal data on the district's Web site. A district must hold one hearing to
47.6 meet the hearing requirements of both this section and section 120B.11.

47.7 (c) The district must submit a detailed budget to the commissioner by March 15 in
47.8 the year before it implements its plan. The commissioner must review, and approve or
47.9 disapprove the district's budget by June 1 of that year.

47.10 (d) The longitudinal data required under paragraph (a) must be based on student
47.11 growth and progress in reading and mathematics, as defined under section 120B.30,
47.12 subdivision 1, and student performance data and achievement reports from fully adaptive
47.13 reading and mathematics assessments for grades 3 through 7 beginning in the 2015-2016
47.14 school year under section 120B.30, subdivision 1a, and either (i) school enrollment
47.15 choices, (ii) the number of world language proficiency or high achievement certificates
47.16 awarded under section 120B.022, subdivision 1, ~~paragraphs (b) and (c)~~ 1a, or the number
47.17 of state bilingual and multilingual seals issued under section 120B.022, subdivision 1b,
47.18 or (iii) school safety and students' engagement and connection at school under section
47.19 120B.35, subdivision 3, paragraph (d). Additional longitudinal data may be based on:
47.20 students' progress toward career and college readiness under section 120B.30, subdivision
47.21 1; or rigorous coursework completed under section 120B.35, subdivision 3, paragraph
47.22 (c), clause (2).

47.23 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
47.24 later.

47.25 Sec. 37. Minnesota Statutes 2012, section 124D.895, is amended to read:

47.26 **124D.895 PARENTAL INVOLVEMENT PROGRAMS.**

47.27 Subdivision 1. **Program goals.** The department, in consultation with the state
47.28 curriculum advisory committee, must develop guidelines and model plans for parental
47.29 involvement programs that will:

47.30 (1) engage the interests and talents of parents or guardians in recognizing and
47.31 meeting the emotional, intellectual, native and English language development, and
47.32 physical needs of their school-age children;

47.33 (2) promote healthy self-concepts among parents or guardians and other family
47.34 members;

48.1 (3) offer parents or guardians a chance to share and learn about educational skills,
48.2 techniques, and ideas;

48.3 (4) provide creative learning experiences for parents or guardians and their
48.4 school-age children, including involvement from parents or guardians of color;

48.5 (5) encourage parents to actively participate in their district's curriculum advisory
48.6 committee under section 120B.11 in order to assist the school board in improving
48.7 children's education programs; and

48.8 (6) encourage parents to help in promoting school desegregation/integration under
48.9 sections 124D.861 and 124D.862.

48.10 Subd. 2. **Plan contents.** Model plans for a parental involvement program must
48.11 include at least the following:

48.12 (1) program goals;

48.13 (2) means for achieving program goals;

48.14 (3) methods for informing parents or guardians, in a timely way, about the program;

48.15 (4) strategies for ensuring the full participation of parents or guardians, including
48.16 those parents or guardians who lack literacy skills or whose native language is not English,
48.17 including the involvement from of parents or guardians of color;

48.18 (5) procedures for coordinating the program with kindergarten through grade 12
48.19 curriculum, with parental involvement programs currently available in the community,
48.20 with the ~~process under sections 120B.10 to~~ world's best workforce under section 120B.11,
48.21 and with other education facilities located in the community;

48.22 (6) strategies for training teachers and other school staff to work effectively with
48.23 parents and guardians;

48.24 (7) procedures for parents or guardians and educators to evaluate and report progress
48.25 toward program goals; and

48.26 (8) a mechanism for convening a local community advisory committee composed
48.27 primarily of parents or guardians to advise a district on implementing a parental
48.28 involvement program.

48.29 Subd. 3. **Plan activities.** Activities contained in the model plans must include:

48.30 (1) educational opportunities for families that enhance children's learning and native
48.31 and English language development;

48.32 (2) educational programs for parents or guardians on families' educational
48.33 responsibilities and resources;

48.34 (3) the hiring, training, and use of parental involvement liaison workers to
48.35 coordinate family involvement activities and to foster linguistic and culturally competent

- 49.1 communication among families, educators, and students, consistent with the definition of
 49.2 culturally competent under section 120B.30, subdivision 1, paragraph (l);
- 49.3 (4) curriculum materials and assistance in implementing home and community-based
 49.4 learning activities that reinforce and extend classroom instruction and student motivation;
- 49.5 (5) technical assistance, including training to design and carry out family
 49.6 involvement programs;
- 49.7 (6) parent resource centers;
- 49.8 (7) parent training programs and reasonable and necessary expenditures associated
 49.9 with parents' attendance at training sessions;
- 49.10 (8) reports to parents on children's progress;
- 49.11 (9) use of parents as classroom volunteers, or as volunteers in before and after
 49.12 school programs for school-age children, tutors, and aides;
- 49.13 (10) soliciting parents' suggestions in planning, developing, and implementing
 49.14 school programs;
- 49.15 (11) educational programs and opportunities for parents or guardians that are
 49.16 multicultural, multilingual, gender fair, and disability sensitive;
- 49.17 (12) involvement in a district's curriculum advisory committee or a school building
 49.18 team under section 120B.11; and
- 49.19 (13) opportunities for parent involvement in developing, implementing, or evaluating
 49.20 school and district desegregation/integration plans under sections 124D.861 and 124D.862.

49.21 Sec. 38. Minnesota Statutes 2012, section 124D.8955, is amended to read:

49.22 **124D.8955 PARENT AND FAMILY INVOLVEMENT POLICY.**

49.23 (a) In order to promote and support student achievement, a local school board is
 49.24 encouraged to formally adopt and implement a parent and family involvement policy that
 49.25 promotes and supports:

- 49.26 (1) oral and written communication between home and school that is regular,
 49.27 two-way, ~~and meaningful,~~ and in families' native language;
- 49.28 (2) parenting skills;
- 49.29 (3) parents and caregivers who play an integral role in assisting student learning and
 49.30 learn about fostering students' academic success and learning at home and school;
- 49.31 (4) welcoming parents in the school and using networks that support families'
 49.32 cultural connections, seeking their support and assistance;
- 49.33 (5) partnerships with parents in the decisions that affect children and families
 49.34 in the schools; and

50.1 (6) providing community resources to strengthen schools, families, and student
50.2 learning.

50.3 (b) A school board that implements a parent and family involvement policy under
50.4 paragraph (a) must convene an advisory committee composed of an equal number of
50.5 resident parents who are not district employees and school staff to make recommendations
50.6 to the board on developing and evaluating the board's parent and family involvement
50.7 policy. If possible, the advisory committee must represent the diversity of the district. The
50.8 advisory committee must consider the district's demographic diversity and barriers to
50.9 parent involvement when developing its recommendations. The advisory committee must
50.10 present its recommendations to the board for board consideration.

50.11 (c) The board must consider research-based best practices when implementing
50.12 this policy.

50.13 (d) The board periodically must review this policy to determine whether it is aligned
50.14 with the most current research findings on parent involvement policies and practices and
50.15 how effective the policy is in supporting increased student achievement.

50.16 (e) Nothing in this section obligates a school district to exceed any parent or family
50.17 involvement requirement under federal law.

50.18 Sec. 39. Minnesota Statutes 2013 Supplement, section 127A.70, subdivision 2, is
50.19 amended to read:

50.20 Subd. 2. **Powers and duties; report.** (a) The partnership shall develop
50.21 recommendations to the governor and the legislature designed to maximize the achievement
50.22 of all P-20 students while promoting the efficient use of state resources, thereby helping
50.23 the state realize the maximum value for its investment. These recommendations may
50.24 include, but are not limited to, strategies, policies, or other actions focused on:

50.25 (1) improving the quality of and access to education at all points from preschool
50.26 through graduate education;

50.27 (2) improving preparation for, and transitions to, postsecondary education and
50.28 work; and

50.29 (3) ensuring educator quality by creating rigorous standards for teacher recruitment,
50.30 teacher preparation, induction and mentoring of beginning teachers, and continuous
50.31 professional development for career teachers.

50.32 (b) Under the direction of the P-20 Education Partnership Statewide Longitudinal
50.33 Education Data System Governance Committee, the Office of Higher Education and the
50.34 Departments of Education and Employment and Economic Development shall improve
50.35 and expand the Statewide Longitudinal Education Data System (SLEDS) to provide

51.1 policymakers, education and workforce leaders, researchers, and members of the public
51.2 with data, research, and reports to:

51.3 (1) expand reporting on students' educational outcomes for diverse student
51.4 populations including at-risk students, children with disabilities, English learners, and
51.5 gifted students, among others, and include formative and summative evaluations based on
51.6 multiple measures of student progress toward career and college readiness;

51.7 (2) evaluate the effectiveness of educational and workforce programs; and

51.8 (3) evaluate the relationship between education and workforce outcomes, consistent
51.9 with section 124D.49.

51.10 To the extent possible under federal and state law, research and reports should be
51.11 accessible to the public on the Internet, and disaggregated by demographic characteristics,
51.12 organization or organization characteristics, and geography.

51.13 It is the intent of the legislature that the Statewide Longitudinal Education Data
51.14 System inform public policy and decision-making. The SLEDS governance committee,
51.15 with assistance from staff of the Office of Higher Education, the Department of Education,
51.16 and the Department of Employment and Economic Development, shall respond to
51.17 legislative committee and agency requests on topics utilizing data made available through
51.18 the Statewide Longitudinal Education Data System as resources permit. Any analysis of
51.19 or report on the data must contain only summary data.

51.20 (c) By January 15 of each year, the partnership shall submit a report to the governor
51.21 and to the chairs and ranking minority members of the legislative committees and
51.22 divisions with jurisdiction over P-20 education policy and finance that summarizes the
51.23 partnership's progress in meeting its goals and identifies the need for any draft legislation
51.24 when necessary to further the goals of the partnership to maximize student achievement
51.25 while promoting efficient use of resources.

51.26 Sec. 40. **REVIEW OF WORLD LANGUAGE COMPETENCIES.**

51.27 The commissioner of education and the Minnesota State Colleges and Universities
51.28 (MnSCU) chancellor, after consulting with the world language faculty at the University of
51.29 Minnesota and MnSCU, must review the specific competencies a K-12 student masters in
51.30 attaining a state bilingual seal, multilingual seal, Minnesota World Language Proficiency
51.31 Certificate, or Minnesota World Language Proficiency High Achievement Certificate
51.32 under Minnesota Statutes, section 120B.22, subdivisions 1a and 1b, and determine credit
51.33 and course equivalencies for each seal or certificate. The commissioner and the chancellor,
51.34 or their designees, must report findings, determinations, and any recommendations to the
51.35 education policy and finance committees of the legislature by February 15, 2015.

52.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

52.2 Sec. 41. **REPEALER.**

52.3 Minnesota Statutes 2012, section 122A.19, subdivision 3, is repealed effective the
52.4 day following final enactment.

52.5 **ARTICLE 2**

52.6 **GENERAL EDUCATION**

52.7 Section 1. Minnesota Statutes 2012, section 124D.08, is amended by adding a
52.8 subdivision to read:

52.9 Subd. 2b. **Continued enrollment for students placed in foster care.**

52.10 Notwithstanding subdivision 2, a pupil who has been enrolled in a district who is placed
52.11 in foster care in another district may continue to enroll in the prior district without the
52.12 approval of the board of the prior district. The approval of the board where the pupil's
52.13 foster home is located is not required.

52.14 Sec. 2. Laws 2012, chapter 263, section 1, the effective date, is amended to read:

52.15 **EFFECTIVE DATE.** This section is effective the day following final enactment
52.16 ~~and applies to the 2013-2014 through 2017-2018 school years.~~

52.17 Sec. 3. **REPEALER.**

52.18 Minnesota Statutes 2012, sections 123B.15; 123B.16; 123B.17; 123B.18; 123B.26;
52.19 and 123B.27, are repealed.

52.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

52.21 **ARTICLE 3**

52.22 **EDUCATION EXCELLENCE**

52.23 Section 1. Minnesota Statutes 2012, section 13.32, subdivision 6, is amended to read:

52.24 Subd. 6. **Admissions forms; remedial instruction.** (a) Minnesota postsecondary
52.25 education institutions, for purposes of reporting and research, may collect on the
52.26 1986-1987 admissions form, and disseminate to any public educational agency or
52.27 institution the following data on individuals: student sex, ethnic background, age, and
52.28 disabilities. The data shall not be required of any individual and shall not be used for
52.29 purposes of determining the person's admission to an institution.

53.1 (b) A school district that receives information under subdivision 3, paragraph
53.2 (h) from a postsecondary institution about an identifiable student shall maintain the
53.3 data as educational data and use that data to conduct studies to improve instruction.
53.4 Public postsecondary systems ~~annually shall provide summary data to the Department~~
53.5 ~~of Education indicating~~ as part of their participation in the Statewide Longitudinal
53.6 Education Data System shall provide data on the extent and content of the remedial
53.7 instruction received in each system during the prior academic year by individual students,
53.8 and the results of assessment testing and the academic performance of, students who
53.9 graduated from a Minnesota school district within two years before receiving the remedial
53.10 instruction. The ~~department~~ Office of Higher Education, in collaboration with the
53.11 Department of Education, shall evaluate the data and annually report its findings to the
53.12 education committees of the legislature.

53.13 (c) This section supersedes any inconsistent provision of law.

53.14 Sec. 2. Minnesota Statutes 2013 Supplement, section 120A.22, subdivision 5, is
53.15 amended to read:

53.16 Subd. 5. **Ages and terms.** (a) Every child between seven and 17 years of age must
53.17 receive instruction unless the child has graduated. Every child under the age of seven who
53.18 is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days,
53.19 or other kindergarten programs shall receive instruction. Except as provided in subdivision
53.20 6, a parent may withdraw a child under the age of seven from enrollment at any time.

53.21 (b) A school district by annual board action may require children subject to this
53.22 subdivision to receive instruction in summer school. A district that acts to require children
53.23 to receive instruction in summer school shall establish at the time of its action the criteria
53.24 for determining which children must receive instruction.

53.25 ~~(c) A pupil 16 years of age or older who meets the criteria of section 124D.68,~~
53.26 ~~subdivision 2, may be assigned to an area learning center. Such assignment may be made~~
53.27 ~~only after consultation with the principal, area learning center director, and parent or~~
53.28 ~~guardian.~~

53.29 Sec. 3. Minnesota Statutes 2013 Supplement, section 120B.021, subdivision 4, is
53.30 amended to read:

53.31 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must
53.32 revise and appropriately embed technology and information literacy standards consistent
53.33 with recommendations from school media specialists into the state's academic standards
53.34 and graduation requirements and implement a ten-year cycle to review and revise state

54.1 academic standards and related benchmarks, consistent with this subdivision. During each
54.2 ten-year review and revision cycle, the commissioner also must examine the alignment
54.3 of each required academic standard and related benchmark with the knowledge and
54.4 skills students need for career and college readiness and advanced work in the particular
54.5 subject area. The commissioner must include the contributions of Minnesota American
54.6 Indian tribes and communities as related to the academic standards during the review and
54.7 revision of the required academic standards.

54.8 (b) The commissioner must ensure that the statewide mathematics assessments
54.9 administered to students in grades 3 through 8 and 11 are aligned with the state academic
54.10 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).
54.11 The commissioner must implement a review of and, consistent with the review, revise the
54.12 academic standards and related benchmarks in mathematics beginning in the 2015-2016
54.13 school year and every ten years thereafter.

54.14 (c) The commissioner must implement a review of and, consistent with the review,
54.15 revise the academic standards and related benchmarks in arts beginning in the 2016-2017
54.16 school year and every ten years thereafter.

54.17 (d) The commissioner must implement a review of and, consistent with the review,
54.18 revise the academic standards and related benchmarks in science beginning in the
54.19 2017-2018 school year and every ten years thereafter.

54.20 (e) The commissioner must implement a review of and, consistent with the review,
54.21 revise the academic standards and related benchmarks in language arts beginning in the
54.22 2018-2019 school year and every ten years thereafter.

54.23 (f) The commissioner must implement a review of and, consistent with the review,
54.24 revise the academic standards and related benchmarks in social studies beginning in the
54.25 2019-2020 school year and every ten years thereafter.

54.26 (g) School districts and charter schools must revise and align local academic
54.27 standards and high school graduation requirements in health, world languages, and career
54.28 and technical education to require students to complete the revised standards beginning
54.29 in a school year determined by the school district or charter school. School districts and
54.30 charter schools must formally establish a periodic review cycle for the academic standards
54.31 and related benchmarks in health, world languages, and career and technical education.

54.32 Sec. 4. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 1, is
54.33 amended to read:

54.34 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10,
54.35 the following terms have the meanings given them.

55.1 (a) "Instruction" means methods of providing learning experiences that enable
 55.2 a student to meet state and district academic standards and graduation requirements
 55.3 including applied and experiential learning.

55.4 (b) "Curriculum" means district or school adopted programs and written plans for
 55.5 providing students with learning experiences that lead to expected knowledge and skills
 55.6 and career and college readiness.

55.7 (c) "World's best workforce" means striving to: meet school readiness goals; have
 55.8 all third grade students achieve grade-level literacy; close the academic achievement gap
 55.9 among all racial and ethnic groups of students and between students living in poverty and
 55.10 students not living in poverty; have all students attain career and college readiness before
 55.11 graduating from high school; and have all students graduate from high school.

55.12 (d) "Experiential learning" means learning for students that includes career
 55.13 exploration through a specific class or course or through work-based experiences such as
 55.14 job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships,
 55.15 other cooperative work experience, youth apprenticeship, or employment.

55.16 Sec. 5. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 1a, is
 55.17 amended to read:

55.18 Subd. 1a. **Performance measures.** Measures to determine school district and
 55.19 school site progress in striving to create the world's best workforce must include at least:

- 55.20 (1) student performance on the National ~~Association~~ Assessment of Education
 55.21 Progress where applicable;
 55.22 (2) the size of the academic achievement gap by student subgroup;
 55.23 (3) student performance on the Minnesota Comprehensive Assessments;
 55.24 (4) high school graduation rates; and
 55.25 (5) career and college readiness under section 120B.30, subdivision 1.

55.26 Sec. 6. Minnesota Statutes 2013 Supplement, section 120B.115, is amended to read:

55.27 **120B.115 REGIONAL CENTERS OF EXCELLENCE.**

55.28 (a) Regional centers of excellence are established to assist and support school
 55.29 boards, school districts, school sites, and charter schools in implementing research-based
 55.30 interventions and practices to increase the students' achievement within a region.
 55.31 The centers must develop partnerships with local and regional service cooperatives,
 55.32 postsecondary institutions, integrated school districts, the department, children's mental
 55.33 health providers, or other local or regional entities interested in providing a cohesive
 55.34 and consistent regional delivery system that serves all schools equitably. Centers must

56.1 assist school districts, school sites, and charter schools in developing similar partnerships.
 56.2 Center support may include assisting school districts, school sites, and charter schools
 56.3 with common principles of effective practice, including:

- 56.4 (1) defining measurable education goals under section 120B.11, subdivision 2;
 56.5 (2) implementing evidence-based practices, including applied and experiential
 56.6 learning, contextualized learning, competency-based curricula and assessments, and other
 56.7 nontraditional learning opportunities, among other practices;
 56.8 (3) engaging in data-driven decision-making;
 56.9 (4) providing multilayered levels of support;
 56.10 (5) supporting culturally responsive teaching and learning aligning state and local
 56.11 academic standards and career and college readiness benchmarks; and
 56.12 (6) engaging parents, families, youth, and local community members in programs
 56.13 and activities at the school district, school site, or charter school.

56.14 Centers must work with school site leadership teams to build capacity to implement
 56.15 programs that close the achievement gap, increase students' progress and growth toward
 56.16 career and college readiness, and increase student graduation rates.

56.17 (b) The department must assist the regional centers of excellence to meet staff,
 56.18 facilities, and technical needs, provide the centers with programmatic support, and work
 56.19 with the centers to establish a coherent statewide system of regional support, including
 56.20 consulting, training, and technical support, to help school boards, school districts, school
 56.21 sites, and charter schools effectively and efficiently implement the world's best workforce
 56.22 goals under section 120B.11 and other state and federal education initiatives, including
 56.23 secondary and postsecondary career pathways and technical education.

56.24 Sec. 7. Minnesota Statutes 2013 Supplement, section 120B.125, is amended to read:

56.25 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**
 56.26 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; ~~INVOLUNTARY~~**
 56.27 **~~CAREER TRACKING PROHIBITED~~ PERSONAL LEARNING PLANS.**

56.28 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,
 56.29 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,
 56.30 school districts, beginning in the 2013-2014 school year, must assist all students by no
 56.31 later than grade 9 to explore their educational, college, and career interests, aptitudes, and
 56.32 aspirations and develop a plan for a smooth and successful transition to postsecondary
 56.33 education or employment. All students' plans must be designed to:

- 56.34 (1) provide a comprehensive ~~academic plan for completing to prepare for and~~
 56.35 complete a college and career-ready career and college-ready curriculum premised on

57.1 by meeting state and local academic standards and developing 21st-century career and
 57.2 employment-related skills such as team work, collaboration, and good work habits;

57.3 (2) emphasize academic rigor and high expectations;

57.4 (3) help students identify interests, aptitudes, aspirations, and personal learning
 57.5 styles that may affect their career and college-ready goals and postsecondary education
 57.6 and employment choices;

57.7 (4) set appropriate career and college-ready goals with timelines that identify
 57.8 effective means for achieving those goals;

57.9 ~~(4)~~ (5) help students ~~gain access to postsecondary~~ education and career options;

57.10 ~~(5)~~ (6) integrate strong academic content into career-focused courses and applied
 57.11 and experiential learning opportunities and integrate relevant career-focused courses and
 57.12 applied and experiential learning opportunities into strong academic content;

57.13 ~~(6)~~ (7) help ~~students and families~~ identify and ~~gain access to~~ appropriate counseling
 57.14 and other supports and assistance that enable students to complete required coursework,
 57.15 prepare for postsecondary education and careers, and obtain information about
 57.16 postsecondary education costs and eligibility for financial aid and scholarship;

57.17 ~~(7)~~ (8) help ~~students and families~~ identify collaborative partnerships ~~of~~ among
 57.18 kindergarten through grade 12 schools, postsecondary institutions, economic development
 57.19 agencies, and local and regional employers that support students' transition to
 57.20 postsecondary education and employment and provide students with applied and
 57.21 experiential learning opportunities; and

57.22 ~~(8)~~ (9) be reviewed and revised at least annually by the student, the student's parent or
 57.23 guardian, and the school or district to ensure that the student's course-taking schedule keeps
 57.24 the student making adequate progress to meet state and local academic standards and high
 57.25 school graduation requirements and with a reasonable chance to succeed with employment
 57.26 or postsecondary education without the need to first complete remedial course work.

57.27 (b) A school district may develop grade-level curricula or provide instruction that
 57.28 introduces students to various careers, but must not require any curriculum, instruction,
 57.29 or employment-related activity that obligates an elementary or secondary student to
 57.30 involuntarily select or pursue a career, career interest, employment goals, or related job
 57.31 training.

57.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

57.33 Sec. 8. Minnesota Statutes 2013 Supplement, section 120B.30, subdivision 1, is
 57.34 amended to read:

58.1 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
58.2 with appropriate technical qualifications and experience and stakeholders, consistent
58.3 with subdivision 1a, shall include in the comprehensive assessment system, for each
58.4 grade level to be tested, state-constructed tests developed as computer-adaptive reading
58.5 and mathematics assessments for students that are aligned with the state's required
58.6 academic standards under section 120B.021, include multiple choice questions, and are
58.7 administered annually to all students in grades 3 through 7. Reading and mathematics
58.8 assessments for all students in grade 8 must be aligned with the state's required reading and
58.9 mathematics standards, be administered annually, and include multiple choice questions.
58.10 State-developed high school tests aligned with the state's required academic standards
58.11 under section 120B.021 and administered to all high school students in a subject other than
58.12 writing must include multiple choice questions. The commissioner shall establish one or
58.13 more months during which schools shall administer the tests to students each school year.

58.14 (1) Students enrolled in grade 8 through the 2009-2010 school year are eligible
58.15 to be assessed under (i) the graduation-required assessment for diploma in reading,
58.16 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,
58.17 paragraphs (c), clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii)
58.18 the Compass college placement test, (iv) the ACT assessment for college admission, or (v)
58.19 a nationally recognized armed services vocational aptitude test.

58.20 (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are
58.21 eligible to be assessed under (i) the graduation-required assessment for diploma in reading,
58.22 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision
58.23 1, paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the
58.24 Compass college placement test, (iv) the ACT assessment for college admission, or (v) a
58.25 nationally recognized armed services vocational aptitude test.

58.26 (3) For students under clause (1) or (2), a school district may substitute a score from
58.27 an alternative, equivalent assessment to satisfy the requirements of this paragraph.

58.28 (b) The state assessment system must be aligned to the most recent revision of
58.29 academic standards as described in section 120B.023 in the following manner:

58.30 (1) mathematics;

58.31 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

58.32 (ii) high school level beginning in the 2013-2014 school year;

58.33 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
58.34 school year; and

58.35 (3) language arts and reading; grades 3 through 8 and high school level beginning in
58.36 the 2012-2013 school year.

59.1 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'
59.2 state graduation requirements, based on a longitudinal, systematic approach to student
59.3 education and career planning, assessment, instructional support, and evaluation, include
59.4 the following:

59.5 (1) demonstrate understanding of required academic standards on a nationally
59.6 normed college entrance exam;

59.7 (2) achievement and career and college readiness tests in mathematics, reading, and
59.8 writing, consistent with paragraph (e) and to the extent available, to monitor students'
59.9 continuous development of and growth in requisite knowledge and skills; analyze
59.10 students' progress and performance levels, identifying students' academic strengths and
59.11 diagnosing areas where students require curriculum or instructional adjustments, targeted
59.12 interventions, or remediation; and, based on analysis of students' progress and performance
59.13 data, determine students' learning and instructional needs and the instructional tools and
59.14 best practices that support academic rigor for the student; and

59.15 (3) consistent with this paragraph and section 120B.125, age-appropriate exploration
59.16 and planning activities and career assessments to encourage students to identify personally
59.17 relevant career interests and aptitudes and help students and their families develop a
59.18 regularly reexamined transition plan for postsecondary education or employment without
59.19 need for postsecondary remediation.

59.20 Based on appropriate state guidelines, students with an individualized education program
59.21 may satisfy state graduation requirements by achieving an individual score on the
59.22 state-identified alternative assessments.

59.23 Expectations of schools, districts, and the state for career or college readiness under
59.24 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
59.25 completion. A student under clause (2) must receive targeted, relevant, academically
59.26 rigorous, and resourced instruction, which may include a targeted instruction and
59.27 intervention plan focused on improving the student's knowledge and skills in core subjects
59.28 so that the student has a reasonable chance to succeed in a career or college without need
59.29 for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091,
59.30 124D.49, and related sections, an enrolling school or district must actively encourage a
59.31 student in grade 11 or 12 who is identified as academically ready for a career or college
59.32 to participate in courses and programs awarding college credit to high school students.
59.33 Students are not required to achieve a specified score or level of proficiency on an
59.34 assessment under this subdivision to graduate from high school.

59.35 (d) To improve the secondary and postsecondary outcomes of all students, the
59.36 alignment between secondary and postsecondary education programs and Minnesota's

60.1 workforce needs, and the efficiency and cost-effectiveness of secondary and postsecondary
60.2 programs, the commissioner, after consulting with the chancellor of the Minnesota State
60.3 Colleges and Universities and using a request for proposal process, shall contract for
60.4 a series of assessments that are consistent with this subdivision, aligned with state
60.5 academic standards, and include career and college readiness benchmarks. Mathematics,
60.6 reading, and writing assessments for students in grades 8 and 10 must be predictive of a
60.7 nationally normed assessment for career and college readiness. This nationally recognized
60.8 assessment must be a college entrance exam and given to students in grade 11. This
60.9 series of assessments must include a college placement diagnostic exam and contain
60.10 career exploration elements. The commissioner and the chancellor of the Minnesota
60.11 State Colleges and Universities must collaborate in aligning instruction and assessments
60.12 for adult basic education students and English learners to provide the students with
60.13 diagnostic information about any targeted interventions, accommodations, modifications,
60.14 and supports they need so that assessments and other performance measures are accessible
60.15 to them and they may seek postsecondary education or employment without need for
60.16 postsecondary remediation.

60.17 (1) Districts and schools, on an annual basis, must use the career exploration
60.18 elements in these assessments to help students, beginning no later than grade 9, and their
60.19 families explore and plan for postsecondary education or careers based on the students'
60.20 interests, aptitudes, and aspirations. Districts and schools must use timely regional labor
60.21 market information and partnerships, among other resources, to help students and their
60.22 families successfully develop, pursue, review, and revise an individualized plan for
60.23 postsecondary education or a career. This process must help increase students' engagement
60.24 in and connection to school, improve students' knowledge and skills, and deepen students'
60.25 understanding of career pathways as a sequence of academic and career courses that lead
60.26 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are
60.27 available to all students, whatever their interests and career goals.

60.28 (2) Students in grade 10 or 11 not yet academically ready for a career or college based
60.29 on their growth in academic achievement between grades 8 and 10 must take the college
60.30 placement diagnostic exam before taking the college entrance exam under clause (3).
60.31 Students, their families, the school, and the district can then use the results of the college
60.32 placement diagnostic exam for targeted instruction, intervention, or remediation and
60.33 improve students' knowledge and skills in core subjects sufficient for a student to graduate
60.34 and have a reasonable chance to succeed in a career or college without remediation.

60.35 (3) All students except those eligible for alternative assessments must be given the
60.36 college entrance part of these assessments in grade 11. A student under this clause who

61.1 demonstrates attainment of required state academic standards, which include career and
61.2 college readiness benchmarks, on these assessments is academically ready for a career or
61.3 college and is encouraged to participate in courses awarding college credit to high school
61.4 students. Such courses and programs may include sequential courses of study within
61.5 broad career areas and technical skill assessments that extend beyond course grades.

61.6 (4) As appropriate, students through grade 12 must continue to participate in targeted
61.7 instruction, intervention, or remediation and be encouraged to participate in courses
61.8 awarding college credit to high school students.

61.9 (5) A study to determine the alignment between these assessments and state
61.10 academic standards under this chapter must be conducted. Where alignment exists, the
61.11 commissioner must seek federal approval to, and immediately upon receiving approval,
61.12 replace the federally required assessments referenced under subdivision 1a and section
61.13 120B.35, subdivision 2, with assessments under this paragraph.

61.14 (e) In developing, supporting, and improving students' academic readiness for a
61.15 career or college, schools, districts, and the state must have a continuum of empirically
61.16 derived, clearly defined benchmarks focused on students' attainment of knowledge and
61.17 skills so that students, their parents, and teachers know how well students must perform to
61.18 have a reasonable chance to succeed in a career or college without need for postsecondary
61.19 remediation. The commissioner, in consultation with local school officials and educators,
61.20 and Minnesota's public postsecondary institutions must ensure that the foundational
61.21 knowledge and skills for students' successful performance in postsecondary employment
61.22 or education and an articulated series of possible targeted interventions are clearly
61.23 identified and satisfy Minnesota's postsecondary admissions requirements.

61.24 (f) For students in grade 8 in the 2012-2013 school year and later, a school, district,
61.25 or charter school must record on the high school transcript a student's progress toward
61.26 career and college readiness, and for other students as soon as practicable.

61.27 (g) The school board granting students their diplomas may formally decide to
61.28 include a notation of high achievement on the high school diplomas of those graduating
61.29 seniors who, according to established school board criteria, demonstrate exemplary
61.30 academic achievement during high school.

61.31 (h) The 3rd through 7th grade computer-adaptive assessment results and grade 8
61.32 and high school test results shall be available to districts for diagnostic purposes affecting
61.33 student learning and district instruction and curriculum, and for establishing educational
61.34 accountability. The commissioner must establish empirically derived benchmarks on
61.35 adaptive assessments in grades 3 through 7 that reveal a trajectory toward career and

62.1 college readiness. The commissioner must disseminate to the public the computer-adaptive
62.2 assessments, grade 8, and high school test results upon receiving those results.

62.3 (i) The grades 3 through 7 computer-adaptive assessments and grade 8 and high
62.4 school tests must be aligned with state academic standards. The commissioner shall
62.5 determine the testing process and the order of administration. The statewide results shall
62.6 be aggregated at the site and district level, consistent with subdivision 1a.

62.7 (j) The commissioner shall include the following components in the statewide
62.8 public reporting system:

62.9 (1) uniform statewide computer-adaptive assessments of all students in grades 3
62.10 through 7 and testing at the grade 8 and high school levels that provides appropriate,
62.11 technically sound accommodations or alternate assessments;

62.12 (2) educational indicators that can be aggregated and compared across school
62.13 districts and across time on a statewide basis, including average daily attendance, high
62.14 school graduation rates, and high school drop-out rates by age and grade level;

62.15 (3) state results on the American College Test; and

62.16 (4) state results from participation in the National Assessment of Educational
62.17 Progress so that the state can benchmark its performance against the nation and other
62.18 states, and, where possible, against other countries, and contribute to the national effort
62.19 to monitor achievement.

62.20 (k) For purposes of statewide accountability, "career and college ready" means a
62.21 high school graduate has the knowledge, skills, and competencies to successfully pursue a
62.22 career pathway, including postsecondary credit leading to a degree, diploma, certificate, or
62.23 industry-recognized credential and employment. Students who are career and college ready
62.24 are able to successfully complete credit-bearing coursework at a two- or four-year college
62.25 or university or other credit-bearing postsecondary program without need for remediation.

62.26 (l) For purposes of statewide accountability, "cultural competence," "cultural
62.27 competency," or "culturally competent" means the ability and will to interact effectively
62.28 with people of different cultures, native languages, and socioeconomic backgrounds.

62.29 Sec. 9. Minnesota Statutes 2012, section 120B.31, is amended by adding a subdivision
62.30 to read:

62.31 Subd. 5. **Parent information.** To ensure the effective involvement of parents and to
62.32 support a partnership between the school and parents, each district shall provide parents
62.33 a timely written summary, in an electronic or other format, of their student's current
62.34 and longitudinal performance and progress on the state's academic content standards

63.1 as measured by state assessments. Providing parents with a summary prepared by the
63.2 Department of Education fulfills the requirements of this subdivision.

63.3 Sec. 10. Minnesota Statutes 2013 Supplement, section 120B.35, subdivision 3, is
63.4 amended to read:

63.5 Subd. 3. **State growth target; other state measures.** (a) The state's educational
63.6 assessment system measuring individual students' educational growth is based on
63.7 indicators of achievement growth that show an individual student's prior achievement.
63.8 Indicators of achievement and prior achievement must be based on highly reliable
63.9 statewide or districtwide assessments.

63.10 (b) The commissioner, in consultation with a stakeholder group that includes
63.11 assessment and evaluation directors and staff and researchers must implement a model
63.12 that uses a value-added growth indicator and includes criteria for identifying schools
63.13 and school districts that demonstrate medium and high growth under section 120B.299,
63.14 subdivisions 8 and 9, and may recommend other value-added measures under section
63.15 120B.299, subdivision 3. The model may be used to advance educators' professional
63.16 development and replicate programs that succeed in meeting students' diverse learning
63.17 needs. Data on individual teachers generated under the model are personnel data under
63.18 section 13.43. The model must allow users to:

63.19 (1) report student growth consistent with this paragraph; and

63.20 (2) for all student categories, report and compare aggregated and disaggregated state
63.21 growth data using the nine student categories identified under the federal 2001 No Child
63.22 Left Behind Act and two student gender categories of male and female, respectively,
63.23 following appropriate reporting practices to protect nonpublic student data.

63.24 The commissioner must report measures of student growth, consistent with this
63.25 paragraph, including the English language development, academic progress, and oral
63.26 academic development of English learners and their native language development if the
63.27 native language is used as a language of instruction.

63.28 (c) When reporting student performance under section 120B.36, subdivision 1, the
63.29 commissioner annually, beginning July 1, 2011, must report two core measures indicating
63.30 the extent to which current high school graduates are being prepared for postsecondary
63.31 academic and career opportunities:

63.32 (1) a preparation measure indicating the number and percentage of high school
63.33 graduates in the most recent school year who completed course work important to
63.34 preparing them for postsecondary academic and career opportunities, consistent with

64.1 the core academic subjects required for admission to Minnesota's public colleges and
64.2 universities as determined by the Office of Higher Education under chapter 136A; and

64.3 (2) a rigorous coursework measure indicating the number and percentage of high
64.4 school graduates in the most recent school year who successfully completed one or more
64.5 college-level advanced placement, international baccalaureate, postsecondary enrollment
64.6 options including concurrent enrollment, other rigorous courses of study under section
64.7 120B.021, subdivision 1a, or industry certification courses or programs.

64.8 When reporting the core measures under clauses (1) and (2), the commissioner must also
64.9 analyze and report separate categories of information using the nine student categories
64.10 identified under the federal 2001 No Child Left Behind Act and two student gender
64.11 categories of male and female, respectively, following appropriate reporting practices to
64.12 protect nonpublic student data.

64.13 (d) When reporting student performance under section 120B.36, subdivision 1, the
64.14 commissioner annually, beginning July 1, 2014, must report summary data on school
64.15 safety and students' engagement and connection at school. The summary data under this
64.16 paragraph are separate from and must not be used for any purpose related to measuring
64.17 or evaluating the performance of classroom teachers. The commissioner, in consultation
64.18 with qualified experts on student engagement and connection and classroom teachers,
64.19 must identify highly reliable variables that generate summary data under this paragraph.
64.20 The summary data may be used at school, district, and state levels only. Any data on
64.21 individuals received, collected, or created that are used to generate the summary data
64.22 under this paragraph are nonpublic data under section 13.02, subdivision 9.

64.23 (e) For purposes of statewide educational accountability, the commissioner must
64.24 identify and report measures that demonstrate the success of learning year program
64.25 providers under sections 123A.05 and 124D.68, among other such providers, in improving
64.26 students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually
64.27 report summary data on:

64.28 (1) the four- and six-year graduation rates of students under this paragraph;

64.29 (2) the percent of students under this paragraph whose progress and performance
64.30 levels are meeting career and college readiness benchmarks under section 120B.30,
64.31 subdivision 1; and

64.32 (3) the success that learning year program providers experience in:

64.33 (i) identifying at-risk and off-track student populations by grade;

64.34 (ii) providing successful prevention and intervention strategies for at-risk students;

64.35 (iii) providing successful recuperative and recovery or reenrollment strategies for
64.36 off-track students; and

65.1 (iv) improving the graduation outcomes of at-risk and off-track students.

65.2 The commissioner may include in the annual report summary data on other education
65.3 providers serving a majority of students eligible to participate in a learning year program.

65.4 Sec. 11. Minnesota Statutes 2012, section 120B.35, subdivision 4, is amended to read:

65.5 Subd. 4. **Improving schools.** Consistent with the requirements of this section,
65.6 beginning June 20, 2012, the commissioner of education must annually report to the public
65.7 and the legislature ~~the organizational and curricular~~ best practices implemented in those
65.8 schools that demonstrate ~~medium and~~ high growth compared to the state growth target.

65.9 Sec. 12. Minnesota Statutes 2013 Supplement, section 122A.09, subdivision 4, is
65.10 amended to read:

65.11 Subd. 4. **License and rules.** (a) The board must adopt rules to license public school
65.12 teachers and interns subject to chapter 14.

65.13 (b) The board must adopt rules requiring a person to pass a skills examination in
65.14 reading, writing, and mathematics or attain either a composite score composed of the
65.15 average of the scores in English and writing, reading, and mathematics on the ACT
65.16 Plus Writing recommended by the board, or an equivalent composite score composed
65.17 of the average of the scores in critical reading, mathematics, and writing on the SAT
65.18 recommended by the board, as a requirement for initial teacher licensure, except that
65.19 the board may issue up to two ~~additional~~ temporary, one-year teaching licenses to an
65.20 otherwise qualified candidate who has not yet passed the skills exam or attained the
65.21 requisite composite score on the ACT Plus Writing or SAT. Such rules must require
65.22 college and universities offering a board-approved teacher preparation program to
65.23 provide remedial assistance to persons who did not achieve a qualifying score on the
65.24 skills examination or attain the requisite composite score on the ACT Plus Writing or
65.25 SAT, including those for whom English is a second language. The requirement to pass
65.26 a reading, writing, and mathematics skills examination or attain the requisite composite
65.27 score on the ACT Plus Writing or SAT does not apply to nonnative English speakers, as
65.28 verified by qualified Minnesota school district personnel or Minnesota higher education
65.29 faculty, who, after meeting the content and pedagogy requirements under this subdivision,
65.30 apply for a teaching license to provide direct instruction in their native language or world
65.31 language instruction under section 120B.022, subdivision 1. A teacher candidate's official
65.32 ACT Plus Writing or SAT composite score report to the board must not be more than ten
65.33 years old at the time of licensure.

66.1 (c) The board must adopt rules to approve teacher preparation programs. The board,
66.2 upon the request of a postsecondary student preparing for teacher licensure or a licensed
66.3 graduate of a teacher preparation program, shall assist in resolving a dispute between the
66.4 person and a postsecondary institution providing a teacher preparation program when the
66.5 dispute involves an institution's recommendation for licensure affecting the person or the
66.6 person's credentials. At the board's discretion, assistance may include the application
66.7 of chapter 14.

66.8 (d) The board must provide the leadership and adopt rules for the redesign of teacher
66.9 education programs to implement a research based, results-oriented curriculum that
66.10 focuses on the skills teachers need in order to be effective. The board shall implement new
66.11 systems of teacher preparation program evaluation to assure program effectiveness based
66.12 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher
66.13 preparation programs including alternative teacher preparation programs under section
66.14 122A.245, among other programs, must include a content-specific, board-approved,
66.15 performance-based assessment that measures teacher candidates in three areas: planning
66.16 for instruction and assessment; engaging students and supporting learning; and assessing
66.17 student learning. The board's redesign rules must include creating flexible, specialized
66.18 teaching licenses, credentials, and other endorsement forms to increase students'
66.19 participation in language immersion programs, world language instruction, career
66.20 development opportunities, work-based learning, early college courses and careers, career
66.21 and technical programs, Montessori schools, and project and place-based learning, among
66.22 other career and college ready learning offerings.

66.23 (e) The board must adopt rules requiring candidates for initial licenses to pass an
66.24 examination of general pedagogical knowledge and examinations of licensure-specific
66.25 teaching skills. The rules shall be effective by September 1, 2001. The rules under this
66.26 paragraph also must require candidates for initial licenses to teach prekindergarten or
66.27 elementary students to pass, as part of the examination of licensure-specific teaching
66.28 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,
66.29 scientifically based reading instruction under section 122A.06, subdivision 4, and their
66.30 knowledge and understanding of the foundations of reading development, the development
66.31 of reading comprehension, and reading assessment and instruction, and their ability to
66.32 integrate that knowledge and understanding.

66.33 (f) The board must adopt rules requiring teacher educators to work directly with
66.34 elementary or secondary school teachers in elementary or secondary schools to obtain
66.35 periodic exposure to the elementary or secondary teaching environment.

67.1 (g) The board must grant licenses to interns and to candidates for initial licenses
67.2 based on appropriate professional competencies that are aligned with the board's licensing
67.3 system and students' diverse learning needs. The board must include these licenses in a
67.4 statewide differentiated licensing system that creates new leadership roles for successful
67.5 experienced teachers premised on a collaborative professional culture dedicated to meeting
67.6 students' diverse learning needs in the 21st century and formalizes mentoring and induction
67.7 for newly licensed teachers that is provided through a teacher support framework.

67.8 (h) The board must design and implement an assessment system which requires a
67.9 candidate for an initial license and first continuing license to demonstrate the abilities
67.10 necessary to perform selected, representative teaching tasks at appropriate levels.

67.11 (i) The board must receive recommendations from local committees as established
67.12 by the board for the renewal of teaching licenses.

67.13 (j) The board must grant life licenses to those who qualify according to requirements
67.14 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and
67.15 214.10. The board must not establish any expiration date for application for life licenses.

67.16 (k) The board must adopt rules that require all licensed teachers who are renewing
67.17 their continuing license to include in their renewal requirements further preparation in
67.18 the areas of using positive behavior interventions and in accommodating, modifying, and
67.19 adapting curricula, materials, and strategies to appropriately meet the needs of individual
67.20 students and ensure adequate progress toward the state's graduation rule.

67.21 (l) In adopting rules to license public school teachers who provide health-related
67.22 services for disabled children, the board shall adopt rules consistent with license or
67.23 registration requirements of the commissioner of health and the health-related boards who
67.24 license personnel who perform similar services outside of the school.

67.25 (m) The board must adopt rules that require all licensed teachers who are renewing
67.26 their continuing license to include in their renewal requirements further reading
67.27 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect
67.28 until they are approved by law. Teachers who do not provide direct instruction including, at
67.29 least, counselors, school psychologists, school nurses, school social workers, audiovisual
67.30 directors and coordinators, and recreation personnel are exempt from this section.

67.31 (n) The board must adopt rules that require all licensed teachers who are renewing
67.32 their continuing license to include in their renewal requirements further preparation,
67.33 first, in understanding the key warning signs of early-onset mental illness in children
67.34 and adolescents and then, during subsequent licensure renewal periods, preparation may
67.35 include providing a more in-depth understanding of students' mental illness trauma,
67.36 accommodations for students' mental illness, parents' role in addressing students' mental

68.1 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942
68.2 governing restrictive procedures, and de-escalation methods, among other similar topics.

68.3 **EFFECTIVE DATE.** This section applies to persons applying to the Board of
68.4 Teaching for their initial teaching license July 1, 2014, or later.

68.5 Sec. 13. Minnesota Statutes 2013 Supplement, section 122A.18, subdivision 2, is
68.6 amended to read:

68.7 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of
68.8 Teaching must issue licenses under its jurisdiction to persons the board finds to be
68.9 qualified and competent for their respective positions.

68.10 (b) The board must require a person to pass an examination of skills in reading,
68.11 writing, and mathematics or attain either a composite score composed of the average of
68.12 the scores in English and writing, reading, and mathematics on the ACT Plus Writing
68.13 recommended by the board, or an equivalent composite score composed of the average
68.14 of the scores in critical reading, mathematics, and writing on the SAT recommended by
68.15 the board, before being granted an initial teaching license to provide direct instruction to
68.16 pupils in prekindergarten, elementary, secondary, or special education programs, except
68.17 that the board may issue up to two ~~additional~~ temporary, one-year teaching licenses to
68.18 an otherwise qualified candidate who has not yet passed the skills exam or attained the
68.19 requisite composite score on the ACT Plus Writing or SAT. The board must require
68.20 colleges and universities offering a board approved teacher preparation program to make
68.21 available upon request remedial assistance that includes a formal diagnostic component
68.22 to persons enrolled in their institution who did not achieve a qualifying score on the
68.23 skills examination or attain the requisite composite ACT Plus Writing or SAT score,
68.24 including those for whom English is a second language. The colleges and universities
68.25 must make available assistance in the specific academic areas of candidates' deficiency
68.26 ~~in which the person did not achieve a qualifying score.~~ School districts may make
68.27 available upon request similar, appropriate, and timely remedial assistance that includes a
68.28 formal diagnostic component to those persons employed by the district who completed
68.29 their teacher education program, who did not achieve a qualifying score on the skills
68.30 examination, ~~including those persons for whom English is a second language and persons~~
68.31 ~~under section 122A.23, subdivision 2, paragraph (h), who completed their teacher's~~
68.32 ~~education program outside the state of Minnesota~~ or attain the requisite composite ACT
68.33 Plus Writing or SAT score, and who received a temporary license to teach in Minnesota.
68.34 The Board of Teaching shall report annually to the education committees of the legislature
68.35 on the total number of teacher candidates during the most recent school year taking the

69.1 skills examination, the number who achieve a qualifying score on the examination, the
69.2 number who do not achieve a qualifying score on the examination, the distribution of all
69.3 candidates' scores, the number of candidates who have taken the examination at least once
69.4 before, and the number of candidates who have taken the examination at least once before
69.5 and achieve a qualifying score, and the candidates who have not attained the requisite
69.6 composite ACT Plus Writing or SAT score or have not passed a content or pedagogy
69.7 exam, disaggregated by categories of race, ethnicity, and eligibility for financial aid.

69.8 (c) The Board of Teaching must grant continuing licenses only to those persons who
69.9 have met board criteria for granting a continuing license, which includes passing the skills
69.10 examination in reading, writing, and mathematics or attaining the requisite composite
69.11 ACT Plus Writing or SAT score consistent with paragraph (b), and the exceptions in
69.12 section 122A.09, subdivision 4, paragraph (b)-, that are consistent with this paragraph.
69.13 The requirement to pass a reading, writing, and mathematics skills examination, or attain
69.14 the requisite composite score on the ACT Plus Writing or SAT does not apply to nonnative
69.15 English speakers, as verified by qualified Minnesota school district personnel or Minnesota
69.16 higher education faculty, who, after meeting the content and pedagogy requirements under
69.17 this subdivision, apply for a teaching license to provide direct instruction in their native
69.18 language or world language instruction under section 120B.022, subdivision 1. A teacher
69.19 candidate's official ACT Plus Writing or SAT composite score report to the board must not
69.20 be more than ten years old at the time of licensure.

69.21 (d) All colleges and universities approved by the board of teaching to prepare
69.22 persons for teacher licensure must include in their teacher preparation programs a common
69.23 core of teaching knowledge and skills to be acquired by all persons recommended
69.24 for teacher licensure. This common core shall meet the standards developed by the
69.25 interstate new teacher assessment and support consortium in its 1992 "model standards for
69.26 beginning teacher licensing and development." Amendments to standards adopted under
69.27 this paragraph are covered by chapter 14. The board of teaching shall report annually to
69.28 the education committees of the legislature on the performance of teacher candidates
69.29 on common core assessments of knowledge and skills under this paragraph during the
69.30 most recent school year.

69.31 **EFFECTIVE DATE.** This section applies to persons applying to the Board of
69.32 Teaching for their initial teaching license July 1, 2014, or later.

69.33 Sec. 14. Minnesota Statutes 2013 Supplement, section 122A.23, subdivision 2, is
69.34 amended to read:

70.1 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of
70.2 sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a teaching
70.3 license or a temporary teaching license under paragraphs (b) to (e) to an applicant who holds
70.4 at least a baccalaureate degree from a regionally accredited college or university and holds
70.5 or held a similar out-of-state teaching license that requires the applicant to successfully
70.6 complete a teacher preparation program approved by the issuing state, which includes
70.7 field-specific teaching methods and student teaching or essentially equivalent experience.

70.8 (b) The Board of Teaching must issue a teaching license to an applicant who:

70.9 (1) successfully completed all exams and human relations preparation components
70.10 required by the Board of Teaching; and

70.11 (2) holds or held an out-of-state teaching license to teach the same content field and
70.12 grade levels if the scope of the out-of-state license is no more than ~~one~~ two grade level
70.13 levels less than a similar Minnesota license.

70.14 (c) The Board of Teaching, consistent with board rules and paragraph (h), must
70.15 issue up to three one-year temporary teaching licenses to an applicant who holds or held
70.16 an out-of-state teaching license to teach the same content field and grade levels, where
70.17 the scope of the out-of-state license is no more than ~~one~~ two grade level levels less than
70.18 a similar Minnesota license, but has not successfully completed all exams and human
70.19 relations preparation components required by the Board of Teaching.

70.20 (d) The Board of Teaching, consistent with board rules, must issue up to three
70.21 one-year temporary teaching licenses to an applicant who:

70.22 (1) successfully completed all exams and human relations preparation components
70.23 required by the Board of Teaching; and

70.24 (2) holds or held an out-of-state teaching license to teach the same content field and
70.25 grade levels, where the scope of the out-of-state license is no more than ~~one~~ two grade
70.26 ~~level~~ levels less than a similar Minnesota license, but has not completed field-specific
70.27 teaching methods or student teaching or equivalent experience.

70.28 The applicant may complete field-specific teaching methods and student teaching
70.29 or equivalent experience by successfully participating in a one-year school district
70.30 mentorship program consistent with board-adopted standards of effective practice and
70.31 Minnesota graduation requirements.

70.32 (e) The Board of Teaching must issue a temporary teaching license for a term of
70.33 up to three years only in the content field or grade levels specified in the out-of-state
70.34 license to an applicant who:

70.35 (1) successfully completed all exams and human relations preparation components
70.36 required by the Board of Teaching; and

71.1 (2) holds or held an out-of-state teaching license where the out-of-state license is
71.2 more limited in the content field or grade levels than a similar Minnesota license.

71.3 (f) The Board of Teaching must not issue to an applicant more than three one-year
71.4 temporary teaching licenses under this subdivision.

71.5 (g) The Board of Teaching must not issue a license under this subdivision if the
71.6 applicant has not attained the additional degrees, credentials, or licenses required in a
71.7 particular licensure field.

71.8 (h) The Board of Teaching must require an applicant for a teaching license or a
71.9 temporary teaching license under this subdivision to pass a skills examination in reading,
71.10 writing, and mathematics or demonstrate, consistent with section 122A.09, subdivision
71.11 4, the applicant's attainment of either the requisite composite ACT Plus Writing or SAT
71.12 score before the board issues the license unless, notwithstanding other provisions of
71.13 this subdivision, an applicable board-approved National Association of State Directors
71.14 of Teacher Education interstate reciprocity agreement exists to allow fully certified
71.15 teachers from other states to transfer their certification to Minnesota. Consistent with
71.16 section 122A.18, subdivision 2, paragraph (b), and notwithstanding other provisions of
71.17 this subdivision, the board may issue up to two additional temporary, one-year teaching
71.18 licenses to an otherwise qualified applicant who has not yet passed the skills exam.

71.19 **EFFECTIVE DATE.** This section is effective July 1, 2014.

71.20 Sec. 15. Minnesota Statutes 2012, section 122A.40, subdivision 5, is amended to read:

71.21 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's
71.22 first teaching experience in Minnesota in a single district is deemed to be a probationary
71.23 period of employment, and, the probationary period in each district in which the teacher is
71.24 thereafter employed shall be one year. The school board must adopt a plan for written
71.25 evaluation of teachers during the probationary period that is consistent with subdivision 8.
71.26 Evaluation must occur at least three times periodically throughout each school year for a
71.27 teacher performing services during that school year; the first evaluation must occur within
71.28 the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers'
71.29 workshops, and other staff development opportunities and days on which a teacher is absent
71.30 from school must not be included in determining the number of school days on which a
71.31 teacher performs services. Except as otherwise provided in paragraph (b), during the
71.32 probationary period any annual contract with any teacher may or may not be renewed as the
71.33 school board shall see fit. However, the board must give any such teacher whose contract
71.34 it declines to renew for the following school year written notice to that effect before July 1.
71.35 If the teacher requests reasons for any nonrenewal of a teaching contract, the board must

72.1 give the teacher its reason in writing, including a statement that appropriate supervision
 72.2 was furnished describing the nature and the extent of such supervision furnished the
 72.3 teacher during the employment by the board, within ten days after receiving such request.
 72.4 The school board may, after a hearing held upon due notice, discharge a teacher during the
 72.5 probationary period for cause, effective immediately, under section 122A.44.

72.6 (b) A board must discharge a probationary teacher, effective immediately, upon
 72.7 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
 72.8 license has been revoked due to a conviction for child abuse or sexual abuse.

72.9 (c) A probationary teacher whose first three years of consecutive employment are
 72.10 interrupted for active military service and who promptly resumes teaching consistent with
 72.11 federal reemployment timelines for uniformed service personnel under United States
 72.12 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience
 72.13 for purposes of paragraph (a).

72.14 (d) A probationary teacher whose first three years of consecutive employment are
 72.15 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
 72.16 months of when the leave began is considered to have a consecutive teaching experience
 72.17 for purposes of paragraph (a) if the probationary teacher completes a combined total of
 72.18 three years of teaching service immediately before and after the leave.

72.19 (e) A probationary teacher must complete at least 120 days of teaching service each
 72.20 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
 72.21 workshops, and other staff development opportunities and days on which a teacher is
 72.22 absent from school do not count as days of teaching service under this paragraph.

72.23 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

72.24 Sec. 16. Minnesota Statutes 2013 Supplement, section 122A.40, subdivision 8, is
 72.25 amended to read:

72.26 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
 72.27 **teachers.** (a) To improve student learning and success, a school board and an exclusive
 72.28 representative of the teachers in the district, consistent with paragraph (b), may develop
 72.29 a teacher evaluation and peer review process for probationary and continuing contract
 72.30 teachers through joint agreement. If a school board and the exclusive representative of the
 72.31 teachers do not agree to an annual teacher evaluation and peer review process, then the
 72.32 school board and the exclusive representative of the teachers must implement the state
 72.33 teacher evaluation plan for evaluation and review under paragraph (c). The process must
 72.34 include having trained observers serve as peer coaches ~~or having teachers participate in~~
 72.35 ~~professional learning communities~~, consistent with paragraph (b).

73.1 (b) To develop, improve, and support qualified teachers and effective teaching
73.2 practices and improve student learning and success, the annual evaluation process for
73.3 teachers:

73.4 (1) must, for probationary teachers, provide for all evaluations required under
73.5 subdivision 5;

73.6 (2) must establish a three-year professional review cycle for each teacher that
73.7 includes an individual growth and development plan, a peer review process, the
73.8 ~~opportunity to participate in a professional learning community under paragraph (a)~~, and
73.9 at least one summative evaluation performed by a qualified and trained evaluator such as a
73.10 school administrator. For the years when a tenured teacher is not evaluated by a qualified
73.11 and trained evaluator, the teacher must be evaluated by a peer review;

73.12 (3) must be based on professional teaching standards established in rule;

73.13 (4) must coordinate staff development activities under sections 122A.60 and
73.14 122A.61 with this evaluation process and teachers' evaluation outcomes;

73.15 (5) may provide time during the school day and school year for peer coaching and
73.16 teacher collaboration;

73.17 (6) may include job-embedded learning opportunities such as professional learning
73.18 communities;

73.19 (7) may include mentoring and induction programs;

73.20 ~~(7)~~ (8) must include an option for teachers to develop and present a portfolio
73.21 demonstrating evidence of reflection and professional growth, consistent with section
73.22 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
73.23 based on student work samples and examples of teachers' work, which may include video
73.24 among other activities for the summative evaluation;

73.25 ~~(8)~~ (9) must use data from valid and reliable assessments aligned to state and local
73.26 academic standards and must use state and local measures of student growth that may
73.27 include value-added models or student learning goals to determine 35 percent of teacher
73.28 evaluation results;

73.29 ~~(9)~~ (10) must use longitudinal data on student engagement and connection, and
73.30 other student outcome measures explicitly aligned with the elements of curriculum for
73.31 which teachers are responsible;

73.32 ~~(10)~~ (11) must require qualified and trained evaluators such as school administrators
73.33 to perform summative evaluations and ensure school districts and charter schools provide
73.34 for effective evaluator training specific to teacher development and evaluation;

74.1 ~~(11)~~ (12) must give teachers not meeting professional teaching standards under
74.2 clauses (3) through ~~(10)~~ (11) support to improve through a teacher improvement process
74.3 that includes established goals and timelines; and

74.4 ~~(12)~~ (13) must discipline a teacher for not making adequate progress in the teacher
74.5 improvement process under clause ~~(11)~~ (12) that may include a last chance warning,
74.6 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
74.7 other discipline a school administrator determines is appropriate.

74.8 Data on individual teachers generated under this subdivision are personnel data
74.9 under section 13.43. The observation and interview notes of peer coaches may only be
74.10 disclosed to other school officials with the consent of the teacher being coached.

74.11 (c) The department, in consultation with parents who may represent parent
74.12 organizations and teacher and administrator representatives appointed by their respective
74.13 organizations, representing the Board of Teaching, the Minnesota Association of School
74.14 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
74.15 and Secondary Principals Associations, Education Minnesota, and representatives of
74.16 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
74.17 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
74.18 in teacher evaluation, must create and publish a teacher evaluation process that complies
74.19 with the requirements in paragraph (b) and applies to all teachers under this section and
74.20 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher
74.21 evaluation and peer review process. The teacher evaluation process created under this
74.22 subdivision does not create additional due process rights for probationary teachers under
74.23 subdivision 5.

74.24 **EFFECTIVE DATE.** This section is effective for revenue for the 2014-2015 school
74.25 year and later.

74.26 Sec. 17. Minnesota Statutes 2012, section 122A.41, subdivision 2, is amended to read:

74.27 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in
74.28 the public schools in cities of the first class during the first three years of consecutive
74.29 employment shall be deemed to be in a probationary period of employment during which
74.30 period any annual contract with any teacher may, or may not, be renewed as the school
74.31 board, after consulting with the peer review committee charged with evaluating the
74.32 probationary teachers under subdivision 3, shall see fit. The school site management team
74.33 or the school board if there is no school site management team, shall adopt a plan for a
74.34 written evaluation of teachers during the probationary period according to subdivisions 3
74.35 and 5. Evaluation by the peer review committee charged with evaluating probationary

75.1 teachers under subdivision 3 shall occur at least three times periodically throughout each
75.2 school year for a teacher performing services during that school year; the first evaluation
75.3 must occur within the first 90 days of teaching service. Days devoted to parent-teacher
75.4 conferences, teachers' workshops, and other staff development opportunities and days on
75.5 which a teacher is absent from school shall not be included in determining the number of
75.6 school days on which a teacher performs services. The school board may, during such
75.7 probationary period, discharge or demote a teacher for any of the causes as specified in
75.8 this code. A written statement of the cause of such discharge or demotion shall be given to
75.9 the teacher by the school board at least 30 days before such removal or demotion shall
75.10 become effective, and the teacher so notified shall have no right of appeal therefrom.

75.11 (b) A probationary teacher whose first three years of consecutive employment are
75.12 interrupted for active military service and who promptly resumes teaching consistent with
75.13 federal reemployment timelines for uniformed service personnel under United States
75.14 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience
75.15 for purposes of paragraph (a).

75.16 (c) A probationary teacher whose first three years of consecutive employment are
75.17 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
75.18 months of when the leave began is considered to have a consecutive teaching experience
75.19 for purposes of paragraph (a) if the probationary teacher completes a combined total of
75.20 three years of teaching service immediately before and after the leave.

75.21 (d) A probationary teacher must complete at least 120 days of teaching service each
75.22 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
75.23 workshops, and other staff development opportunities and days on which a teacher is
75.24 absent from school do not count as days of teaching service under this paragraph.

75.25 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

75.26 Sec. 18. Minnesota Statutes 2013 Supplement, section 122A.41, subdivision 5, is
75.27 amended to read:

75.28 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
75.29 **teachers.** (a) To improve student learning and success, a school board and an exclusive
75.30 representative of the teachers in the district, consistent with paragraph (b), may develop an
75.31 annual teacher evaluation and peer review process for probationary and nonprobationary
75.32 teachers through joint agreement. If a school board and the exclusive representative of the
75.33 teachers in the district do not agree to an annual teacher evaluation and peer review process,
75.34 then the school board and the exclusive representative of the teachers must implement
75.35 the state teacher evaluation plan for evaluation and review developed under paragraph

76.1 (c). The process must include having trained observers serve as peer coaches or having
 76.2 teachers participate in professional learning communities, consistent with paragraph (b).

76.3 (b) To develop, improve, and support qualified teachers and effective teaching
 76.4 practices and improve student learning and success, the annual evaluation process for
 76.5 teachers:

76.6 (1) must, for probationary teachers, provide for all evaluations required under
 76.7 subdivision 2;

76.8 (2) must establish a three-year professional review cycle for each teacher that
 76.9 includes an individual growth and development plan, a peer review process, the
 76.10 ~~opportunity to participate in a professional learning community under paragraph (a)~~, and
 76.11 at least one summative evaluation performed by a qualified and trained evaluator such
 76.12 as a school administrator;

76.13 (3) must be based on professional teaching standards established in rule;

76.14 (4) must coordinate staff development activities under sections 122A.60 and
 76.15 122A.61 with this evaluation process and teachers' evaluation outcomes;

76.16 (5) may provide time during the school day and school year for peer coaching and
 76.17 teacher collaboration;

76.18 (6) may include job-embedded learning opportunities such as professional learning
 76.19 communities;

76.20 (7) may include mentoring and induction programs;

76.21 ~~(7)~~ (8) must include an option for teachers to develop and present a portfolio
 76.22 demonstrating evidence of reflection and professional growth, consistent with section
 76.23 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
 76.24 based on student work samples and examples of teachers' work, which may include video
 76.25 among other activities for the summative evaluation;

76.26 ~~(8)~~ (9) must use data from valid and reliable assessments aligned to state and local
 76.27 academic standards and must use state and local measures of student growth that may
 76.28 include value-added models or student learning goals to determine 35 percent of teacher
 76.29 evaluation results;

76.30 ~~(9)~~ (10) must use longitudinal data on student engagement and connection and
 76.31 other student outcome measures explicitly aligned with the elements of curriculum for
 76.32 which teachers are responsible;

76.33 ~~(10)~~ (11) must require qualified and trained evaluators such as school administrators
 76.34 to perform summative evaluations and ensure school districts and charter schools provide
 76.35 for effective evaluator training specific to teacher development and evaluation;

77.1 ~~(11)~~ (12) must give teachers not meeting professional teaching standards under
 77.2 clauses (3) through ~~(10)~~ (11) support to improve through a teacher improvement process
 77.3 that includes established goals and timelines; and

77.4 ~~(12)~~ (13) must discipline a teacher for not making adequate progress in the teacher
 77.5 improvement process under clause ~~(11)~~ (12) that may include a last chance warning,
 77.6 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
 77.7 other discipline a school administrator determines is appropriate.

77.8 Data on individual teachers generated under this subdivision are personnel data
 77.9 under section 13.43. The observation and interview notes of peer coaches may only be
 77.10 disclosed to other school officials with the consent of the teacher being coached.

77.11 (c) The department, in consultation with parents who may represent parent
 77.12 organizations and teacher and administrator representatives appointed by their respective
 77.13 organizations, representing the Board of Teaching, the Minnesota Association of School
 77.14 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
 77.15 and Secondary Principals Associations, Education Minnesota, and representatives of
 77.16 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota
 77.17 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
 77.18 in teacher evaluation, must create and publish a teacher evaluation process that complies
 77.19 with the requirements in paragraph (b) and applies to all teachers under this section and
 77.20 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher
 77.21 evaluation and peer review process. The teacher evaluation process created under this
 77.22 subdivision does not create additional due process rights for probationary teachers under
 77.23 subdivision 2.

77.24 **EFFECTIVE DATE.** This section is effective for revenue for the 2014-2015 school
 77.25 year and later.

77.26 Sec. 19. Minnesota Statutes 2012, section 122A.414, subdivision 2, is amended to read:

77.27 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this
 77.28 program, a school district, intermediate school district, school site, or charter school must
 77.29 have an educational improvement plan under section 122A.413 and an alternative teacher
 77.30 professional pay system agreement under paragraph (b). A charter school participant also
 77.31 must comply with subdivision 2a.

77.32 (b) The alternative teacher professional pay system agreement must:

77.33 (1) describe how teachers can achieve career advancement and additional
 77.34 compensation;

78.1 (2) describe how the school district, intermediate school district, school site, or
 78.2 charter school will provide teachers with career advancement options that allow teachers
 78.3 to retain primary roles in student instruction and facilitate site-focused professional
 78.4 development that helps other teachers improve their skills;

78.5 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation
 78.6 paid before implementing the pay system from being reduced as a result of participating
 78.7 in this system, and base at least 60 percent of any compensation increase on teacher
 78.8 performance using:

78.9 (i) schoolwide student achievement gains under section 120B.35 or locally selected
 78.10 standardized assessment outcomes, or both;

78.11 (ii) measures of student achievement growth that may include value-added models
 78.12 or student learning goals, consistent with section 122A.40, subdivision 8, clause (9), or
 78.13 122A.41, subdivision 5, clause (9); and

78.14 (iii) an objective evaluation program that includes: under section 122A.40,
 78.15 subdivision 8, paragraph (b), clause (2), or 122A.41, subdivision 5, paragraph (b), clause (2)

78.16 ~~(A) individual teacher evaluations aligned with the educational improvement plan~~
 78.17 ~~under section 122A.413 and the staff development plan under section 122A.60; and~~

78.18 ~~(B) objective evaluations using multiple criteria conducted by a locally selected and~~
 78.19 ~~periodically trained evaluation team that understands teaching and learning;~~

78.20 (4) provide integrated ongoing site-based professional development activities for
 78.21 participation in job-embedded learning opportunities such as professional learning
 78.22 communities to improve instructional skills and learning that are aligned with student needs
 78.23 under section 122A.413, consistent with the staff development plan under section 122A.60
 78.24 and led during the school day by trained teacher leaders such as master or mentor teachers;

78.25 (5) allow any teacher in a participating school district, intermediate school district,
 78.26 school site, or charter school that implements an alternative pay system to participate in
 78.27 that system without any quota or other limit; and

78.28 (6) encourage collaboration rather than competition among teachers.

78.29 Sec. 20. Minnesota Statutes 2012, section 122A.48, subdivision 3, is amended to read:

78.30 Subd. 3. **Employment as substitute exemptions for retired teachers.**

78.31 Notwithstanding the provisions of subdivision 2, a teacher who has entered into an
 78.32 agreement for termination of services and withdrawal from active teaching service with
 78.33 an early retirement incentive may be employed as a substitute teacher, behind-the-wheel
 78.34 instructor, or coach after retirement.

78.35 **EFFECTIVE DATE.** This section is effective the day following final enactment.

79.1 Sec. 21. Minnesota Statutes 2012, section 122A.60, subdivision 1a, is amended to read:

79.2 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
79.3 must:

79.4 (1) focus on the school classroom and research-based strategies that improve student
79.5 learning;

79.6 (2) provide opportunities for teachers to practice and improve their instructional
79.7 skills over time;

79.8 (3) provide opportunities for teachers to use student data as part of their daily work
79.9 to increase student achievement;

79.10 (4) enhance teacher content knowledge and instructional skills, including to
79.11 accommodate the delivery of digital and blended learning and curriculum and engage
79.12 students with technology;

79.13 (5) align with state and local academic standards;

79.14 (6) provide opportunities to build professional relationships, foster collaboration
79.15 among principals and staff who provide instruction, and provide opportunities for
79.16 teacher-to-teacher mentoring; ~~and~~

79.17 (7) align with the plan of the district or site for an alternative teacher professional
79.18 pay system; and

79.19 (8) provide opportunities for staff to learn about current workforce trends, the
79.20 connections between workforce trends and postsecondary education, and training options,
79.21 including career and technical education options.

79.22 Staff development activities may include curriculum development and curriculum training
79.23 programs, and activities that provide teachers and other members of site-based teams
79.24 training to enhance team performance. The school district also may implement other
79.25 staff development activities required by law and activities associated with professional
79.26 teacher compensation models.

79.27 (b) Release time provided for teachers to supervise students on field trips and school
79.28 activities, or independent tasks not associated with enhancing the teacher's knowledge
79.29 and instructional skills, such as preparing report cards, calculating grades, or organizing
79.30 classroom materials, may not be counted as staff development time that is financed with
79.31 staff development reserved revenue under section 122A.61.

79.32 Sec. 22. Minnesota Statutes 2012, section 122A.60, subdivision 2, is amended to read:

79.33 Subd. 2. **Contents of plan.** The plan must include the staff development outcomes
79.34 under subdivision 3, the means to achieve the outcomes, and procedures for evaluating

80.1 progress at each school site toward meeting education outcomes, consistent with
80.2 relicensure requirements under section 122A.18, subdivision 4. The plan also must:

80.3 (1) support stable and productive professional communities achieved through
80.4 ongoing and schoolwide progress and growth in teaching practice;

80.5 (2) emphasize coaching, professional learning communities, classroom action
80.6 research, and other job-embedded models;

80.7 (3) maintain a strong subject matter focus premised on students' learning goals,
80.8 consistent with section 120B.125;

80.9 (4) ensure specialized preparation and learning about issues related to teaching
80.10 English learners and students with special needs; and

80.11 (5) reinforce national and state standards of effective teaching practice.

80.12 Sec. 23. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

80.13 Subd. 3. **Staff development outcomes.** The advisory staff development committee
80.14 must adopt a staff development plan for improving student achievement. The plan must
80.15 be consistent with education outcomes that the school board determines. The plan
80.16 must include ongoing staff development activities that contribute toward continuous
80.17 improvement in achievement of the following goals:

80.18 (1) improve student achievement of state and local education standards in all areas of
80.19 the curriculum, including areas of regular academic and applied and experiential learning,
80.20 by using best practices methods;

80.21 (2) effectively meet the needs of a diverse student population, including at-risk
80.22 children, children with disabilities, and gifted children, within the regular classroom,
80.23 applied and experiential learning settings, and other settings;

80.24 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse
80.25 student population that is consistent with the state education diversity rule and the district's
80.26 education diversity plan;

80.27 (4) improve staff collaboration and develop mentoring and peer coaching programs
80.28 for teachers new to the school or district;

80.29 (5) effectively teach and model violence prevention policy and curriculum that
80.30 address early intervention alternatives, issues of harassment, and teach nonviolent
80.31 alternatives for conflict resolution;

80.32 (6) effectively deliver digital and blended learning and curriculum and engage
80.33 students with technology; and

80.34 (7) provide teachers and other members of site-based management teams with
80.35 appropriate management and financial management skills.

81.1 Sec. 24. **[123A.215] INNOVATIVE TECHNOLOGY COOPERATIVE.**

81.2 **Subdivision 1. Establishment and organization.** (a) Two or more independent
81.3 school districts may enter into an agreement to establish an innovative cooperative center
81.4 to provide for technology and other educational services upon the vote of a majority of the
81.5 full membership of each of the boards of the districts entering into the agreement. The
81.6 agreement may also provide for membership by a Minnesota state college or university
81.7 under section 136F.01. When a resolution approving this action has been adopted by
81.8 the board of a district, the resolution shall be published once in a newspaper of general
81.9 circulation in the district.

81.10 (b) The agreement may provide for the center to be organized into up to four regions.
81.11 A region may consist of only school districts, only higher education institutions, or a
81.12 combination of both.

81.13 **Subd. 2. Name.** A public corporation so created shall be known as(insert
81.14 name).... Cooperative Center No. and shall have an identification number assigned
81.15 according to section 123A.56.

81.16 **Subd. 3. Governing board.** (a) The center must be operated by a center board
81.17 consisting of 12 members. Membership on the center board must be established under
81.18 the agreement in subdivision 1, paragraph (a), consistent with the requirements of this
81.19 paragraph. If organized into regions, each region shall have equal representation on the
81.20 center board. No more than four board members of the center board may represent higher
81.21 education institutions. Center board membership for individual school districts or a region
81.22 including school districts must include one superintendent with the remaining school
81.23 district positions filled by school board members. When possible, no school district may
81.24 have more than one representative.

81.25 (b) The terms of office of the first members of the center board must be determined
81.26 by lot as follows: one-third of the members for one year, one-third of the members for two
81.27 years, and the remainder of the members for three years, all terms to expire on June 30 of
81.28 the appropriate year. Thereafter, the terms shall be for three years commencing on July 1
81.29 of each year. If a vacancy occurs on the center board, it must be filled by the district, by
81.30 the members of the appropriate region, or by the higher education members, within 90
81.31 days. A person appointed to the center board shall qualify as a center board member by
81.32 filing with the chair a written certificate of appointment from the appointing school board.

81.33 (c) The first meeting of a center board must be at a time mutually agreed upon by
81.34 center board members. At this meeting, the center board must choose its officers and
81.35 conduct any other necessary organizational business. Thereafter, the center board must

82.1 meet on July 1 of each year or as soon thereafter as practicable pursuant to notice sent to
82.2 all center board members by the chief executive officer of the center.

82.3 (d) The officers of the center board shall be a chair, vice-chair, clerk, and treasurer,
82.4 no two of whom when possible shall be from the same school district. The chair shall
82.5 preside at all meetings of the center board, except that in the chair's absence the vice-chair
82.6 shall preside. The clerk shall keep a complete record of the minutes of each meeting
82.7 and the treasurer shall be the custodian of the funds of the center. Insofar as applicable,
82.8 sections 123B.09, 123B.14, 123B.143, and 123B.147, shall apply to the board and officers
82.9 of the center.

82.10 (e) A majority of the center board shall be a quorum. Any motion other than
82.11 adjournment shall pass only upon receiving a majority of the votes of the entire center
82.12 board.

82.13 Subd. 4. **Center powers and duties.** (a) The center board shall have the general
82.14 charge of the business of the center. Where applicable, sections 123B.51 and 123B.52,
82.15 subdivision 4, shall apply. The center board may not issue bonds on its behalf.

82.16 (b) The center board may furnish technology offerings to any eligible person residing
82.17 in any participating district and may provide any other educational programs or services
82.18 agreed upon by the participating members. Academic offerings shall be provided only
82.19 under the direction of properly licensed academic supervisory personnel.

82.20 (c) The center board must employ an executive director, contract with necessary
82.21 qualified teachers and administrators, and may discharge the same for cause pursuant to
82.22 section 122A.40. The authority for selection and employment of a director shall be vested
82.23 in the center board. Notwithstanding the provisions of section 122A.40, subdivision 10 or
82.24 11, no individual shall have a right to employment as a director based on seniority or order
82.25 of employment by the center. The center board may employ and discharge other necessary
82.26 employees and may contract for other services deemed necessary.

82.27 (d) The center board may prescribe rates of tuition for services provided to
82.28 nonmember students.

82.29 Subd. 5. **Finances.** (a) The center board established under this section is a public
82.30 corporation and agency and may receive and disburse federal, state, and local funds made
82.31 available to it. A participating school district or member must not have any additional
82.32 individual liability for the debts or obligations of the center except that assessment
82.33 which has been certified as its proportionate share in accordance with paragraph (b) and
82.34 subdivision 4. A member of the center board shall have the liability that is applicable to a
82.35 member of an independent school district board. Any property, real or personal, acquired

83.1 or owned by the center board for its purposes shall be exempt from taxation by the state or
83.2 any of its political subdivisions.

83.3 (b) The center board may, in each year, for the purpose of paying any administrative,
83.4 planning, operating, or capital expenses incurred or to be incurred, assess and certify
83.5 to each participating school district its proportionate share of any and all expenses.
83.6 This share must be based upon an equitable distribution formula agreed upon by the
83.7 participating districts. Each participating district shall remit its assessment to the center
83.8 board within 30 days after receipt.

83.9 Subd. 6. **Laws governing independent school districts apply.** As of the effective
83.10 date of the creation of any center as contained in the agreement establishing the center,
83.11 the organization, operation, maintenance, and conduct of the affairs of the center shall be
83.12 governed by the general laws relating to independent school districts of the state unless
83.13 provided otherwise in statute. The center does not have the authority to issue bonds or
83.14 impose a property tax levy.

83.15 Subd. 7. **Addition and withdrawal of districts.** Upon approval by majority vote of
83.16 a school board and of the center board, an adjoining district may become a member in
83.17 the center and be governed by the provisions of this section and the agreement in effect.
83.18 Any participating district may withdraw from the center and from the agreement in effect
83.19 by a majority vote of the full board membership of the participating district desiring
83.20 withdrawal and upon compliance with provisions in the agreement establishing the center.
83.21 Upon receipt of the withdrawal resolution reciting the necessary facts, the center board
83.22 must file a certified copy with the county auditors of the counties affected. The withdrawal
83.23 shall become effective at the end of the next following school year, but the withdrawal
83.24 shall not affect the continued liability of the withdrawing district for liabilities incurred
83.25 prior to the effective withdrawal date.

83.26 Subd. 8. **Dissolution.** The boards of each participating district may agree to dissolve
83.27 the center effective at the end of any school year or at an earlier time as they may mutually
83.28 agree. A dissolution must be accomplished in accordance with any applicable provisions
83.29 of the agreement establishing the center. Upon receipt of the dissolution resolutions from
83.30 the boards of the participating districts, the center board shall file a certified copy with the
83.31 county auditors of the counties affected. The dissolution must not affect the continuing
83.32 liability of the previously participating districts for any continuing obligations, including
83.33 unemployment benefits.

83.34 **EFFECTIVE DATE.** This section is effective July 1, 2014.

83.35 Sec. 25. Minnesota Statutes 2012, section 124D.03, subdivision 3, is amended to read:

84.1 Subd. 3. **Pupil application procedures.** In order that a pupil may attend a school or
 84.2 program in a nonresident district, the pupil's parent or guardian must submit an application
 84.3 to the nonresident district. ~~Before submitting an application, the pupil and the pupil's~~
 84.4 ~~parent or guardian must explore with a school guidance counselor, or other appropriate~~
 84.5 ~~staff member employed by the district the pupil is currently attending, the pupil's academic~~
 84.6 ~~or other reason for applying to enroll in a nonresident district.~~ The pupil's application must
 84.7 identify ~~the~~ a reason for enrolling in the nonresident district. The parent or guardian of a
 84.8 pupil must submit ~~an~~ a signed application by January 15 for initial enrollment beginning
 84.9 the following school year. The application must be on a form provided by the Department
 84.10 of Education. A particular school or program may be requested by the parent. Once
 84.11 enrolled in a nonresident district, the pupil may remain enrolled and is not required to
 84.12 submit annual or periodic applications. If the student moves to a new resident district,
 84.13 the student retains the seat in the nonresident district, but must submit a new enrollment
 84.14 options form to update the student's information. To return to the resident district or to
 84.15 transfer to a different nonresident district, the parent or guardian of the pupil must provide
 84.16 notice to the resident district or apply to a different nonresident district by January 15 for
 84.17 enrollment beginning the following school year.

84.18 Sec. 26. Minnesota Statutes 2012, section 124D.03, subdivision 4, is amended to read:

84.19 Subd. 4. **Desegregation Achievement and integration district transfers.** (a)

84.20 This subdivision applies to a transfer into or out of a district that has ~~a desegregation~~ an
 84.21 achievement and integration plan approved by the commissioner of education under
 84.22 sections 124D.861 and 124D.862.

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

84.25 (c) A pupil enrolled in a nonresident district under ~~a desegregation~~ an achievement
 84.26 and integration plan approved by the commissioner of education is not required to make
 84.27 annual or periodic application for enrollment but may remain enrolled in the same district.
 84.28 A pupil may transfer to the resident district at any time.

84.29 (d) Subdivision 2 applies to a transfer into or out of a district with ~~a desegregation~~ an
 84.30 achievement and integration plan.

84.31 Sec. 27. Minnesota Statutes 2012, section 124D.03, subdivision 5, is amended to read:

84.32 Subd. 5. **Nonresident district procedures.** A district shall notify the parent or
 84.33 guardian in writing by February 15 or within 90 days for applications submitted after
 84.34 January 15 in the case of achievement and integration district transfers whether the

85.1 application has been accepted or rejected. If an application is rejected, the district must
 85.2 state in the notification the reason for rejection. The parent or guardian must notify the
 85.3 nonresident district by March 1 or within 45 days whether the pupil intends to enroll in the
 85.4 nonresident district. Notice of intent to enroll in the nonresident district obligates the pupil
 85.5 to attend the nonresident district during the following school year, unless the boards of
 85.6 the resident and the nonresident districts agree in writing to allow the pupil to transfer
 85.7 back to the resident district, ~~or~~ If the pupil's parents or guardians change residence to
 85.8 another district, the student does not lose the seat in the nonresident district but the parent
 85.9 or guardian must complete an updated enrollment options form. If a parent or guardian
 85.10 does not notify the nonresident district by the January 15 deadline, if it applies, the pupil
 85.11 may not enroll in that nonresident district during the following school year, unless the
 85.12 boards of the resident and nonresident district agree otherwise. The nonresident district
 85.13 must notify the resident district by March 15 or 30 days later of the pupil's intent to enroll
 85.14 in the nonresident district. The same procedures apply to a pupil who applies to transfer
 85.15 from one participating nonresident district to another participating nonresident district.

85.16 Sec. 28. Minnesota Statutes 2012, section 124D.03, is amended by adding a
 85.17 subdivision to read:

85.18 Subd. 5a. **Lotteries.** If a school district has more applications than available seats at
 85.19 a specific grade level, it must hold an impartial lottery following the January 15 deadline
 85.20 to determine which students will receive seats. Siblings of currently enrolled students and
 85.21 applications related to an approved integration and achievement plan must receive priority
 85.22 in the lottery. The process for the school district lottery must be established in school
 85.23 district policy, approved by the school board, and be posted on the school district's Web site.

85.24 Sec. 29. Minnesota Statutes 2012, section 124D.03, subdivision 6, is amended to read:

85.25 Subd. 6. **Basis for decisions.** The board must adopt, by resolution, specific
 85.26 standards for acceptance and rejection of applications. Standards may include the capacity
 85.27 of a program, excluding special education services; class; or school building. The
 85.28 school board may not reject applications for enrollment in a particular grade level if the
 85.29 nonresident enrollment at that grade level does not exceed the limit set by the board under
 85.30 subdivision 2. Standards may not include previous academic achievement, athletic or
 85.31 other extracurricular ability, disabling conditions, proficiency in the English language,
 85.32 previous disciplinary proceedings, or the student's district of residence, except where the
 85.33 district of residence is directly included in an enrollment options strategy included in an
 85.34 approved achievement and integration program.

86.1 Sec. 30. **[124D.085] EXPERIENTIAL AND APPLIED LEARNING**
86.2 **OPPORTUNITIES FOR STUDENTS.**

86.3 (a) To strengthen the alignment between career and college ready curriculum and
86.4 state and local academic standards and increase students' opportunities for participating in
86.5 applied and experiential learning in a nontraditional setting, school districts are encouraged
86.6 to provide programs such as magnet schools, language immersion programs, project-based
86.7 learning, accelerated learning, college prep schools, career and technical education,
86.8 Montessori schools, military schools, work-based schools, and place-based learning.
86.9 Districts may provide such programs independently or in cooperation with other districts,
86.10 at a school single site, for particular grades, or throughout the district. In addition to
86.11 meeting the other accountability measures under chapter 120B, districts may declare that a
86.12 student meets or exceeds specific academic standards required for graduation under the
86.13 rigorous course of study waiver in section 120B.021, subdivision 1a, where appropriate.

86.14 (b) The board of a district that chooses to participate must publicly adopt and review
86.15 a plan for providing a program under this section. The plan must: define the program
86.16 and its structure; describe the enrollment process; identify measures and processes for
86.17 regularly assessing, evaluating, and publicly reporting on program efficacy and use
86.18 summary data to show student progress and outcomes; and establish a data-informed
86.19 public process for modifying and revising the plan as needed. A district must publish its
86.20 plan contents and evaluation outcomes on the district Web site.

86.21 (c) For purposes of further integrating experiential and applied learning into career
86.22 and college ready curricula, the commissioner may request program information from
86.23 providing districts under this section.

86.24 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
86.25 later.

86.26 Sec. 31. Minnesota Statutes 2012, section 124D.09, subdivision 9, is amended to read:

86.27 Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority
86.28 to its postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its
86.29 courses. A postsecondary institution may provide information about its programs to a
86.30 secondary school or to a pupil or parent and it may advertise or otherwise recruit or solicit
86.31 a secondary pupil to enroll in its programs on educational and programmatic grounds only.
86.32 An institution must not enroll secondary pupils, for postsecondary enrollment options
86.33 purposes, in remedial, developmental, or other courses that are not college level except
86.34 when a student eligible to participate in the graduation incentives program under section
86.35 124D.68 enrolls full time in a middle or early college program specifically designed to

87.1 allow the student to earn dual high school and college credit. In this case, the student shall
87.2 receive developmental college credit and not college credit for completing remedial or
87.3 developmental courses. Once a any pupil has been enrolled in a postsecondary course
87.4 under this section, the pupil shall not be displaced by another student.

87.5 (b) If a postsecondary institution enrolls a secondary school pupil in a course
87.6 under this section, the postsecondary institution also must enroll in the same course an
87.7 otherwise enrolled and qualified postsecondary student who qualifies as a veteran under
87.8 section 197.447, and demonstrates to the postsecondary institution's satisfaction that the
87.9 institution's established enrollment timelines were not practicable for that student.

87.10 **EFFECTIVE DATE.** This section is effective July 1, 2014.

87.11 Sec. 32. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 1, is
87.12 amended to read:

87.13 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to improve all
87.14 pupil learning and all student achievement. Additional purposes include to:

87.15 (1) increase learning opportunities for all pupils;

87.16 (2) encourage the use of different and innovative teaching methods;

87.17 (3) measure learning outcomes and create different and innovative forms of
87.18 measuring outcomes;

87.19 (4) establish new forms of accountability for schools; or

87.20 (5) create new professional opportunities for teachers, including the opportunity to
87.21 be responsible for the learning program at the school site.

87.22 (b) This section does not provide a means to keep open a school that a school board
87.23 decides to close. However, a school board may endorse or authorize the establishing of
87.24 a charter school to replace the school the board decided to close. Applicants seeking a
87.25 charter under this circumstance must demonstrate to the authorizer that the charter sought
87.26 is substantially different in purpose and program from the school the board closed and
87.27 that the proposed charter satisfies the requirements of this subdivision. If the school
87.28 board that closed the school authorizes the charter, it must document in its affidavit to the
87.29 commissioner that the charter is substantially different in program and purpose from
87.30 the school it closed.

87.31 An authorizer shall not approve an application submitted by a charter school
87.32 developer under subdivision 4, paragraph (a), if the application does not comply with this
87.33 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer
87.34 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

88.1 Sec. 33. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 3, is
88.2 amended to read:

88.3 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this
88.4 subdivision have the meanings given them.

88.5 "Application" to receive approval as an authorizer means the proposal an eligible
88.6 authorizer submits to the commissioner under paragraph (c) before that authorizer is able
88.7 to submit any affidavit to charter to a school.

88.8 "Application" under subdivision 4 means the charter school business plan a
88.9 school developer submits to an authorizer for approval to establish a charter school that
88.10 documents the school developer's mission statement, school purposes, program design,
88.11 financial plan, governance and management structure, and background and experience,
88.12 plus any other information the authorizer requests. The application also shall include a
88.13 "statement of assurances" of legal compliance prescribed by the commissioner.

88.14 "Affidavit" means a written statement the authorizer submits to the commissioner
88.15 for approval to establish a charter school under subdivision 4 attesting to its review and
88.16 approval process before chartering a school.

88.17 (b) The following organizations may authorize one or more charter schools:

88.18 (1) a school board, intermediate school district school board, or education district
88.19 organized under sections 123A.15 to 123A.19;

88.20 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code
88.21 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a
88.22 natural person that directly or indirectly, through one or more intermediaries, controls,
88.23 is controlled by, or is under common control with the nonpublic sectarian or religious
88.24 institution; and any other charitable organization under this clause that in the federal IRS
88.25 Form 1023, Part IV, describes activities indicating a religious purpose, that:

88.26 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
88.27 Foundations;

88.28 (ii) is registered with the attorney general's office; and

88.29 (iii) is incorporated in the state of Minnesota and has been operating continuously
88.30 for at least five years but does not operate a charter school;

88.31 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or
88.32 four-year degrees and is registered with the Minnesota Office of Higher Education under
88.33 chapter 136A; community college, state university, or technical college governed by the
88.34 Board of Trustees of the Minnesota State Colleges and Universities; or the University
88.35 of Minnesota;

89.1 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
89.2 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
89.3 of 1986, may authorize one or more charter schools if the charter school has operated
89.4 for at least three years under a different authorizer and if the nonprofit corporation has
89.5 existed for at least 25 years; or

89.6 (5) single-purpose authorizers ~~that are~~ formed as charitable, nonsectarian
89.7 organizations ~~formed~~ under section 501(c)(3) of the Internal Revenue Code of 1986 and
89.8 incorporated in the state of Minnesota under chapter 317A as a corporation with no
89.9 members ~~whose~~ or under section 322B.975 as a nonprofit limited liability company for
89.10 the sole purpose is to charter of chartering schools. Eligible organizations interested
89.11 in being approved as an authorizer under this paragraph must submit a proposal to the
89.12 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.
89.13 Such authorizers shall consider and approve charter school applications using the criteria
89.14 provided in subdivision 4 and shall not limit the applications it solicits, considers, or
89.15 approves to any single curriculum, learning program, or method.

89.16 (c) An eligible authorizer under this subdivision must apply to the commissioner for
89.17 approval as an authorizer before submitting any affidavit to the commissioner to charter
89.18 a school. The application for approval as a charter school authorizer must demonstrate
89.19 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
89.20 school under this section. The commissioner must approve or disapprove an application
89.21 within 45 business days of the application deadline. If the commissioner disapproves
89.22 the application, the commissioner must notify the applicant of the specific deficiencies
89.23 in writing and the applicant then has 20 business days to address the deficiencies to the
89.24 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15
89.25 business days to make a final decision to approve or disapprove the application. Failing to
89.26 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
89.27 be an authorizer. The commissioner, in establishing criteria for approval, must consider
89.28 the applicant's:

- 89.29 (1) capacity and infrastructure;
89.30 (2) application criteria and process;
89.31 (3) contracting process;
89.32 (4) ongoing oversight and evaluation processes; and
89.33 (5) renewal criteria and processes.

89.34 (d) An applicant must include in its application to the commissioner to be an
89.35 approved authorizer at least the following:

- 89.36 (1) how chartering schools is a way for the organization to carry out its mission;

90.1 (2) a description of the capacity of the organization to serve as an authorizer,
90.2 including the personnel who will perform the authorizing duties, their qualifications, the
90.3 amount of time they will be assigned to this responsibility, and the financial resources
90.4 allocated by the organization to this responsibility;

90.5 (3) a description of the application and review process the authorizer will use to
90.6 make decisions regarding the granting of charters;

90.7 (4) a description of the type of contract it will arrange with the schools it charters
90.8 that meets the provisions of subdivision 6;

90.9 (5) the process to be used for providing ongoing oversight of the school consistent
90.10 with the contract expectations specified in clause (4) that assures that the schools chartered
90.11 are complying with both the provisions of applicable law and rules, and with the contract;

90.12 (6) a description of the criteria and process the authorizer will use to grant expanded
90.13 applications under subdivision 4, paragraph (j);

90.14 (7) the process for making decisions regarding the renewal or termination of
90.15 the school's charter based on evidence that demonstrates the academic, organizational,
90.16 and financial competency of the school, including its success in increasing student
90.17 achievement and meeting the goals of the charter school agreement; and

90.18 (8) an assurance specifying that the organization is committed to serving as an
90.19 authorizer for the full five-year term.

90.20 (e) A disapproved applicant under this section may resubmit an application during a
90.21 future application period.

90.22 (f) If the governing board of an approved authorizer votes to withdraw as an
90.23 approved authorizer for a reason unrelated to any cause under subdivision 23, the
90.24 authorizer must notify all its chartered schools and the commissioner in writing by July
90.25 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The
90.26 commissioner may approve the transfer of a charter school to a new authorizer under this
90.27 paragraph after the new authorizer submits an affidavit to the commissioner.

90.28 (g) The authorizer must participate in department-approved training.

90.29 (h) The commissioner shall review an authorizer's performance every five years in
90.30 a manner and form determined by the commissioner and may review an authorizer's
90.31 performance more frequently at the commissioner's own initiative or at the request of a
90.32 charter school operator, charter school board member, or other interested party. The
90.33 commissioner, after completing the review, shall transmit a report with findings to the
90.34 authorizer. If, consistent with this section, the commissioner finds that an authorizer has
90.35 not fulfilled the requirements of this section, the commissioner may subject the authorizer
90.36 to corrective action, which may include terminating the contract with the charter school

91.1 board of directors of a school it chartered. The commissioner must notify the authorizer
 91.2 in writing of any findings that may subject the authorizer to corrective action and
 91.3 the authorizer then has 15 business days to request an informal hearing before the
 91.4 commissioner takes corrective action. If the commissioner terminates a contract between
 91.5 an authorizer and a charter school under this paragraph, the commissioner may assist the
 91.6 charter school in acquiring a new authorizer.

91.7 (i) The commissioner may at any time take corrective action against an authorizer,
 91.8 including terminating an authorizer's ability to charter a school for:

91.9 (1) failing to demonstrate the criteria under paragraph (c) under which the
 91.10 commissioner approved the authorizer;

91.11 (2) violating a term of the chartering contract between the authorizer and the charter
 91.12 school board of directors;

91.13 (3) unsatisfactory performance as an approved authorizer; or

91.14 (4) any good cause shown that provides the commissioner a legally sufficient reason
 91.15 to take corrective action against an authorizer.

91.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

91.17 Sec. 34. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 4, is
 91.18 amended to read:

91.19 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from
 91.20 a school developer, may charter a licensed teacher under section 122A.18, subdivision
 91.21 1, or a group of individuals that includes one or more licensed teachers under section
 91.22 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the
 91.23 authorizer's affidavit under paragraph (b). The school must be organized and operated as a
 91.24 nonprofit corporation under chapter 317A and the provisions under the applicable chapter
 91.25 shall apply to the school except as provided in this section.

91.26 Notwithstanding sections 465.717 and 465.719, a school district, subject to this
 91.27 section and section 124D.11, may create a corporation for the purpose of establishing a
 91.28 charter school.

91.29 (b) Before the operators may establish and operate a school, the authorizer must file
 91.30 an affidavit with the commissioner stating its intent to charter a school. An authorizer
 91.31 must file a separate affidavit for each school it intends to charter. An authorizer must file
 91.32 an affidavit by May 1 to be able to charter a new school in the next school year after the
 91.33 commissioner approves the authorizer's affidavit. The affidavit must state the terms and
 91.34 conditions under which the authorizer would charter a school and how the authorizer
 91.35 intends to oversee the fiscal and student performance of the charter school and to comply

92.1 with the terms of the written contract between the authorizer and the charter school
92.2 board of directors under subdivision 6. The commissioner must approve or disapprove
92.3 the authorizer's affidavit within 60 business days of receipt of the affidavit. If the
92.4 commissioner disapproves the affidavit, the commissioner shall notify the authorizer of
92.5 the deficiencies in the affidavit and the authorizer then has 20 business days to address the
92.6 deficiencies. The commissioner must notify the authorizer of final approval or disapproval
92.7 within 15 business days after receiving the authorizer's response to the deficiencies in the
92.8 affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction,
92.9 the commissioner's disapproval is final. Failure to obtain commissioner approval precludes
92.10 an authorizer from chartering the school that is the subject of this affidavit.

92.11 (c) The authorizer may prevent an approved charter school from opening for
92.12 operation if, among other grounds, the charter school violates this section or does not meet
92.13 the ready-to-open standards that are part of the authorizer's oversight and evaluation
92.14 process or are stipulated in the charter school contract.

92.15 (d) The operators authorized to organize and operate a school, before entering into
92.16 a contract or other agreement for professional or other services, goods, or facilities,
92.17 must incorporate as a nonprofit corporation under chapter 317A and must establish a
92.18 board of directors composed of at least five members who are not related parties until a
92.19 timely election for members of the ongoing charter school board of directors is held
92.20 according to the school's articles and bylaws under paragraph (f). A charter school board
92.21 of directors must be composed of at least five members who are not related parties.
92.22 Staff members employed at the school, including teachers providing instruction under a
92.23 contract with a cooperative, members of the board of directors, and all parents or legal
92.24 guardians of children enrolled in the school are the voters eligible to elect the members
92.25 of the school's board of directors. A charter school must notify eligible voters of the
92.26 school board election dates at least 30 days before the election. Board of director meetings
92.27 must comply with chapter 13D.

92.28 (e) A charter school shall publish and maintain on the school's official Web site: (1)
92.29 the minutes of meetings of the board of directors, and of members and committees having
92.30 any board-delegated authority, for at least one calendar year from the date of publication;
92.31 (2) directory information for members of the board of directors and committees having
92.32 board-delegated authority; and (3) identifying and contact information for the school's
92.33 authorizer. Identifying and contact information for the school's authorizer must be
92.34 included in other school materials made available to the public. Upon request of an
92.35 individual, the charter school must also make available in a timely fashion financial
92.36 statements showing all operations and transactions affecting income, surplus, and deficit

93.1 during the school's last annual accounting period; and a balance sheet summarizing assets
93.2 and liabilities on the closing date of the accounting period. A charter school also must
93.3 include that same information about its authorizer in other school materials that it makes
93.4 available to the public.

93.5 (f) Every charter school board member shall attend annual training throughout the
93.6 member's term on the board. All new board members shall attend initial training on
93.7 the board's role and responsibilities, employment policies and practices, and financial
93.8 management. A new board member who does not begin the required initial training within
93.9 six months after being seated and complete that training within 12 months of being seated
93.10 on the board is automatically ineligible to continue to serve as a board member. The
93.11 school shall include in its annual report the training attended by each board member
93.12 during the previous year.

93.13 (g) The ongoing board must be elected before the school completes its third year of
93.14 operation. Board elections must be held during the school year but may not be conducted
93.15 on days when the school is closed for holidays, breaks, or vacations. The charter school
93.16 board of directors shall be composed of at least five nonrelated members and include: (i)
93.17 at least one licensed teacher employed as a teacher at the school or providing instruction
93.18 under contract between the charter school and a cooperative; (ii) at least one parent or
93.19 legal guardian of a student enrolled in the charter school who is not an employee of
93.20 the charter school; and (iii) at least one interested community member who resides in
93.21 Minnesota and is not employed by the charter school and does not have a child enrolled
93.22 in the school. The board may include a majority of teachers described in this paragraph
93.23 or parents or community members, or it may have no clear majority. The chief financial
93.24 officer and the chief administrator may only serve as ex-officio nonvoting board members.
93.25 No charter school employees shall serve on the board other than teachers under item (i).
93.26 Contractors providing facilities, goods, or services to a charter school shall not serve on
93.27 the board of directors of the charter school. Board bylaws shall outline the process and
93.28 procedures for changing the board's governance structure, consistent with chapter 317A.
93.29 A board may change its governance structure only:

93.30 (1) by a majority vote of the board of directors and a majority vote of the licensed
93.31 teachers employed by the school as teachers, including licensed teachers providing
93.32 instruction under a contract between the school and a cooperative; and

93.33 (2) with the authorizer's approval.

93.34 Any change in board governance structure must conform with the composition of
93.35 the board established under this paragraph.

94.1 (h) The granting or renewal of a charter by an authorizer must not be conditioned
94.2 upon the bargaining unit status of the employees of the school.

94.3 (i) The granting or renewal of a charter school by an authorizer must not be
94.4 contingent on the charter school being required to contract, lease, or purchase services
94.5 from the authorizer. Any potential contract, lease, or purchase of service from an
94.6 authorizer must be disclosed to the commissioner, accepted through an open bidding
94.7 process, and be a separate contract from the charter contract. The school must document
94.8 the open bidding process. An authorizer must not enter into a contract to provide
94.9 management and financial services for a school that it authorizes, unless the school
94.10 documents that it received at least two competitive bids.

94.11 ~~(j) An authorizer may permit the board of directors of a charter school to expand the~~
94.12 ~~operation of the charter school to additional sites or grades at the school beyond those~~
94.13 ~~described in the authorizer's original affidavit as approved by the commissioner only~~
94.14 ~~after submitting a supplemental affidavit for approval to the commissioner in a form and~~
94.15 ~~manner prescribed by the commissioner. The supplemental affidavit must document that:~~

94.16 ~~(1) the proposed expansion plan demonstrates need and projected enrollment;~~

94.17 ~~(2) the expansion is warranted, at a minimum, by longitudinal data demonstrating~~
94.18 ~~students' improved academic performance and growth on statewide assessments under~~
94.19 ~~chapter 120B;~~

94.20 ~~(3) the charter school is financially sound and the financing it needs to implement~~
94.21 ~~the proposed expansion exists; and~~

94.22 ~~(4) the charter school has the governance structure and management capacity to~~
94.23 ~~carry out its expansion.~~

94.24 (j) A charter school may apply to the authorizer to amend the school charter to
94.25 expand the operation of the school to additional grades or sites that would be students'
94.26 primary enrollment site beyond those defined in the original affidavit approved by the
94.27 commissioner. After approving the school's application, the authorizer shall submit a
94.28 supplementary affidavit in the form and manner prescribed by the commissioner. The
94.29 authorizer must file a supplement affidavit by October 1 to be eligible to expand in the next
94.30 school year. The supplementary affidavit must document that the school has demonstrated
94.31 to the satisfaction of the authorizer the following:

94.32 (1) the need for the expansion with supporting long-range enrollment projections;

94.33 (2) a longitudinal record of demonstrated student academic performance and growth
94.34 on statewide assessments under chapter 120B or on other academic assessments that
94.35 measure longitudinal student performance and growth approved by the charter school's
94.36 board of directors and agreed upon with the authorizer;

95.1 (3) a history of sound school finances and a finance plan to implement the expansion
 95.2 in a manner to promote the school's financial sustainability; and

95.3 (4) board capacity and an administrative and management plan to implement its
 95.4 expansion.

95.5 (k) The commissioner shall have 30 business days to review and comment on the
 95.6 supplemental affidavit. The commissioner shall notify the authorizer in writing of any
 95.7 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
 95.8 address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit.
 95.9 The commissioner must notify the authorizer of final approval or disapproval with 15
 95.10 business days after receiving the authorizer's response to the deficiencies in the affidavit.
 95.11 The school may not expand grades or add sites until the commissioner has approved the
 95.12 supplemental affidavit. The commissioner's approval or disapproval of a supplemental
 95.13 affidavit is final.

95.14 Sec. 35. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 6, is
 95.15 amended to read:

95.16 Subd. 6. **Charter contract.** The authorization for a charter school must be in the
 95.17 form of a written contract signed by the authorizer and the board of directors of the charter
 95.18 school. The contract must be completed within 45 business days of the commissioner's
 95.19 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a
 95.20 copy of the signed charter contract within ten business days of its execution. The contract
 95.21 for a charter school must be in writing and contain at least the following:

95.22 (1) a declaration that the charter school will carry out the primary purpose in
 95.23 subdivision 1 and how the school will report its implementation of the primary purpose;

95.24 (2) a declaration of the additional purpose or purposes in subdivision 1 that the school
 95.25 intends to carry out and how the school will report its implementation of those purposes;

95.26 (3) a description of the school program and the specific academic and nonacademic
 95.27 outcomes that pupils must achieve;

95.28 (4) a statement of admission policies and procedures;

95.29 (5) a governance, management, and administration plan for the school;

95.30 (6) signed agreements from charter school board members to comply with all
 95.31 federal and state laws governing organizational, programmatic, and financial requirements
 95.32 applicable to charter schools;

95.33 (7) the criteria, processes, and procedures that the authorizer will use to monitor and
 95.34 evaluate the fiscal, operational, and academic performance consistent with subdivision
 95.35 15, paragraphs (a) and (b);

96.1 (8) for contract renewal, the formal written performance evaluation of the school
96.2 that is a prerequisite for reviewing a charter contract under subdivision 15;

96.3 (9) types and amounts of insurance liability coverage to be obtained by the charter
96.4 school, consistent with subdivision 8, paragraph (k);

96.5 (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and
96.6 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,
96.7 or liability arising from any operation of the charter school, and the commissioner and
96.8 department officers, agents, and employees notwithstanding section 3.736;

96.9 (11) the term of the initial contract, which may be up to five years plus an additional
96.10 preoperational planning year, and up to five years for a renewed contract or a contract with
96.11 a new authorizer after a transfer of authorizers, if warranted by the school's academic,
96.12 financial, and operational performance;

96.13 (12) how the board of directors or the operators of the charter school will provide
96.14 special instruction and services for children with a disability under sections 125A.03
96.15 to 125A.24, and 125A.65, a description of the financial parameters within which the
96.16 charter school will operate to provide the special instruction and services to children
96.17 with a disability;

96.18 (13) the specific conditions for contract renewal that identify performance of all
96.19 students under the primary purpose of subdivision 1 as the most important factor in
96.20 determining contract renewal;

96.21 (14) the additional purposes under subdivision 1, paragraph (a), and related
96.22 performance obligations under clause (7) contained in the charter contract as additional
96.23 factors in determining contract renewal; and

96.24 (15) the plan for an orderly closing of the school under chapter 317A, whether
96.25 the closure is a termination for cause, a voluntary termination, or a nonrenewal of the
96.26 contract, that includes establishing the responsibilities of the school board of directors
96.27 and the authorizer and notifying the commissioner, authorizer, school district in which the
96.28 charter school is located, and parents of enrolled students about the closure, information
96.29 and assistance sufficient to enable the student to re-enroll in another school, the transfer of
96.30 student records under subdivision 8, paragraph (p), and procedures for closing financial
96.31 operations.

96.32 Sec. 36. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 6a,
96.33 is amended to read:

96.34 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the
96.35 commissioner and its authorizer by December 31 each year.

97.1 (b) The charter school, with the assistance of the auditor conducting the audit,
97.2 must include with the report, as supplemental information, a copy of ~~all charter school~~
97.3 ~~agreements for corporate management services, including parent company or other~~
97.4 ~~administrative, financial, and staffing services~~ management agreements with a charter
97.5 management organization or an educational management organization and service
97.6 agreements or contracts over the lesser of \$100,000 or ten percent of the school's
97.7 most recent annual audited expenditures. The agreements must detail the terms of the
97.8 agreement, including the services provided and the annual costs for those services. If the
97.9 entity that provides the professional services to the charter school is exempt from taxation
97.10 under section 501 of the Internal Revenue Code of 1986, that entity must file with the
97.11 commissioner by February 15 a copy of the annual return required under section 6033 of
97.12 the Internal Revenue Code of 1986.

97.13 (c) A charter school independent audit report shall include audited financial data of
97.14 an affiliated building corporation or other component unit.

97.15 (d) If the audit report finds that a material weakness exists in the financial reporting
97.16 systems of a charter school, the charter school must submit a written report to the
97.17 commissioner explaining how the material weakness will be resolved. An auditor, as a
97.18 condition of providing financial services to a charter school, must agree to make available
97.19 information about a charter school's financial audit to the commissioner and authorizer
97.20 upon request.

97.21 Sec. 37. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 8, is
97.22 amended to read:

97.23 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all
97.24 federal, state, and local health and safety requirements applicable to school districts.

97.25 (b) A school must comply with statewide accountability requirements governing
97.26 standards and assessments in chapter 120B.

97.27 (c) A school authorized by a school board may be located in any district, unless the
97.28 school board of the district of the proposed location disapproves by written resolution.

97.29 (d) A charter school must be nonsectarian in its programs, admission policies,
97.30 employment practices, and all other operations. An authorizer may not authorize a charter
97.31 school or program that is affiliated with a nonpublic sectarian school or a religious
97.32 institution. A charter school student must be released for religious instruction, consistent
97.33 with section 120A.22, subdivision 12, clause (3).

98.1 (e) Charter schools must not be used as a method of providing education or
98.2 generating revenue for students who are being home-schooled. This paragraph does not
98.3 apply to shared time aid under section 126C.19.

98.4 (f) The primary focus of a charter school must be to provide a comprehensive
98.5 program of instruction for at least one grade or age group from five through 18 years of
98.6 age. Instruction may be provided to people ~~younger than five years and~~ older than 18 years
98.7 of age. A charter school may offer a free preschool or prekindergarten that meets high
98.8 quality early learning instructional program standards that are aligned with Minnesota's
98.9 early learning standards for children.

98.10 (g) A charter school may not charge tuition.

98.11 (h) A charter school is subject to and must comply with chapter 363A and section
98.12 121A.04.

98.13 (i) Once a student is enrolled in the school, the student is considered enrolled in the
98.14 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
98.15 Act in sections 121A.40 to 121A.56. A charter school is subject to and must comply with
98.16 the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public
98.17 School Fee Law, sections 123B.34 to 123B.39.

98.18 (j) A charter school is subject to the same financial audits, audit procedures, and
98.19 audit requirements as a district, except as required under subdivision 6a. Audits must be
98.20 conducted in compliance with generally accepted governmental auditing standards, the
98.21 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
98.22 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
98.23 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
98.24 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
98.25 necessary because of the program at the school. Deviations must be approved by the
98.26 commissioner and authorizer. The Department of Education, state auditor, legislative
98.27 auditor, or authorizer may conduct financial, program, or compliance audits. A charter
98.28 school determined to be in statutory operating debt under sections 123B.81 to 123B.83
98.29 must submit a plan under section 123B.81, subdivision 4.

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

98.31 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,
98.32 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

98.33 (m) A charter school is subject to the Pledge of Allegiance requirement under
98.34 section 121A.11, subdivision 3.

98.35 (n) A charter school offering online courses or programs must comply with section
98.36 124D.095.

99.1 (o) A charter school and charter school board of directors are subject to chapter 181.

99.2 (p) A charter school must comply with section 120A.22, subdivision 7, governing
99.3 the transfer of students' educational records and sections 138.163 and 138.17 governing
99.4 the management of local records.

99.5 (q) A charter school that provides early childhood health and developmental
99.6 screening must comply with sections 121A.16 to 121A.19.

99.7 (r) A charter school that provides school-sponsored youth athletic activities must
99.8 comply with section 121A.38.

99.9 (s) A charter school is subject to and must comply with continuing truant notification
99.10 under section 260A.03.

99.11 (t) A charter school must develop and implement a teacher evaluation and peer
99.12 review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to
99.13 (12). The teacher evaluation process in this paragraph does not create any additional
99.14 employment rights for teachers.

99.15 (u) A charter school must adopt a policy, plan, budget, and process, consistent with
99.16 section 120B.11, to review curriculum, instruction, and student achievement and strive
99.17 for the world's best workforce.

99.18 (v) A charter school must comply with all pupil transportation requirements in
99.19 section 123B.88, subdivision 1. A charter school must not require parents to surrender
99.20 their rights to pupil transportation under section 123B.88, subdivision 2.

99.21 Sec. 38. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 9, is
99.22 amended to read:

99.23 Subd. 9. **Admission requirements.** (a) A charter school may limit admission to:

99.24 (1) pupils within an age group or grade level;

99.25 (2) pupils who are eligible to participate in the graduation incentives program under
99.26 section 124D.68; or

99.27 (3) residents of a specific geographic area in which the school is located when the
99.28 majority of students served by the school are members of underserved populations.

99.29 (b) A charter school shall enroll an eligible pupil who submits a timely application,
99.30 unless the number of applications exceeds the capacity of a program, class, grade level, or
99.31 building. In this case, pupils must be accepted by lot. The charter school must develop
99.32 and publish, including on its Web site, a lottery policy and process that it must use when
99.33 accepting pupils by lot.

99.34 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
99.35 and to a foster child of that pupil's parents and may give preference for enrolling children

100.1 of the school's staff before accepting other pupils by lot. A charter school that is located
 100.2 in a township and admits students in kindergarten through grade 6 must give enrollment
 100.3 preference to students residing within a five-mile radius of the school and to the siblings of
 100.4 enrolled children. A charter school may give enrollment preference to children currently
 100.5 enrolled in the school's free preschool or prekindergarten program under subdivision 8,
 100.6 paragraph (f), who are eligible to enroll in kindergarten in the next school year.

100.7 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,
 100.8 unless the pupil is at least five years of age on September 1 of the calendar year in which
 100.9 the school year for which the pupil seeks admission commences; or (2) as a first grade
 100.10 student, unless the pupil is at least six years of age on September 1 of the calendar year in
 100.11 which the school year for which the pupil seeks admission commences or has completed
 100.12 kindergarten; except that a charter school may establish and publish on its Web site a
 100.13 policy for admission of selected pupils at an earlier age, consistent with the enrollment
 100.14 process in paragraphs (b) and (c).

100.15 (e) Except as permitted in paragraph (d), a charter school may not limit admission
 100.16 to pupils on the basis of intellectual ability, measures of achievement or aptitude, or
 100.17 athletic ability and may not establish any criteria or requirements for admission that are
 100.18 inconsistent with this subdivision.

100.19 (f) The charter school shall not distribute any services or goods of value to students,
 100.20 parents, or guardians as an inducement, term, or condition of enrolling a student in a
 100.21 charter school.

100.22 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
 100.23 later.

100.24 Sec. 39. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 17a,
 100.25 is amended to read:

100.26 Subd. 17a. **Affiliated nonprofit building corporation.** (a) ~~Before~~ A charter school
 100.27 may organize an affiliated nonprofit building corporation ~~(i) (1) to renovate or purchase,~~
 100.28 expand, or renovate an existing facility to serve as a school or ~~(ii) (2) to expand an existing~~
 100.29 ~~building or construct a new school facility; an authorizer must submit an affidavit to the~~
 100.30 ~~commissioner for approval in the form and manner the commissioner prescribes, and~~
 100.31 ~~consistent with paragraphs (b) and (c) or (d).~~ if the charter school:

100.32 (i) has been in operation for at least six consecutive years;

100.33 (ii) as of June 30 has a net positive unreserved general fund balance in the preceding
 100.34 three fiscal years;

- 101.1 (iii) has long-range strategic and financial plans that include enrollment projections
 101.2 for at least five years;
- 101.3 (iv) completes a feasibility study of facility options that outlines the benefits and
 101.4 costs of the options; and
- 101.5 (v) has a plan for purchase, renovation, or new construction which describes project
 101.6 parameters and budget.
- 101.7 (b) An affiliated nonprofit building corporation under this subdivision must:
- 101.8 (1) be incorporated under section 317A;
- 101.9 (2) comply with applicable Internal Revenue Service regulations, including
 101.10 regulations for "supporting organizations" as defined by the Internal Revenue Service;
- 101.11 (3) post on the school Web site the name, mailing address, bylaws, minutes of board
 101.12 meetings, and the names of the current board of directors of the affiliated nonprofit
 101.13 building corporation;
- 101.14 ~~(3)~~ (4) submit to the commissioner each fiscal year a list of current board members
 101.15 and a copy of its annual audit by December 31 of each year; and
- 101.16 ~~(4)~~ (5) comply with government data practices law under chapter 13.
- 101.17 (c) An affiliated nonprofit building corporation must not serve as the leasing agent
 101.18 for property or facilities it does not own. A charter school that leases a facility from an
 101.19 affiliated nonprofit building corporation that does not own the leased facility is ineligible
 101.20 to receive charter school lease aid. The state is immune from liability resulting from a
 101.21 contract between a charter school and an affiliated nonprofit building corporation.
- 101.22 ~~(e) A charter school may organize an affiliated nonprofit building corporation to~~
 101.23 ~~renovate or purchase an existing facility to serve as a school if the charter school:~~
- 101.24 ~~(1) has been operating for at least five consecutive school years;~~
- 101.25 ~~(2) has had a net positive unreserved general fund balance as of June 30 in the~~
 101.26 ~~preceding five fiscal years;~~
- 101.27 ~~(3) has a long-range strategic and financial plan;~~
- 101.28 ~~(4) completes a feasibility study of available buildings;~~
- 101.29 ~~(5) documents enrollment projections and the need to use an affiliated building~~
 101.30 ~~corporation to renovate or purchase an existing facility to serve as a school; and~~
- 101.31 ~~(6) has a plan for the renovation or purchase, which describes the parameters and~~
 101.32 ~~budget for the project.~~
- 101.33 ~~(d) A charter school may organize an affiliated nonprofit building corporation to~~
 101.34 ~~expand an existing school facility or construct a new school facility if the charter school:~~
- 101.35 ~~(1) demonstrates the lack of facilities available to serve as a school;~~
- 101.36 ~~(2) has been operating for at least eight consecutive school years;~~

102.1 ~~(3) has had a net positive unreserved general fund balance as of June 30 in the~~
102.2 ~~preceding five fiscal years;~~

102.3 ~~(4) completes a feasibility study of facility options;~~

102.4 ~~(5) has a long-range strategic and financial plan that includes enrollment projections~~
102.5 ~~and demonstrates the need for constructing a new school facility; and~~

102.6 ~~(6) has a plan for the expansion or new school facility, which describes the~~
102.7 ~~parameters and budget for the project.~~

102.8 (d) Once an affiliated nonprofit building corporation is incorporated under this
102.9 subdivision, the authorizer of the school must oversee the efforts of the school's board
102.10 of directors to ensure the affiliated nonprofit building corporation complies with all legal
102.11 requirements governing the affiliated nonprofit building corporation. A school's board
102.12 of directors that fails to ensure the affiliated nonprofit building corporation's compliance
102.13 violates its responsibilities and an authorizer must factor the failure into the authorizer's
102.14 evaluation of the school.

102.15 Sec. 40. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 17b,
102.16 is amended to read:

102.17 Subd. 17b. **Positive review and comment.** ~~A charter school or an affiliated~~
102.18 ~~nonprofit building corporation organized by a charter school must not initiate an~~
102.19 ~~installment contract for purchase, or a lease agreement, or solicit bids for new construction,~~
102.20 ~~expansion, or remodeling of an educational facility that requires an expenditure in~~
102.21 ~~excess of \$1,400,000, unless it meets the criteria in subdivision 17a, paragraph (b) and~~
102.22 ~~paragraph (c) or (d), as applicable, and receives a positive review and comment from the~~
102.23 ~~commissioner under section 123B.71. A charter school or its affiliated nonprofit building~~
102.24 corporation must receive a positive review and comment from the commissioner before
102.25 initiating any purchase agreement or construction contract that requires an expenditure in
102.26 excess of the threshold specified in section 123B.71, subdivision 8, for school districts that
102.27 do not have a capital loan outstanding. A purchase agreement or construction contract
102.28 finalized before a positive review and comment is null and void.

102.29 Sec. 41. Minnesota Statutes 2013 Supplement, section 124D.11, subdivision 4, is
102.30 amended to read:

102.31 Subd. 4. **Building lease aid.** (a) When a charter school finds it economically
102.32 advantageous to rent or lease a building or land for any instructional purposes and it
102.33 determines that the total operating capital revenue under section 126C.10, subdivision 13,
102.34 is insufficient for this purpose, it may apply to the commissioner for building lease aid

103.1 for this purpose. The commissioner must review and either approve or deny a lease aid
103.2 application using the following criteria:

103.3 (1) the reasonableness of the price based on current market values;

103.4 (2) the extent to which the lease conforms to applicable state laws and rules; and

103.5 (3) the appropriateness of the proposed lease in the context of the space needs and

103.6 financial circumstances of the charter school. The commissioner must approve aid only for

103.7 a facility lease that has (i) a sum certain annual cost and (ii) ~~an escape clause the charter~~

103.8 ~~school may exercise if its charter contract is terminated or not renewed~~ a closure clause

103.9 that relieves the school from its lease obligations if the charter contract is terminated or

103.10 not renewed. Nothing in this clause exempts the charter school from any lease obligations

103.11 before the effective date on which the charter contract is terminated or not renewed.

103.12 A charter school must not use the building lease aid it receives for custodial, maintenance
103.13 service, utility, or other operating costs.

103.14 (b) The amount of annual building lease aid for a charter school shall not exceed the
103.15 lesser of (1) 90 percent of the approved cost or (2) the product of the pupil units served
103.16 for the current school year times \$1,314.

103.17 Sec. 42. Minnesota Statutes 2013 Supplement, section 124D.4531, subdivision 1,
103.18 is amended to read:

103.19 Subdivision 1. **Career and technical revenue.** (a) A district with a career and
103.20 technical program approved under this section for the fiscal year in which the levy is
103.21 certified is eligible for career and technical revenue equal to 35 percent of approved
103.22 expenditures in the fiscal year in which the levy is certified for the following:

103.23 (1) salaries paid to essential, licensed personnel providing direct instructional
103.24 services to students in that fiscal year, including extended contracts, for services rendered
103.25 in the district's approved career and technical education programs, excluding salaries
103.26 reimbursed by another school district under clause (2);

103.27 (2) amounts paid to another Minnesota school district for salaries of essential,
103.28 licensed personnel providing direct instructional services to students in that fiscal year for
103.29 services rendered in the district's approved career and technical education programs;

103.30 (3) contracted services provided by a public or private agency other than a Minnesota
103.31 school district or cooperative center under ~~subdivision 7~~ chapter 123A or 136D;

103.32 (4) necessary travel between instructional sites by licensed career and technical
103.33 education personnel;

103.34 (5) necessary travel by licensed career and technical education personnel for
103.35 vocational student organization activities held within the state for instructional purposes;

104.1 (6) curriculum development activities that are part of a five-year plan for
104.2 improvement based on program assessment;

104.3 (7) necessary travel by licensed career and technical education personnel for
104.4 noncollegiate credit-bearing professional development; and

104.5 (8) specialized vocational instructional supplies.

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

104.10 ~~(e) (b)~~ The district must recognize the full amount of this levy as revenue for the
104.11 fiscal year in which it is certified.

104.12 ~~(d) (c)~~ The amount of the revenue calculated under this subdivision may not exceed
104.13 \$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and
104.14 \$20,657,000 for taxes payable in 2014.

104.15 ~~(e) (d)~~ If the estimated revenue exceeds the amount in paragraph ~~(d) (c)~~, the
104.16 commissioner must reduce the percentage in paragraph (a) until the estimated revenue no
104.17 longer exceeds the limit in paragraph ~~(d) (c)~~.

104.18 Sec. 43. Minnesota Statutes 2013 Supplement, section 124D.4531, subdivision 3,
104.19 is amended to read:

104.20 Subd. 3. **Revenue guarantee.** Notwithstanding subdivision 1, paragraph (a), the
104.21 career and technical education revenue for a district is not less than the lesser of:

104.22 (1) the district's career and technical education revenue for the previous fiscal year; or

104.23 (2) 100 percent of the approved expenditures for career and technical programs
104.24 included in subdivision 1, paragraph ~~(b) (a)~~, for the fiscal year in which the levy is certified.

104.25 Sec. 44. Minnesota Statutes 2013 Supplement, section 124D.4531, subdivision 3a,
104.26 is amended to read:

104.27 Subd. 3a. **Revenue adjustments.** Notwithstanding subdivisions 1, 1a, and 3, for
104.28 taxes payable in 2012 to 2014 only, the department must calculate the career and technical
104.29 revenue for each district according to Minnesota Statutes 2010, section 124D.4531, and
104.30 adjust the revenue for each district proportionately to meet the statewide revenue target
104.31 under subdivision 1, paragraph ~~(d) (c)~~. For purposes of calculating the revenue guarantee
104.32 under subdivision 3, the career and technical education revenue for the previous fiscal
104.33 year is the revenue according to Minnesota Statutes 2010, section 124D.4531, before
104.34 adjustments to meet the statewide revenue target.

105.1 Sec. 45. Minnesota Statutes 2013 Supplement, section 124D.52, subdivision 8, is
105.2 amended to read:

105.3 Subd. 8. **Standard high school diploma for adults.** (a) Consistent with subdivision
105.4 9, the commissioner shall ~~adopt rules for providing~~ provide for a standard adult high
105.5 school diploma to persons who:

105.6 (1) are not eligible for kindergarten through grade 12 services;

105.7 (2) do not have a high school diploma; and

105.8 (3) successfully complete an adult basic education program of instruction approved
105.9 by the commissioner of education necessary to earn an adult high school diploma.

105.10 (b) Persons participating in an approved adult basic education program of instruction
105.11 must demonstrate the competencies, knowledge, and skills sufficient to ensure that
105.12 postsecondary programs and institutions and potential employers regard persons with a
105.13 standard high school diploma and persons with a standard adult high school diploma as
105.14 equally well prepared and qualified graduates. Approved adult basic education programs
105.15 of instruction under this subdivision must issue a standard adult high school diploma to
105.16 persons who successfully demonstrate the competencies, knowledge, and skills required
105.17 by the program.

105.18 **EFFECTIVE DATE.** This section is effective August 1, 2014.

105.19 Sec. 46. Minnesota Statutes 2012, section 124D.52, is amended by adding a
105.20 subdivision to read:

105.21 Subd. 9. **Standard adult high school diploma requirements.** (a) The
105.22 commissioner must establish criteria and requirements for eligible adult basic education
105.23 consortia under section 124D.518, subdivision 2, to effectively operate and provide
105.24 instruction under this subdivision.

105.25 (b) An eligible and interested adult basic education consortium must apply to the
105.26 commissioner, in the form and manner determined by the commissioner, for approval to
105.27 provide an adult high school diploma program to eligible students under subdivision 8,
105.28 paragraph (a). An approved consortium annually must submit to the commissioner the
105.29 longitudinal and evaluative data, identified in the consortium's application, to demonstrate
105.30 its compliance with applicable federal and state law and its approved application and
105.31 the efficacy of its adult high school diploma program. The commissioner must use the
105.32 data to evaluate whether or not to reapprove an eligible consortium every fifth year. The
105.33 commissioner, at the commissioner's discretion, may reevaluate the compliance or efficacy
105.34 of a program provider sooner than every fifth year. The commissioner may limit the
105.35 number or size of adult high school diploma programs based on identified community

106.1 needs, available funding, other available resources, or other relevant criteria identified by
106.2 the commissioner.

106.3 (c) At the time a student applies for admission to an adult high school diploma
106.4 program, the program provider must work with the student applicant to:

106.5 (1) identify the student's learning goals, skills and experiences, required
106.6 competencies already completed, and goals and options for viable career pathways;

106.7 (2) assess the student's instructional needs; and

106.8 (3) develop an individualized learning plan to guide the student in completing adult
106.9 high school diploma requirements and realizing career goals identified in the plan.

106.10 To fully implement the learning plan, the provider must provide the student with ongoing
106.11 advising, monitor the student's progress toward completing program requirements and
106.12 receiving a diploma, and provide the student with additional academic support services
106.13 when needed. At the time a student satisfactorily completes all program requirements and
106.14 is eligible to receive a diploma, the provider must conduct a final student interview to
106.15 examine both student and program outcomes related to the student's ability to demonstrate
106.16 required competencies and complete program requirements and to assist the student with
106.17 the student's transition to training, a career, or postsecondary education.

106.18 (d) Competencies and other program requirements must be rigorous, uniform
106.19 throughout the state, and align to Minnesota academic high school standards applicable
106.20 to adult learners and their career and college needs. The commissioner must establish
106.21 competencies, skills, and knowledge requirements in the following areas, consistent with
106.22 this paragraph:

106.23 (1) language arts, including reading, writing, speaking, and listening;

106.24 (2) mathematics;

106.25 (3) career development and employment-related skills;

106.26 (4) social studies; and

106.27 (5) science.

106.28 (e) Consistent with criteria established by the commissioner, students may
106.29 demonstrate satisfactory completion of program requirements through verification of
106.30 the student's:

106.31 (1) prior experiences, including kindergarten through grade 12 courses and
106.32 programs, postsecondary courses and programs, adult basic education instruction, and
106.33 other approved experiences aligned with the Minnesota academic high school standards
106.34 applicable to adult learners and their career and college needs;

107.1 (2) knowledge and skills as measured or demonstrated by valid and reliable
107.2 high school assessments, secondary credentials, adult basic education programs, and
107.3 postsecondary entrance exams;

107.4 (3) adult basic education instruction and course completion; and

107.5 (4) applied and experiential learning acquired via contextualized projects and other
107.6 approved learning opportunities.

107.7 (f) Program providers must transmit a student's record of work to another approved
107.8 consortium for any student who transfers between approved programs under this
107.9 subdivision. The commissioner must establish a uniform format and transcript to record a
107.10 student's record of work and also the manner under which approved consortia maintain
107.11 permanent student records and transmit transferred student records. At a student's request,
107.12 a program provider must transmit the student's record of work to other entities such as
107.13 a postsecondary institution or employer.

107.14 (g) The commissioner may issue a standard adult high school diploma and transmit
107.15 the transcript and record of work of the student who receives the diploma. Alternatively, a
107.16 school district that is a member of an approved consortium providing a program under
107.17 this subdivision may issue a district diploma to a student who satisfactorily completes the
107.18 requirements for a standard adult high school diploma under this subdivision.

107.19 (h) The commissioner must identify best practices for adult basic education
107.20 programs and develop adult basic education recommendations consistent with this
107.21 subdivision to assist approved consortia in providing an adult high school diploma
107.22 program. The commissioner must provide assistance to consortia providing an approved
107.23 adult high school diploma program.

107.24 (i) The commissioner must consult with practitioners from throughout Minnesota,
107.25 including educators, school board members, and school administrators, among others,
107.26 who are familiar with adult basic education students and programs, on establishing the
107.27 standards, requirements, and other criteria needed to ensure, consistent with subdivision 8,
107.28 that persons with a standard adult high school diploma are as equally well prepared and
107.29 qualified graduates as persons with a standard high school diploma. The commissioner,
107.30 in consultation with the practitioners, shall regularly review program requirements and
107.31 diploma standards.

107.32 **EFFECTIVE DATE.** This section is effective August 1, 2014.

108.1 Sec. 47. Minnesota Statutes 2012, section 124D.896, is amended to read:

108.2 **124D.896 DESEGREGATION/INTEGRATION AND INCLUSIVE**
108.3 **EDUCATION RULES.**

108.4 (a) ~~By January 10, 1999,~~ The commissioner shall propose rules relating to
108.5 desegregation/integration and inclusive education, consistent with sections 124D.861
108.6 and 124D.862.

108.7 (b) In adopting a rule related to school desegregation/integration, the commissioner
108.8 shall address the need for equal educational opportunities for all students and racial
108.9 balance as defined by the commissioner.

108.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

108.11 Sec. 48. Minnesota Statutes 2012, section 127A.70, subdivision 1, is amended to read:

108.12 Subdivision 1. **Establishment; membership.** (a) A P-20 education partnership is
108.13 established to create a seamless system of education that maximizes achievements of
108.14 all students, from early childhood through elementary, secondary, and postsecondary
108.15 education, while promoting the efficient use of financial and human resources. The
108.16 partnership shall consist of major statewide educational groups or constituencies or
108.17 noneducational statewide organizations with a stated interest in P-20 education including a
108.18 representative appointed by the adjutant general of the Minnesota National Guard, among
108.19 other organizations. The initial membership of the partnership includes the members
108.20 serving on the Minnesota P-16 Education Partnership and four legislators appointed as
108.21 follows:

108.22 (1) one senator from the majority party and one senator from the minority party,
108.23 appointed by the Subcommittee on Committees of the Committee on Rules and
108.24 Administration; and

108.25 (2) one member of the house of representatives appointed by the speaker of the
108.26 house and one member appointed by the minority leader of the house of representatives.

108.27 (b) The chair of the P-16 education partnership must convene the first meeting
108.28 of the P-20 partnership. Prospective members may be nominated by any partnership
108.29 member and new members will be added with the approval of a two-thirds majority of the
108.30 partnership. The partnership will also seek input from nonmember organizations whose
108.31 expertise can help inform the partnership's work.

108.32 (c) Partnership members shall be represented by the chief executives, presidents, or
108.33 other formally designated leaders of their respective organizations, or their designees. The
108.34 partnership shall meet at least three times during each calendar year.

109.1 (d) The P-20 education partnership shall be the state council for the Interstate
109.2 Compact on Educational Opportunity for Military Children under section 127A.85
109.3 with the chair serving as the compact commissioner responsible for administering and
109.4 managing the state's participation in the compact, including conducting business required
109.5 under section 127A.85.

109.6 Sec. 49. Minnesota Statutes 2012, section 127A.70, is amended by adding a
109.7 subdivision to read:

109.8 Subd. 2a. **Career pathways and technical education; key elements; stakeholder**
109.9 **collaboration.** (a) The partnership must work with representatives of the Department of
109.10 Education, the Department of Employment and Economic Development, the Department
109.11 of Labor, the Board of Teaching, the Board of School Administrators, trade associations,
109.12 local and regional employers, local school boards, adult basic education program providers,
109.13 postsecondary institutions, parents, other interested and affected education stakeholders,
109.14 and other major statewide educational groups and constituencies to recommend to the
109.15 legislature ways to identify specific policy, administrative, and statutory changes needed
109.16 under sections 120B.11, 120B.125, 122A.09, 122A.14, 122A.18, and 122A.60, among
109.17 other statutory provisions, to effect and, if appropriate, revise a comprehensive, effective,
109.18 and publicly accountable P-20 education system premised on developing, implementing,
109.19 and realizing students' individual career and college readiness plans and goals. In
109.20 developing its recommendations, the partnership must consider how best to:

109.21 (1) provide students regular and frequent access to multiple qualified individuals
109.22 within the school and local and regional community who have access to reliable and
109.23 accurate information, resources, and technology the students need to successfully pursue
109.24 career and technical education, other postsecondary education, or work-based training
109.25 options;

109.26 (2) regularly engage students in planning and continually reviewing their own
109.27 career and college readiness plans and goals and in pursuing academic and applied and
109.28 experiential learning that helps them realize their goals; and

109.29 (3) identify and apply valid and reliable measures of student progress and
109.30 program efficacy that, among other requirements, can accommodate students' prior
109.31 education-related experiences and applied and experiential learning that students acquire
109.32 via contextualized projects and other recognized learning opportunities.

109.33 (b) The partnership must recommend to the commissioner of education and
109.34 representatives of secondary and postsecondary institutions and programs how to organize
109.35 and implement a framework of the foundational knowledge and skills and career fields,

110.1 clusters, and pathways for students enrolled in a secondary school, postsecondary
110.2 institution, or work-based program. The key elements of these programs of study for
110.3 students pursuing postsecondary workforce training or other education must include:
110.4 (1) competency-based curricula aligned with industry expectations and skill
110.5 standards;
110.6 (2) sequential course offerings that gradually build students' skills, enabling students
110.7 to graduate from high school and complete postsecondary programs;
110.8 (3) flexible and segmented course and program formats to accommodate students'
110.9 interests and needs;
110.10 (4) course portability to allow students to seamlessly progress in the students'
110.11 education and career; and
110.12 (5) effective and sufficiently strong P-20 connections to facilitate students'
110.13 uninterrupted skill building, provide students with career opportunities, and align
110.14 academic credentials with opportunities for advancement in high-skill, high-wage, and
110.15 high-demand occupations.
110.16 (c) Stakeholders under this paragraph must examine possibilities for redesigning
110.17 teacher and school administrator licensure requirements, and make recommendations to
110.18 the Board of Teaching and the Board of School Administrators, respectively, to create
110.19 specialized licenses, credentials, and other endorsement forms to increase students'
110.20 participation in language immersion programs, world language instruction, career
110.21 development opportunities, work-based learning, early college courses and careers, career
110.22 and technical education programs, Montessori schools, and project and place-based
110.23 learning, among other career and college-ready opportunities. Consistent with the
110.24 possibilities for redesigning educators' licenses, the stakeholders also must examine how
110.25 to restructure staff development and training opportunities under sections 120B.125 and
110.26 122A.60 to realize the goals of this subdivision.
110.27 (d) The partnership must recommend to the Department of Education, the
110.28 Department of Employment and Economic Development, and postsecondary institutions
110.29 and systems how best to create a mobile, Web-based hub for students and their families
110.30 that centralizes existing resources on careers and employment trends and the educational
110.31 pathways required to attain such careers and employment.

110.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

110.33 Sec. 50. Minnesota Statutes 2012, section 128C.02, subdivision 5, is amended to read:

111.1 Subd. 5. **Rules for open enrollees.** (a) The league shall adopt league rules and
 111.2 regulations governing the athletic participation of pupils attending school in a nonresident
 111.3 district under section 124D.03.

111.4 (b) Notwithstanding other law or league rule or regulation to the contrary, when a
 111.5 student enrolls in or is readmitted to a recovery-focused high school after successfully
 111.6 completing a licensed program for treatment of alcohol or substance abuse, mental illness,
 111.7 or emotional disturbance, the student is immediately eligible to participate on the same basis
 111.8 as other district students in the league-sponsored activities of the student's resident school
 111.9 district. Nothing in this paragraph prohibits the league or school district from enforcing a
 111.10 league or district penalty resulting from the student violating a league or district rule.

111.11 (c) The league shall adopt league rules making a student with an individualized
 111.12 education program or a 504 plan who transfers from one public school to another
 111.13 public school as a reasonable accommodation to reduce barriers to educational access
 111.14 immediately eligible to participate in league-sponsored varsity competition on the same
 111.15 basis as other students in the school to which the student transfers.

111.16 **EFFECTIVE DATE.** This section is effective the day following final enactment
 111.17 and applies to all transfers initiated after that date.

111.18 Sec. 51. Laws 2011, First Special Session chapter 11, article 2, section 12, the effective
 111.19 date, is amended to read:

111.20 **EFFECTIVE DATE.** ~~This section applies to all collective bargaining agreements~~
 111.21 ~~ratified after~~ is effective July 1, 2013.

111.22 Sec. 52. **CHASKA SCHOOL START DATE FOR THE 2016-2017 SCHOOL**
 111.23 **YEAR ONLY.**

111.24 Notwithstanding Minnesota Statutes, section 120A.40, or other law to the contrary,
 111.25 for the 2016-2017 school year only, Independent School District No. 112, Chaska, may
 111.26 begin the school year before Labor Day.

111.27 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year only.

111.28 Sec. 53. **SCHOOL YEAR-LONG STUDENT TEACHING PILOT PROGRAM.**

111.29 Subdivision 1. **Establishment; planning; eligibility.** (a) A school year-long student
 111.30 teaching pilot program for the 2015-2016 through 2018-2019 school years is established to
 111.31 provide teacher candidates with intensified and authentic classroom learning and experience

112.1 so that newly licensed teachers, equipped with the best research and best practices
112.2 available, can immediately begin work to increase student growth and achievement.

112.3 (b) An approved teacher preparation program, interested in participating in a school
112.4 year-long student teaching pilot program in partnership with one or more school districts
112.5 or charter schools, is eligible to participate in this pilot program if, during the 2014-2015
112.6 school year, the interested teacher preparation program identifies needed changes to its
112.7 program curriculum, develops an implementation plan, and receives Board of Teaching
112.8 approval to modify its board application for this pilot program, and meets the criteria
112.9 under subdivision 2.

112.10 Subd. 2. **Application and selection process.** (a) An approved teacher preparation
112.11 program in partnership with one or more school districts or charter schools may apply to
112.12 the Board of Teaching, in the form and manner determined by the board, to participate in
112.13 the pilot program under this section. Consistent with subdivision 1, paragraph (b), the
112.14 application must demonstrate the applicant's interest and ability to offer teacher candidates
112.15 a school year-long student teaching program that combines clinical opportunities with
112.16 academic course work and in-depth student teaching experiences. A student teacher
112.17 under this pilot program must have: ongoing access to a team of teacher mentors
112.18 to demonstrate to the student teacher various teaching methods, philosophies, and
112.19 classroom environments; ongoing coaching and assessment; assistance in preparing an
112.20 individual professional development plan that includes goals, activities, and assessment
112.21 methodologies; structured learning experiences provided by the teacher preparation
112.22 institution or program in collaboration with local or regional education professionals or
112.23 other community experts; and receive payment for student teaching time.

112.24 (b) The board must make an effort to select qualified and diverse applicants from
112.25 throughout the state.

112.26 Subd. 3. **Annual report; evaluation.** The board annually must transmit to the
112.27 education policy and finance committees of the legislature no later than February 1 a
112.28 data-based report showing the efforts and progress program participants made in preparing
112.29 successful newly licensed teachers.

112.30 **EFFECTIVE DATE.** This section is effective for the 2014-2015 through 2018-2019
112.31 school years.

113.1 **ARTICLE 4**

113.2 **SPECIAL PROGRAMS**

113.3 Section 1. Minnesota Statutes 2012, section 121A.582, subdivision 1, is amended to
113.4 read:

113.5 Subdivision 1. **Reasonable force standard.** (a) A teacher or school principal, in
113.6 exercising the person's lawful authority, may use reasonable force when it is necessary
113.7 under the circumstances to correct or restrain a student or prevent bodily harm or death
113.8 to another.

113.9 (b) A school employee, school bus driver, or other agent of a district, in exercising
113.10 the person's lawful authority, may use reasonable force when it is necessary under the
113.11 circumstances to restrain a student or prevent bodily harm or death to another.

113.12 (c) Paragraphs (a) and (b) do not authorize conduct prohibited under sections
113.13 ~~121A.58 and 121A.67~~ section 125A.0942.

113.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

113.15 Sec. 2. Minnesota Statutes 2012, section 125A.023, subdivision 3, is amended to read:

113.16 Subd. 3. **Definitions.** For purposes of this section and section 125A.027, the
113.17 following terms have the meanings given them:

113.18 (a) "Health plan" means:

113.19 (1) a health plan under section 62Q.01, subdivision 3;

113.20 (2) a county-based purchasing plan under section 256B.692;

113.21 (3) a self-insured health plan established by a local government under section
113.22 471.617; or

113.23 (4) self-insured health coverage provided by the state to its employees or retirees.

113.24 (b) For purposes of this section, "health plan company" means an entity that issues
113.25 a health plan as defined in paragraph (a).

113.26 ~~(e) "Individual interagency intervention plan" means a standardized written plan~~
113.27 ~~describing those programs or services and the accompanying funding sources available to~~
113.28 ~~eligible children with disabilities.~~

113.29 ~~(d)~~ (c) "Interagency intervention service system" means a system that coordinates
113.30 services and programs required in state and federal law to meet the needs of eligible
113.31 children with disabilities ages birth through 21, including:

113.32 (1) services provided under the following programs or initiatives administered
113.33 by state or local agencies:

113.34 (i) the maternal and child health program under title V of the Social Security Act;

- 114.1 (ii) the Minnesota children with special health needs program under sections 144.05
114.2 and 144.07;
- 114.3 (iii) the Individuals with Disabilities Education Act, Part B, section 619, and Part
114.4 C as amended;
- 114.5 (iv) medical assistance under title 42, chapter 7, of the Social Security Act;
- 114.6 (v) developmental disabilities services under chapter 256B;
- 114.7 (vi) the Head Start Act under title 42, chapter 105, of the Social Security Act;
- 114.8 (vii) vocational rehabilitation services provided under chapters 248 and 268A and
114.9 the Rehabilitation Act of 1973;
- 114.10 (viii) Juvenile Court Act services provided under sections 260.011 to 260.91;
114.11 260B.001 to 260B.446; and 260C.001 to 260C.451;
- 114.12 (ix) Minnesota Comprehensive Children's Mental Health Act under section 245.487;
- 114.13 (x) the community health services grants under sections 145.88 to 145.9266;
- 114.14 (xi) the Local Public Health Act under chapter 145A; and
- 114.15 (xii) the Vulnerable Children and Adults Act, sections 256M.60 to 256M.80;
- 114.16 (2) service provision and funding that can be coordinated through:
- 114.17 (i) the children's mental health collaborative under section 245.493;
- 114.18 (ii) the family services collaborative under section 124D.23;
- 114.19 (iii) the community transition interagency committees under section 125A.22; and
- 114.20 (iv) the interagency early intervention committees under section 125A.259;
- 114.21 (3) financial and other funding programs to be coordinated including medical
114.22 assistance under title 42, chapter 7, of the Social Security Act, the MinnesotaCare program
114.23 under chapter 256L, Supplemental Social Security Income, Developmental Disabilities
114.24 Assistance, and any other employment-related activities associated with the Social
114.25 Security Administration; and services provided under a health plan in conformity with an
114.26 individual family service plan or an individualized education program or an individual
114.27 interagency intervention plan; and
- 114.28 (4) additional appropriate services that local agencies and counties provide on
114.29 an individual need basis upon determining eligibility and receiving a request from the
114.30 interagency early intervention committee and the child's parent.
- 114.31 ~~(e)~~(d) "Children with disabilities" has the meaning given in section 125A.02.
- 114.32 ~~(f)~~(e) A "standardized written plan" means those individual services or programs,
114.33 with accompanying funding sources, available through the interagency intervention
114.34 service system to an eligible child other than the services or programs described in the
114.35 child's individualized education program or the child's individual family service plan.

115.1 Sec. 3. Minnesota Statutes 2012, section 125A.023, subdivision 4, is amended to read:

115.2 Subd. 4. **State Interagency Committee.** (a) The commissioner of education, on
115.3 behalf of the governor, shall convene ~~a 19-member~~ an interagency committee to develop
115.4 and implement a coordinated, multidisciplinary, interagency intervention service system
115.5 for children ages three to 21 with disabilities. The commissioners of commerce, education,
115.6 health, human rights, human services, employment and economic development, and
115.7 corrections shall each appoint two committee members from their departments; ~~the~~
115.8 ~~Association of Minnesota Counties shall appoint two county representatives, one of whom~~
115.9 ~~must be an elected official, as committee members;~~ and the Association of Minnesota
115.10 Counties, Minnesota School Boards Association, the Minnesota Administrators of Special
115.11 Education, and the School Nurse Association of Minnesota shall each appoint one
115.12 committee member. The committee shall select a chair from among its members.

115.13 (b) The committee shall:

115.14 (1) identify and assist in removing state and federal barriers to local coordination of
115.15 services provided to children with disabilities;

115.16 (2) identify adequate, equitable, and flexible funding sources to streamline these
115.17 services;

115.18 (3) develop guidelines for implementing policies that ensure a comprehensive and
115.19 coordinated system of all state and local agency services, including multidisciplinary
115.20 assessment practices for children with disabilities ages three to 21; including:

115.21 ~~(4)~~ (i) develop, consistent with federal law, a standardized written plan for providing
115.22 services to a child with disabilities;

115.23 ~~(5)~~ (ii) identify how current systems for dispute resolution can be coordinated ~~and~~
115.24 ~~develop guidelines for that coordination;~~

115.25 ~~(6)~~ (iii) develop an evaluation process to measure the success of state and local
115.26 interagency efforts in improving the quality and coordination of services to children with
115.27 disabilities ages three to 21; and

115.28 ~~(7)~~ (iv) develop guidelines to assist the governing boards of the interagency
115.29 early intervention committees in carrying out the duties assigned in section 125A.027,
115.30 subdivision 1, paragraph (b); and

115.31 ~~(8)~~ (4) carry out other duties necessary to develop and implement within
115.32 communities a coordinated, multidisciplinary, interagency intervention service system for
115.33 children with disabilities.

115.34 (c) The committee shall consult on an ongoing basis with the state Special Education
115.35 ~~Advisory Committee for Special Education Panel~~ and the governor's Interagency

116.1 Coordinating Council in carrying out its duties under this section, including assisting the
116.2 governing boards of the interagency early intervention committees.

116.3 Sec. 4. Minnesota Statutes 2012, section 125A.027, subdivision 1, is amended to read:

116.4 Subdivision 1. **Additional duties.** (a) The governing boards of the interagency early
116.5 intervention committees are responsible for developing and implementing interagency
116.6 policies and procedures to coordinate services at the local level for children with
116.7 disabilities ages three to 21 under guidelines established by the state interagency
116.8 committee under section 125A.023, subdivision 4. Consistent with the requirements
116.9 in this section and section 125A.023, the governing boards of the interagency early
116.10 intervention committees ~~shall~~ may organize as a joint powers board under section 471.59
116.11 or enter into an interagency agreement that establishes a governance structure.

116.12 (b) The governing board of each interagency early intervention committee as defined
116.13 in section 125A.30, paragraph (a), which may include a juvenile justice professional, shall:

116.14 (1) identify ~~and assist in removing~~ state and federal barriers to local coordination of
116.15 services provided to children with disabilities;

116.16 (2) ~~identify adequate, equitable, and flexible use of funding by local agencies for~~
116.17 ~~these services;~~

116.18 (3) implement policies that ensure a comprehensive and coordinated system of
116.19 all state and local agency services, including practices on multidisciplinary assessment
116.20 practices, standardized written plans, dispute resolution, and system evaluation for
116.21 children with disabilities ages three to 21;

116.22 (4) ~~use a standardized written plan for providing services to a child with disabilities~~
116.23 ~~developed under section 125A.023;~~

116.24 (5) ~~access the coordinated dispute resolution system and incorporate the guidelines~~
116.25 ~~for coordinating services at the local level, consistent with section 125A.023;~~

116.26 (6) ~~use the evaluation process to measure the success of the local interagency effort~~
116.27 ~~in improving the quality and coordination of services to children with disabilities ages~~
116.28 ~~three to 21 consistent with section 125A.023;~~

116.29 (7) ~~develop a transitional plan for children moving from the interagency early~~
116.30 ~~childhood intervention system under sections 125A.259 to 125A.48 into the interagency~~
116.31 ~~intervention service system under this section;~~

116.32 (8) (3) coordinate services and facilitate payment for services from public and
116.33 private institutions, agencies, and health plan companies; and

116.34 (9) (4) share needed information consistent with state and federal data practices
116.35 requirements.

117.1 Sec. 5. Minnesota Statutes 2012, section 125A.027, subdivision 4, is amended to read:

117.2 Subd. 4. **Responsibilities of school and county boards.** (a) It is the joint
117.3 responsibility of school and county boards to coordinate, provide, and pay for appropriate
117.4 services, and to facilitate payment for services from public and private sources. Appropriate
117.5 service for children eligible under section 125A.02 and receiving service from two or more
117.6 public agencies of which one is the public school must be determined in consultation with
117.7 parents, physicians, and other education, medical health, and human services providers.
117.8 The services provided must be in conformity with ~~an Individual Interagency Intervention~~
117.9 ~~Plan (IHP)~~ a standardized written plan for each eligible child ages 3 to 21.

117.10 (b) Appropriate services include those services listed on a child's ~~IHP~~ standardized
117.11 written plan. These services are those that are required to be documented on a plan under
117.12 federal and state law or rule.

117.13 (c) School and county boards shall coordinate interagency services. Service
117.14 responsibilities for eligible children, ages 3 to 21, ~~shall~~ may be established in interagency
117.15 agreements or joint powers board agreements. In addition, interagency agreements or joint
117.16 powers board agreements ~~shall~~ may be developed to establish agency responsibility that
117.17 assures that coordinated interagency services are coordinated, provided, and paid for, and
117.18 that payment is facilitated from public and private sources. School boards must provide,
117.19 pay for, and facilitate payment for special education services as required under sections
117.20 125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for
117.21 those programs over which they have service and fiscal responsibility as referenced in
117.22 section 125A.023, subdivision 3, paragraph ~~(d)~~ (c), clause (1).

117.23 Sec. 6. Minnesota Statutes 2012, section 125A.03, is amended to read:

117.24 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

117.25 (a) As defined in paragraph (b), every district must provide special instruction and
117.26 services, either within the district or in another district, for all children with a disability,
117.27 including providing required services under Code of Federal Regulations, title 34, section
117.28 300.121, paragraph (d), to those children suspended or expelled from school for more than
117.29 ten school days in that school year, who are residents of the district and who are disabled
117.30 as set forth in section 125A.02. For purposes of state and federal special education
117.31 laws, the phrase "special instruction and services" in the state Education Code means a
117.32 free and appropriate public education provided to an eligible child with disabilities ~~and~~
117.33 ~~includes special education and related services defined in the Individuals with Disabilities~~
117.34 ~~Education Act, subpart A, section 300.24.~~ "Free appropriate public education" means
117.35 special education and related services that:

118.1 (1) are provided at public expense, under public supervision and direction, and
118.2 without charge;

118.3 (2) meet the standards of the state, including the requirements of the Individuals
118.4 with Disabilities Education Act, Part B or C;

118.5 (3) include an appropriate preschool, elementary school, or secondary school
118.6 education; and

118.7 (4) are provided to children ages three through 21 in conformity with an
118.8 individualized education program that meets the requirements of the Individuals with
118.9 Disabilities Education Act, subpart A, sections 300.320 to 300.324, and provided to
118.10 infants and toddlers in conformity with an individualized family service plan that meets
118.11 the requirements of the Individuals with Disabilities Education Act, subpart A, sections
118.12 303.300 to 303.346.

118.13 (b) Notwithstanding any age limits in laws to the contrary, special instruction and
118.14 services must be provided from birth until July 1 after the child with a disability becomes
118.15 21 years old but shall not extend beyond secondary school or its equivalent, except as
118.16 provided in section 124D.68, subdivision 2. Local health, education, and social service
118.17 agencies must refer children under age five who are known to need or suspected of
118.18 needing special instruction and services to the school district. Districts with less than the
118.19 minimum number of eligible children with a disability as determined by the commissioner
118.20 must cooperate with other districts to maintain a full range of programs for education
118.21 and services for children with a disability. This section does not alter the compulsory
118.22 attendance requirements of section 120A.22.

118.23 Sec. 7. Minnesota Statutes 2012, section 125A.08, is amended to read:

118.24 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

118.25 (a) At the beginning of each school year, each school district shall have in effect, for
118.26 each child with a disability, an individualized education program.

118.27 (b) As defined in this section, every district must ensure the following:

118.28 (1) all students with disabilities are provided the special instruction and services
118.29 which are appropriate to their needs. Where the individualized education program team
118.30 has determined appropriate goals and objectives based on the student's needs, including
118.31 the extent to which the student can be included in the least restrictive environment,
118.32 and where there are essentially equivalent and effective instruction, related services, or
118.33 assistive technology devices available to meet the student's needs, cost to the district may
118.34 be among the factors considered by the team in choosing how to provide the appropriate
118.35 services, instruction, or devices that are to be made part of the student's individualized

119.1 education program. The individualized education program team shall consider and
119.2 may authorize services covered by medical assistance according to section 256B.0625,
119.3 subdivision 26. The student's needs and the special education instruction and services to
119.4 be provided must be agreed upon through the development of an individualized education
119.5 program. The program must address the student's need to develop skills to live and work
119.6 as independently as possible within the community. The individualized education program
119.7 team must consider positive behavioral interventions, strategies, and supports that address
119.8 behavior for children with attention deficit disorder or attention deficit hyperactivity
119.9 disorder. During grade 9, the program must address the student's needs for transition from
119.10 secondary services to postsecondary education and training, employment, community
119.11 participation, recreation, and leisure and home living. In developing the program, districts
119.12 must inform parents of the full range of transitional goals and related services that should
119.13 be considered. The program must include a statement of the needed transition services,
119.14 including a statement of the interagency responsibilities or linkages or both before
119.15 secondary services are concluded;

119.16 (2) children with a disability under age five and their families are provided special
119.17 instruction and services appropriate to the child's level of functioning and needs;

119.18 (3) children with a disability and their parents or guardians are guaranteed procedural
119.19 safeguards and the right to participate in decisions involving identification, assessment
119.20 including assistive technology assessment, and educational placement of children with a
119.21 disability;

119.22 (4) eligibility and needs of children with a disability are determined by an initial
119.23 ~~assessment or reassessment~~ evaluation or reevaluation, which may be completed using
119.24 existing data under United States Code, title 20, section 33, et seq.;

119.25 (5) to the maximum extent appropriate, children with a disability, including those
119.26 in public or private institutions or other care facilities, are educated with children who
119.27 are not disabled, and that special classes, separate schooling, or other removal of children
119.28 with a disability from the regular educational environment occurs only when and to the
119.29 extent that the nature or severity of the disability is such that education in regular classes
119.30 with the use of supplementary services cannot be achieved satisfactorily;

119.31 (6) in accordance with recognized professional standards, testing and evaluation
119.32 materials, and procedures used for the purposes of classification and placement of children
119.33 with a disability are selected and administered so as not to be racially or culturally
119.34 discriminatory; and

119.35 (7) the rights of the child are protected when the parents or guardians are not known
119.36 or not available, or the child is a ward of the state.

120.1 (c) For paraprofessionals employed to work in programs for students with
 120.2 disabilities, the school board in each district shall ensure that:

120.3 (1) before or immediately upon employment, each paraprofessional develops
 120.4 sufficient knowledge and skills in emergency procedures, building orientation, roles and
 120.5 responsibilities, confidentiality, vulnerability, and reportability, among other things, to
 120.6 begin meeting the needs of the students with whom the paraprofessional works;

120.7 (2) annual training opportunities are available to enable the paraprofessional to
 120.8 continue to further develop the knowledge and skills that are specific to the students with
 120.9 whom the paraprofessional works, including understanding disabilities, following lesson
 120.10 plans, and implementing follow-up instructional procedures and activities; and

120.11 (3) a districtwide process obligates each paraprofessional to work under the ongoing
 120.12 direction of a licensed teacher and, where appropriate and possible, the supervision of a
 120.13 school nurse.

120.14 Sec. 8. Minnesota Statutes 2012, section 125A.22, is amended to read:

120.15 **125A.22 COMMUNITY TRANSITION INTERAGENCY COMMITTEE.**

120.16 A district, group of districts, or special education cooperative, in cooperation with
 120.17 the county or counties in which the district or cooperative is located, ~~must~~ may establish
 120.18 a community transition interagency committee for youth with disabilities, beginning at
 120.19 grade 9 or age equivalent, and their families. Members of the committee ~~must consist of~~
 120.20 may include representatives from special education, vocational and regular education,
 120.21 community education, postsecondary education and training institutions, mental health,
 120.22 adults with disabilities who have received transition services if such persons are available,
 120.23 parents of youth with disabilities, local business or industry, rehabilitation services, county
 120.24 social services, health agencies, and additional public or private adult service providers as
 120.25 appropriate. ~~The committee must elect a chair and must meet regularly.~~ The committee
 120.26 ~~must~~ may:

120.27 (1) identify current services, programs, and funding sources provided within
 120.28 the community for secondary and postsecondary aged youth with disabilities and their
 120.29 families that prepare them for further education; employment, including integrated
 120.30 competitive employment; and independent living;

120.31 (2) facilitate the development of multiagency teams to address present and future
 120.32 transition needs of individual students on their individualized education programs;

120.33 (3) develop a community plan to include mission, goals, and objectives, and an
 120.34 implementation plan to assure that transition needs of individuals with disabilities are met;

121.1 (4) recommend changes or improvements in the community system of transition
 121.2 services; and

121.3 (5) exchange agency information such as appropriate data, effectiveness studies,
 121.4 special projects, exemplary programs, and creative funding of programs; and

121.5 ~~(6) following procedures determined by the commissioner, prepare a yearly summary~~
 121.6 ~~assessing the progress of transition services in the community including follow-up of~~
 121.7 ~~individuals with disabilities who were provided transition services to determine postschool~~
 121.8 ~~outcomes. The summary must be disseminated to all adult services agencies involved in~~
 121.9 ~~the planning and to the commissioner by October 1 of each year.~~

121.10 Sec. 9. Minnesota Statutes 2013 Supplement, section 125A.30, is amended to read:

121.11 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

121.12 (a) ~~A school district, group of school districts, or special education cooperative~~
 121.13 ~~cooperatives, in cooperation with the health and human service agencies located in~~
 121.14 ~~the county or counties in which the district districts or cooperative is cooperatives are~~
 121.15 ~~located, must establish an Interagency Early Intervention Committee for children with~~
 121.16 ~~disabilities under age five and their families under this section, and for children with~~
 121.17 ~~disabilities ages three to 22 consistent with the requirements under sections 125A.023~~
 121.18 ~~and 125A.027. Committees must include representatives of local health, education, and~~
 121.19 ~~county human service agencies, county boards, school boards, early childhood family~~
 121.20 ~~education programs, Head Start, parents of young children with disabilities under age 12,~~
 121.21 ~~child care resource and referral agencies, school readiness programs, current service~~
 121.22 ~~providers, and agencies that serve families experiencing homelessness, and may also~~
 121.23 ~~include representatives from other private or public agencies and school nurses. The~~
 121.24 ~~committee must elect a chair from among its members and must meet at least quarterly.~~

121.25 (b) The committee must develop and implement interagency policies and procedures
 121.26 concerning the following ongoing duties:

121.27 (1) develop public awareness systems designed to inform potential recipient families,
 121.28 especially parents with premature infants, or infants with other physical risk factors
 121.29 associated with learning or development complications, of available programs and services;

121.30 (2) to reduce families' need for future services, and especially parents with premature
 121.31 infants, or infants with other physical risk factors associated with learning or development
 121.32 complications, implement interagency child find systems designed to actively seek out,
 121.33 identify, and refer infants and young children with, or at risk of, disabilities, including
 121.34 a child under the age of three who: (i) is the subject of a substantiated case of abuse or

122.1 neglect or (ii) is identified as directly affected by illegal substance abuse, or withdrawal
 122.2 symptoms resulting from prenatal drug exposure;

122.3 ~~(3) establish and evaluate the identification, referral, screening, evaluation, child-~~
 122.4 ~~and family-directed assessment systems, procedural safeguard process, and community~~
 122.5 ~~learning systems to recommend, where necessary, alterations and improvements;~~

122.6 ~~(4) assure the development of individualized family service plans for all eligible~~
 122.7 ~~infants and toddlers with disabilities from birth through age two, and their families,~~
 122.8 ~~and individualized education programs and individual service plans when necessary to~~
 122.9 ~~appropriately serve children with disabilities, age three and older, and their families and~~
 122.10 ~~recommmend assignment of financial responsibilities to the appropriate agencies;~~

122.11 ~~(5)~~ (3) implement a process for assuring that services involve cooperating agencies
 122.12 at all steps leading to individualized programs;

122.13 ~~(6) facilitate the development of a transition plan in the individual family service~~
 122.14 ~~plan by the time a child is two years and nine months old;~~

122.15 ~~(7)~~ (4) identify the current services and funding being provided within the
 122.16 community for children with disabilities under age five and their families; and

122.17 ~~(8)~~ (5) develop a plan for the allocation and expenditure of federal early intervention
 122.18 funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446)
 122.19 and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313); and

122.20 ~~(9) develop a policy that is consistent with section 13.05, subdivision 9, and federal~~
 122.21 ~~law to enable a member of an interagency early intervention committee to allow another~~
 122.22 ~~member access to data classified as not public.~~

122.23 (c) The local committee shall also participate in needs assessments and program
 122.24 planning activities conducted by local social service, health and education agencies for
 122.25 young children with disabilities and their families.

122.26 Sec. 10. Minnesota Statutes 2012, section 127A.065, is amended to read:

122.27 **127A.065 CROSS-SUBSIDY REPORT.**

122.28 By ~~January 10~~ March 30, the commissioner of education shall submit an annual
 122.29 report to the legislative committees having jurisdiction over kindergarten through grade
 122.30 12 education on the amount each district is cross-subsidizing special education costs
 122.31 with general education revenue.

122.32 Sec. 11. Minnesota Statutes 2012, section 260D.06, subdivision 2, is amended to read:

122.33 Subd. 2. **Agency report to court; court review.** The agency shall obtain judicial
 122.34 review by reporting to the court according to the following procedures:

123.1 (a) A written report shall be forwarded to the court within 165 days of the date of the
123.2 voluntary placement agreement. The written report shall contain or have attached:

123.3 (1) a statement of facts that necessitate the child's foster care placement;

123.4 (2) the child's name, date of birth, race, gender, and current address;

123.5 (3) the names, race, date of birth, residence, and post office addresses of the child's
123.6 parents or legal custodian;

123.7 (4) a statement regarding the child's eligibility for membership or enrollment in an
123.8 Indian tribe and the agency's compliance with applicable provisions of sections 260.751 to
123.9 260.835;

123.10 (5) the names and addresses of the foster parents or chief administrator of the facility
123.11 in which the child is placed, if the child is not in a family foster home or group home;

123.12 (6) a copy of the out-of-home placement plan required under section 260C.212,
123.13 subdivision 1;

123.14 (7) a written summary of the proceedings of any administrative review required
123.15 under section 260C.203; and

123.16 (8) any other information the agency, parent or legal custodian, the child or the foster
123.17 parent, or other residential facility wants the court to consider.

123.18 (b) In the case of a child in placement due to emotional disturbance, the written
123.19 report shall include as an attachment, the child's individual treatment plan developed by
123.20 the child's treatment professional, as provided in section 245.4871, subdivision 21, or the
123.21 child's ~~individual interagency intervention standard written~~ plan, as provided in section
123.22 125A.023, subdivision 3, paragraph ~~(e)~~ (e).

123.23 (c) In the case of a child in placement due to developmental disability or a related
123.24 condition, the written report shall include as an attachment, the child's individual service
123.25 plan, as provided in section 256B.092, subdivision 1b; the child's individual program plan,
123.26 as provided in Minnesota Rules, part 9525.0004, subpart 11; the child's waiver care plan;
123.27 or the child's ~~individual interagency intervention standard written~~ plan, as provided in
123.28 section 125A.023, subdivision 3, paragraph ~~(e)~~ (e).

123.29 (d) The agency must inform the child, age 12 or older, the child's parent, and the
123.30 foster parent or foster care facility of the reporting and court review requirements of this
123.31 section and of their right to submit information to the court:

123.32 (1) if the child or the child's parent or the foster care provider wants to send
123.33 information to the court, the agency shall advise those persons of the reporting date and the
123.34 date by which the agency must receive the information they want forwarded to the court so
123.35 the agency is timely able submit it with the agency's report required under this subdivision;

124.1 (2) the agency must also inform the child, age 12 or older, the child's parent, and
124.2 the foster care facility that they have the right to be heard in person by the court and
124.3 how to exercise that right;

124.4 (3) the agency must also inform the child, age 12 or older, the child's parent, and
124.5 the foster care provider that an in-court hearing will be held if requested by the child,
124.6 the parent, or the foster care provider; and

124.7 (4) if, at the time required for the report under this section, a child, age 12 or
124.8 older, disagrees about the foster care facility or services provided under the out-of-home
124.9 placement plan required under section 260C.212, subdivision 1, the agency shall include
124.10 information regarding the child's disagreement, and to the extent possible, the basis for the
124.11 child's disagreement in the report required under this section.

124.12 (e) After receiving the required report, the court has jurisdiction to make the
124.13 following determinations and must do so within ten days of receiving the forwarded
124.14 report, whether a hearing is requested:

124.15 (1) whether the voluntary foster care arrangement is in the child's best interests;

124.16 (2) whether the parent and agency are appropriately planning for the child; and

124.17 (3) in the case of a child age 12 or older, who disagrees with the foster care facility
124.18 or services provided under the out-of-home placement plan, whether it is appropriate to
124.19 appoint counsel and a guardian ad litem for the child using standards and procedures
124.20 under section 260C.163.

124.21 (f) Unless requested by a parent, representative of the foster care facility, or the
124.22 child, no in-court hearing is required in order for the court to make findings and issue an
124.23 order as required in paragraph (e).

124.24 (g) If the court finds the voluntary foster care arrangement is in the child's best
124.25 interests and that the agency and parent are appropriately planning for the child, the
124.26 court shall issue an order containing explicit, individualized findings to support its
124.27 determination. The individualized findings shall be based on the agency's written report
124.28 and other materials submitted to the court. The court may make this determination
124.29 notwithstanding the child's disagreement, if any, reported under paragraph (d).

124.30 (h) The court shall send a copy of the order to the county attorney, the agency,
124.31 parent, child, age 12 or older, and the foster parent or foster care facility.

124.32 (i) The court shall also send the parent, the child, age 12 or older, the foster parent, or
124.33 representative of the foster care facility notice of the permanency review hearing required
124.34 under section 260D.07, paragraph (e).

124.35 (j) If the court finds continuing the voluntary foster care arrangement is not in the
124.36 child's best interests or that the agency or the parent are not appropriately planning for the

125.1 child, the court shall notify the agency, the parent, the foster parent or foster care facility,
125.2 the child, age 12 or older, and the county attorney of the court's determinations and the
125.3 basis for the court's determinations. In this case, the court shall set the matter for hearing
125.4 and appoint a guardian ad litem for the child under section 260C.163, subdivision 5.

125.5 Sec. 12. Minnesota Statutes 2013 Supplement, section 626.556, subdivision 2, is
125.6 amended to read:

125.7 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
125.8 given them unless the specific content indicates otherwise:

125.9 (a) "Family assessment" means a comprehensive assessment of child safety, risk
125.10 of subsequent child maltreatment, and family strengths and needs that is applied to a
125.11 child maltreatment report that does not allege substantial child endangerment. Family
125.12 assessment does not include a determination as to whether child maltreatment occurred
125.13 but does determine the need for services to address the safety of family members and the
125.14 risk of subsequent maltreatment.

125.15 (b) "Investigation" means fact gathering related to the current safety of a child
125.16 and the risk of subsequent maltreatment that determines whether child maltreatment
125.17 occurred and whether child protective services are needed. An investigation must be used
125.18 when reports involve substantial child endangerment, and for reports of maltreatment in
125.19 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to
125.20 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and
125.21 13, and 124D.10; or in a nonlicensed personal care provider association as defined in
125.22 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

125.23 (c) "Substantial child endangerment" means a person responsible for a child's care,
125.24 and in the case of sexual abuse includes a person who has a significant relationship to the
125.25 child as defined in section 609.341, or a person in a position of authority as defined in
125.26 section 609.341, who by act or omission commits or attempts to commit an act against a
125.27 child under their care that constitutes any of the following:

125.28 (1) egregious harm as defined in section 260C.007, subdivision 14;

125.29 (2) sexual abuse as defined in paragraph (d);

125.30 (3) abandonment under section 260C.301, subdivision 2;

125.31 (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the
125.32 child's physical or mental health, including a growth delay, which may be referred to as
125.33 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

125.34 (5) murder in the first, second, or third degree under section 609.185, 609.19, or
125.35 609.195;

- 126.1 (6) manslaughter in the first or second degree under section 609.20 or 609.205;
- 126.2 (7) assault in the first, second, or third degree under section 609.221, 609.222, or
- 126.3 609.223;
- 126.4 (8) solicitation, inducement, and promotion of prostitution under section 609.322;
- 126.5 (9) criminal sexual conduct under sections 609.342 to 609.3451;
- 126.6 (10) solicitation of children to engage in sexual conduct under section 609.352;
- 126.7 (11) malicious punishment or neglect or endangerment of a child under section
- 126.8 609.377 or 609.378;
- 126.9 (12) use of a minor in sexual performance under section 617.246; or
- 126.10 (13) parental behavior, status, or condition which mandates that the county attorney
- 126.11 file a termination of parental rights petition under section 260C.503, subdivision 2.
- 126.12 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
- 126.13 child's care, by a person who has a significant relationship to the child, as defined in
- 126.14 section 609.341, or by a person in a position of authority, as defined in section 609.341,
- 126.15 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
- 126.16 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
- 126.17 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
- 126.18 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
- 126.19 abuse also includes any act which involves a minor which constitutes a violation of
- 126.20 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
- 126.21 threatened sexual abuse which includes the status of a parent or household member
- 126.22 who has committed a violation which requires registration as an offender under section
- 126.23 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section
- 126.24 243.166, subdivision 1b, paragraph (a) or (b).
- 126.25 (e) "Person responsible for the child's care" means (1) an individual functioning
- 126.26 within the family unit and having responsibilities for the care of the child such as a
- 126.27 parent, guardian, or other person having similar care responsibilities, or (2) an individual
- 126.28 functioning outside the family unit and having responsibilities for the care of the child
- 126.29 such as a teacher, school administrator, other school employees or agents, or other lawful
- 126.30 custodian of a child having either full-time or short-term care responsibilities including,
- 126.31 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
- 126.32 and coaching.
- 126.33 (f) "Neglect" means the commission or omission of any of the acts specified under
- 126.34 clauses (1) to (9), other than by accidental means:

127.1 (1) failure by a person responsible for a child's care to supply a child with necessary
127.2 food, clothing, shelter, health, medical, or other care required for the child's physical or
127.3 mental health when reasonably able to do so;

127.4 (2) failure to protect a child from conditions or actions that seriously endanger the
127.5 child's physical or mental health when reasonably able to do so, including a growth delay,
127.6 which may be referred to as a failure to thrive, that has been diagnosed by a physician and
127.7 is due to parental neglect;

127.8 (3) failure to provide for necessary supervision or child care arrangements
127.9 appropriate for a child after considering factors as the child's age, mental ability, physical
127.10 condition, length of absence, or environment, when the child is unable to care for the
127.11 child's own basic needs or safety, or the basic needs or safety of another child in their care;

127.12 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
127.13 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
127.14 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

127.15 (5) nothing in this section shall be construed to mean that a child is neglected solely
127.16 because the child's parent, guardian, or other person responsible for the child's care in
127.17 good faith selects and depends upon spiritual means or prayer for treatment or care of
127.18 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
127.19 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
127.20 if a lack of medical care may cause serious danger to the child's health. This section does
127.21 not impose upon persons, not otherwise legally responsible for providing a child with
127.22 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

127.23 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,
127.24 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
127.25 symptoms in the child at birth, results of a toxicology test performed on the mother at
127.26 delivery or the child at birth, medical effects or developmental delays during the child's
127.27 first year of life that medically indicate prenatal exposure to a controlled substance, or the
127.28 presence of a fetal alcohol spectrum disorder;

127.29 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

127.30 (8) chronic and severe use of alcohol or a controlled substance by a parent or
127.31 person responsible for the care of the child that adversely affects the child's basic needs
127.32 and safety; or

127.33 (9) emotional harm from a pattern of behavior which contributes to impaired
127.34 emotional functioning of the child which may be demonstrated by a substantial and
127.35 observable effect in the child's behavior, emotional response, or cognition that is not

128.1 within the normal range for the child's age and stage of development, with due regard to
128.2 the child's culture.

128.3 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,
128.4 inflicted by a person responsible for the child's care on a child other than by accidental
128.5 means, or any physical or mental injury that cannot reasonably be explained by the child's
128.6 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
128.7 that have not been authorized under section ~~121A.67~~ 125A.0942 or 245.825.

128.8 Abuse does not include reasonable and moderate physical discipline of a child
128.9 administered by a parent or legal guardian which does not result in an injury. Abuse does
128.10 not include the use of reasonable force by a teacher, principal, or school employee as
128.11 allowed by section 121A.582. Actions which are not reasonable and moderate include,
128.12 but are not limited to, any of the following that are done in anger or without regard to the
128.13 safety of the child:

128.14 (1) throwing, kicking, burning, biting, or cutting a child;

128.15 (2) striking a child with a closed fist;

128.16 (3) shaking a child under age three;

128.17 (4) striking or other actions which result in any nonaccidental injury to a child
128.18 under 18 months of age;

128.19 (5) unreasonable interference with a child's breathing;

128.20 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

128.21 (7) striking a child under age one on the face or head;

128.22 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
128.23 substances which were not prescribed for the child by a practitioner, in order to control or
128.24 punish the child; or other substances that substantially affect the child's behavior, motor
128.25 coordination, or judgment or that results in sickness or internal injury, or subjects the
128.26 child to medical procedures that would be unnecessary if the child were not exposed
128.27 to the substances;

128.28 (9) unreasonable physical confinement or restraint not permitted under section
128.29 609.379, including but not limited to tying, caging, or chaining; or

128.30 (10) in a school facility or school zone, an act by a person responsible for the child's
128.31 care that is a violation under section 121A.58.

128.32 (h) "Report" means any report received by the local welfare agency, police
128.33 department, county sheriff, or agency responsible for assessing or investigating
128.34 maltreatment pursuant to this section.

128.35 (i) "Facility" means:

129.1 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
129.2 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
129.3 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

129.4 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
129.5 124D.10; or

129.6 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,
129.7 subdivision 16, and 256B.0625, subdivision 19a.

129.8 (j) "Operator" means an operator or agency as defined in section 245A.02.

129.9 (k) "Commissioner" means the commissioner of human services.

129.10 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
129.11 not limited to employee assistance counseling and the provision of guardian ad litem and
129.12 parenting time expeditor services.

129.13 (m) "Mental injury" means an injury to the psychological capacity or emotional
129.14 stability of a child as evidenced by an observable or substantial impairment in the child's
129.15 ability to function within a normal range of performance and behavior with due regard to
129.16 the child's culture.

129.17 (n) "Threatened injury" means a statement, overt act, condition, or status that
129.18 represents a substantial risk of physical or sexual abuse or mental injury. Threatened
129.19 injury includes, but is not limited to, exposing a child to a person responsible for the
129.20 child's care, as defined in paragraph (e), clause (1), who has:

129.21 (1) subjected a child to, or failed to protect a child from, an overt act or condition
129.22 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a
129.23 similar law of another jurisdiction;

129.24 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
129.25 (b), clause (4), or a similar law of another jurisdiction;

129.26 (3) committed an act that has resulted in an involuntary termination of parental rights
129.27 under section 260C.301, or a similar law of another jurisdiction; or

129.28 (4) committed an act that has resulted in the involuntary transfer of permanent
129.29 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section
129.30 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a
129.31 similar law of another jurisdiction.

129.32 A child is the subject of a report of threatened injury when the responsible social
129.33 services agency receives birth match data under paragraph (o) from the Department of
129.34 Human Services.

129.35 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a
129.36 birth record or recognition of parentage identifying a child who is subject to threatened

130.1 injury under paragraph (n), the Department of Human Services shall send the data to the
130.2 responsible social services agency. The data is known as "birth match" data. Unless the
130.3 responsible social services agency has already begun an investigation or assessment of the
130.4 report due to the birth of the child or execution of the recognition of parentage and the
130.5 parent's previous history with child protection, the agency shall accept the birth match
130.6 data as a report under this section. The agency may use either a family assessment or
130.7 investigation to determine whether the child is safe. All of the provisions of this section
130.8 apply. If the child is determined to be safe, the agency shall consult with the county
130.9 attorney to determine the appropriateness of filing a petition alleging the child is in need
130.10 of protection or services under section 260C.007, subdivision 6, clause (16), in order to
130.11 deliver needed services. If the child is determined not to be safe, the agency and the county
130.12 attorney shall take appropriate action as required under section 260C.503, subdivision 2.

130.13 (p) Persons who conduct assessments or investigations under this section shall take
130.14 into account accepted child-rearing practices of the culture in which a child participates
130.15 and accepted teacher discipline practices, which are not injurious to the child's health,
130.16 welfare, and safety.

130.17 (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
130.18 occurrence or event which:

130.19 (1) is not likely to occur and could not have been prevented by exercise of due
130.20 care; and

130.21 (2) if occurring while a child is receiving services from a facility, happens when the
130.22 facility and the employee or person providing services in the facility are in compliance
130.23 with the laws and rules relevant to the occurrence or event.

130.24 (r) "Nonmaltreatment mistake" means:

130.25 (1) at the time of the incident, the individual was performing duties identified in the
130.26 center's child care program plan required under Minnesota Rules, part 9503.0045;

130.27 (2) the individual has not been determined responsible for a similar incident that
130.28 resulted in a finding of maltreatment for at least seven years;

130.29 (3) the individual has not been determined to have committed a similar
130.30 nonmaltreatment mistake under this paragraph for at least four years;

130.31 (4) any injury to a child resulting from the incident, if treated, is treated only with
130.32 remedies that are available over the counter, whether ordered by a medical professional or
130.33 not; and

130.34 (5) except for the period when the incident occurred, the facility and the individual
130.35 providing services were both in compliance with all licensing requirements relevant to the
130.36 incident.

131.1 This definition only applies to child care centers licensed under Minnesota
131.2 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of
131.3 substantiated maltreatment by the individual, the commissioner of human services shall
131.4 determine that a nonmaltreatment mistake was made by the individual.

131.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

131.6 Sec. 13. **IMPROVING THE ACADEMIC PERFORMANCE OF**
131.7 **UNDERACHIEVING STUDENTS THROUGH A MULTITIERED SYSTEM OF**
131.8 **EARLY INTERVENTION AND INSTRUCTIONAL SUPPORT.**

131.9 The commissioner of education, in consultation with experts and stakeholders,
131.10 including Department of Educational Psychology faculty at the University of Minnesota
131.11 and representatives of special education and regular education school administrators and
131.12 teachers, parents, cooperating school districts, and special education advocacy groups,
131.13 among others, must develop recommendations, consistent with Minnesota Statutes
131.14 2012, section 125A.56, to replace Minnesota Rules, part 3525.1341, for the purpose of
131.15 improving the academic performance of underachieving students through a multitiered
131.16 system of early intervention and instructional support. The commissioner, by February 15,
131.17 2015, must submit written recommendations, consistent with this section, to the education
131.18 policy and finance committees of the legislature.

131.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

131.20 Sec. 14. **REPEALER.**

131.21 Minnesota Statutes 2012, section 125A.027, subdivision 3, is repealed.

131.22 **ARTICLE 5**

131.23 **NUTRITION**

131.24 Section 1. Minnesota Statutes 2012, section 124D.111, subdivision 3, is amended to
131.25 read:

131.26 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision
131.27 must be recorded as provided in this subdivision.

131.28 (b) In each district, the expenses for a school food service program for pupils must
131.29 be attributed to a school food service fund. Under a food service program, the school
131.30 food service may prepare or serve milk, meals, or snacks in connection with school or
131.31 community service activities.

132.1 (c) Revenues and expenditures for food service activities must be recorded in the
132.2 food service fund. The costs of processing applications, accounting for meals, preparing
132.3 and serving food, providing kitchen custodial services, and other expenses involving the
132.4 preparing of meals or the kitchen section of the lunchroom may be charged to the food
132.5 service fund or to the general fund of the district. The costs of lunchroom supervision,
132.6 lunchroom custodial services, lunchroom utilities, and other administrative costs of the
132.7 food service program must be charged to the general fund.

132.8 That portion of superintendent and fiscal manager costs that can be documented as
132.9 attributable to the food service program may be charged to the food service fund provided
132.10 that the school district does not employ or contract with a food service director or other
132.11 individual who manages the food service program, or food service management company.
132.12 If the cost of the superintendent or fiscal manager is charged to the food service fund,
132.13 the charge must be at a wage rate not to exceed the statewide average for food service
132.14 directors as determined by the department.

132.15 (d) Capital expenditures for the purchase of food service equipment must be made
132.16 from the general fund and not the food service fund, unless the ~~unreserved~~ restricted
132.17 balance in the food service fund at the end of the last fiscal year is greater than the cost of
132.18 the equipment to be purchased.

132.19 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
132.20 from the food service fund.

132.21 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
132.22 is not eliminated by revenues from food service operations in the next fiscal year, then the
132.23 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
132.24 that second fiscal year. However, if a district contracts with a food service management
132.25 company during the period in which the deficit has accrued, the deficit must be eliminated
132.26 by a payment from the food service management company.

132.27 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service
132.28 fund for up to three years without making the permanent transfer if the district submits
132.29 to the commissioner by January 1 of the second fiscal year a plan for eliminating that
132.30 deficit at the end of the third fiscal year.

132.31 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
132.32 successive years, a district may recode for that fiscal year the costs of lunchroom
132.33 supervision, lunchroom custodial services, lunchroom utilities, and other administrative
132.34 costs of the food service program charged to the general fund according to paragraph (c)
132.35 and charge those costs to the food service fund in a total amount not to exceed the amount
132.36 of surplus in the food service fund.

133.1 Sec. 2. [124D.1191] DONATIONS TO FOOD SHELF PROGRAMS.

133.2 Schools and community organizations participating in any federal child nutrition
 133.3 meal program may donate food to food shelf programs, provided that the food shelf:

133.4 (1) is a nonprofit corporation or is affiliated with a nonprofit corporation, as defined
 133.5 in section 501(c)(3) of the Internal Revenue Code of 1986;

133.6 (2) distributes food without charge to needy individuals;

133.7 (3) does not limit food distributions to individuals of a particular religious affiliation,
 133.8 race, or other criteria unrelated to need; and

133.9 (4) has a stable address and directly serves individuals.

133.10 **ARTICLE 6**

133.11 **EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND**
 133.12 **LIFELONG LEARNING**

133.13 Section 1. Minnesota Statutes 2012, section 123A.06, subdivision 2, is amended to read:

133.14 Subd. 2. **People to be served.** A state-approved alternative program shall provide
 133.15 programs for secondary pupils ~~and adults~~. A center may also provide programs and
 133.16 services for elementary and secondary pupils who are not attending the state-approved
 133.17 alternative program to assist them in being successful in school. A center shall use
 133.18 research-based best practices for serving English learners and their parents. An
 133.19 individualized education program team may identify a state-approved alternative program
 133.20 as an appropriate placement to the extent a state-approved alternative program can provide
 133.21 the student with the appropriate special education services described in the student's plan.
 133.22 Pupils eligible to be served are those who qualify under the graduation incentives program
 133.23 in section 124D.68, subdivision 2, those enrolled under section 124D.02, subdivision
 133.24 2, or those pupils who are eligible to receive special education services under sections
 133.25 125A.03 to 125A.24, and 125A.65.

133.26 Sec. 2. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 2, is
 133.27 amended to read:

133.28 Subd. 2. **Family eligibility.** (a) For a family to receive an early ~~childhood education~~
 133.29 learning scholarship, parents or guardians must meet the following eligibility requirements:

133.30 (1) have a child three or four years of age on September 1 of the current school year,
 133.31 who has not yet started kindergarten; and

133.32 (2) have income equal to or less than 185 percent of federal poverty level income
 133.33 in the current calendar year, or be able to document their child's current participation in
 133.34 the free and reduced-price lunch program or child and adult care food program, National

134.1 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food
134.2 Distribution Program on Indian Reservations, Food and Nutrition Act, United States
134.3 Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for
134.4 School Readiness Act of 2007; Minnesota family investment program under chapter 256J;
134.5 child care assistance programs under chapter 119B; the supplemental nutrition assistance
134.6 program; or placement in foster care under section 260C.212.

134.7 (b) Notwithstanding the other provisions of this section, a parent under age 21 who
134.8 is pursuing a high school or general education equivalency diploma is eligible for an early
134.9 learning scholarship if the parent has a child age zero to five years old and meets the
134.10 income eligibility guidelines in this subdivision.

134.11 (c) Any siblings between the ages zero to five years old of a child who has been
134.12 awarded a scholarship under this section must be awarded a scholarship upon request,
134.13 provided the sibling attends the same program.

134.14 (d) A child who has received a scholarship under this section must continue to receive
134.15 a scholarship each year until that child is eligible for kindergarten under section 120A.20.

134.16 (e) Early learning scholarships may not be counted as earned income for the
134.17 purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L,
134.18 Minnesota family investment program under chapter 256J, child care assistance programs
134.19 under chapter 119B, or Head Start under the federal Improving Head Start for School
134.20 Readiness Act of 2007.

134.21 Sec. 3. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 4, is
134.22 amended to read:

134.23 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept
134.24 an early ~~childhood education~~ learning scholarship, a program must:

134.25 (1) participate in the quality rating and improvement system under section
134.26 124D.142; and

134.27 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating
134.28 and improvement system.

134.29 (b) Any program accepting scholarships must use the revenue to supplement and not
134.30 supplant federal funding.

134.31 **ARTICLE 7**

134.32 **LIBRARIES**

134.33 Section 1. Minnesota Statutes 2012, section 134.355, subdivision 8, is amended to read:

135.1 Subd. 8. **Eligibility.** A regional public library system may apply for regional library
135.2 telecommunications aid. The aid must be used for data and video access maintenance,
135.3 equipment, or installation of telecommunication lines. To be eligible, a regional public
135.4 library system must be officially designated by the commissioner of education as a
135.5 regional public library system as defined in section 134.34, subdivision 3, and each of its
135.6 participating cities and counties must meet local support levels defined in section 134.34,
135.7 subdivision 1. A public library building that receives aid under this section must be open a
135.8 minimum of 20 hours per week. Exceptions to the minimum open hours requirement may
135.9 be granted by the Department of Education on request of the regional public library system
135.10 for the following circumstances: short-term closing for emergency maintenance and
135.11 repairs following a natural disaster; in response to exceptional economic circumstances;
135.12 building repair or maintenance that requires public services areas to be closed; or to adjust
135.13 hours of public service to respond to documented seasonal use patterns.

135.14 Sec. 2. **CONSULTATION; LIBRARIES AND SERVICE DELIVERY.**

135.15 The commissioner of education must consult with people knowledgeable about
135.16 state libraries and service delivery, including representatives of the Department of
135.17 Education, regional public library systems, multicounty multitype library systems, public
135.18 libraries located in the metropolitan area and greater Minnesota other than regional public
135.19 library systems, Minitex, public school library media specialists, the Office of Higher
135.20 Education, the Association of Minnesota Counties, and the League of Minnesota Cities
135.21 on increasing service delivery and collaboration between library governance systems,
135.22 options for changing current library procedures and library governance systems to
135.23 increase collaboration between library systems, and ensuring equitable and cost-effective
135.24 access to library services statewide. In addition to addressing physical library services,
135.25 the commissioner also must consider how to increase access to emerging electronic
135.26 services. The commissioner must report by February 1, 2015, to the education policy
135.27 and finance committees of the legislature on how to structure library systems to ensure
135.28 that all Minnesota residents have equitable and cost-effective access to state-supported
135.29 library services.

135.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

136.1 **ARTICLE 8**136.2 **UNSESSION CHANGES**

136.3 Section 1. Minnesota Statutes 2012, section 121A.36, is amended to read:

136.4 **121A.36 MOTORCYCLE SAFETY EDUCATION PROGRAM.**

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

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

136.17 Subd. 3. **Appropriation.** (a) All funds in the motorcycle safety fund created by
136.18 section 171.06, subdivision 2a, are hereby annually appropriated to the commissioner of
136.19 public safety to carry out the purposes of subdivisions 1 and 2. ~~The commissioner of~~
136.20 ~~public safety may make grants from the fund to the commissioner of education at such~~
136.21 ~~times and in such amounts as the commissioner deems necessary to carry out the purposes~~
136.22 ~~of subdivisions 1 and 2.~~

136.23 (b) Of the money appropriated under paragraph (a):

136.24 (1) not more than five percent shall be expended to defray the administrative costs
136.25 of carrying out the purposes of subdivisions 1 and 2; and

136.26 (2) not more than 65 percent shall be expended for the combined purpose of
136.27 training and coordinating the activities of motorcycle safety instructors and making
136.28 reimbursements to schools and other approved organizations.

136.29 Sec. 2. Minnesota Statutes 2012, section 124D.141, subdivision 3, is amended to read:

136.30 Subd. 3. **Administration.** ~~An amount up to \$12,500 from federal child care and~~
136.31 ~~development fund administrative funds and up to \$12,500 from prekindergarten exploratory~~
136.32 ~~project funds appropriated under Laws 2007, chapter 147, article 19, section 3, may be~~
136.33 ~~used to reimburse the parents on the council and for technical assistance and administrative~~
136.34 ~~support of the State Advisory Council on Early Childhood Education and Care. This~~

137.1 ~~funding stream is for fiscal year 2009.~~ The council may pursue additional funds from state,
137.2 federal, and private sources. ~~If additional operational funds are received, the council must~~
137.3 ~~reduce the amount of prekindergarten exploratory project funds used in an equal amount.~~

137.4 Sec. 3. **REVISOR'S INSTRUCTION.**

137.5 The revisor of statutes shall renumber Minnesota Statutes, section 121A.36, as
137.6 section 171.335. The revisor of statutes shall also make cross-reference changes in
137.7 Minnesota Statutes and Minnesota Rules consistent with the renumbering.

137.8 Sec. 4. **REPEALER.**

137.9 Minnesota Statutes 2012, sections 119A.04, subdivision 3; 119A.08; 120A.30;
137.10 120B.19; 120B.24; 121A.17, subdivision 9; 122A.52; 122A.53; 122A.61, subdivision 2;
137.11 124D.24; 124D.25; 124D.26; 124D.27; 124D.28; 124D.29; 124D.30; and 124D.31, are
137.12 repealed.

137.13 **ARTICLE 9**

137.14 **CONFORMING CHANGES**

137.15 Section 1. Minnesota Statutes 2012, section 120A.22, subdivision 2, is amended to read:

137.16 Subd. 2. **Applicability.** This section and sections 120A.24; 120A.26; ~~120A.30;~~
137.17 120A.32; and 120A.34 apply only to a child required to receive instruction according to
137.18 subdivision 5 and to instruction that is intended to fulfill that requirement.

137.19 Sec. 2. Minnesota Statutes 2012, section 120A.32, is amended to read:

137.20 **120A.32 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY.**

137.21 Any school officer, truant officer, public or nonpublic school teacher, principal,
137.22 district superintendent, or person providing instruction other than a parent refusing,
137.23 willfully failing, or neglecting to perform any duty imposed by sections 120A.22 ~~to~~
137.24 ~~120A.30, 120A.26,~~ 120A.35, 120A.41, and 123B.03 is guilty of a misdemeanor. All
137.25 persons found guilty shall be punished for each offense by a fine of not more than \$10 or
137.26 by imprisonment for not more than ten days. All fines, when collected, shall be paid into
137.27 the county treasury for the benefit of the school district in which the offense is committed.

137.28 Sec. 3. Minnesota Statutes 2012, section 122A.09, subdivision 7, is amended to read:

137.29 Subd. 7. **Commissioner's assistance; board money.** The commissioner shall
137.30 provide all necessary materials and assistance for the transaction of the business of the

138.1 Board of Teaching and all moneys received by the Board of Teaching shall be paid into
 138.2 the state treasury as provided by law. The expenses of administering sections 122A.01,
 138.3 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.20, 122A.21, 122A.22,
 138.4 122A.23, 122A.26, 122A.30, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, ~~122A.52,~~
 138.5 ~~122A.53,~~ 122A.54, 122A.55, 122A.56, 122A.57, and 122A.58 which are incurred by the
 138.6 Board of Teaching shall be paid for from appropriations made to the Board of Teaching.

138.7 Sec. 4. Minnesota Statutes 2012, section 127A.41, subdivision 7, is amended to read:

138.8 Subd. 7. **Schedule adjustments.** (a) It is the intention of the legislature to encourage
 138.9 efficient and effective use of staff and facilities by districts. Districts are encouraged to
 138.10 consider both cost and energy saving measures.

138.11 (b) Any district operating a program pursuant to sections 124D.12 to 124D.127, or
 138.12 124D.128, ~~or 124D.25 to 124D.29,~~ or operating a commissioner-designated area learning
 138.13 center program under section 123A.09, or that otherwise receives the approval of the
 138.14 commissioner to operate its instructional program to avoid an aid reduction in any year,
 138.15 may adjust the annual school schedule for that program throughout the calendar year.

138.16 ARTICLE 10

138.17 INTERSTATE COMPACT

138.18 Section 1. [127A.85] INTERSTATE COMPACT ON EDUCATIONAL
 138.19 OPPORTUNITY FOR MILITARY CHILDREN.

138.20 ARTICLE I

138.21 PURPOSE

138.22 It is the purpose of this compact to remove barriers to educational success imposed on
 138.23 children of military families because of frequent moves and deployment of their parents by:

138.24 A. facilitating the timely enrollment of children of military families and ensuring
 138.25 that they are not placed at a disadvantage due to difficulty in the transfer of education
 138.26 records from the previous school district(s) or variations in entrance/age requirements.

138.27 B. Facilitating the student placement process through which children of military
 138.28 families are not disadvantaged by variations in attendance requirements, scheduling,
 138.29 sequencing, grading, course content, or assessment.

138.30 C. Facilitating the qualification and eligibility for enrollment, educational programs,
 138.31 and participation in extracurricular academic, athletic, and social activities.

138.32 D. Facilitating the on-time graduation of children of military families.

138.33 E. Providing for the promulgation and enforcement of administrative rules
 138.34 implementing the provisions of this compact.

139.1 F. Providing for the uniform collection and sharing of information between and
139.2 among member states, schools, and military families under this compact.

139.3 G. Promoting coordination between this compact and other compacts affecting
139.4 military children.

139.5 H. Promoting flexibility and cooperation between the educational system, parents,
139.6 and the student in order to achieve educational success for the student.

139.7 ARTICLE II

139.8 DEFINITIONS

139.9 As used in this compact, unless the context clearly requires a different construction:

139.10 A. "Active duty" means: full-time duty status in the active uniformed service of the
139.11 United States, including members of the National Guard and Reserve on active duty orders
139.12 pursuant to United States Code, title 10, sections 1209 and 1211.

139.13 B. "Children of military families" means: a school-aged child(ren), enrolled in
139.14 kindergarten through grade 12, in the household of an active duty member.

139.15 C. "Compact commissioner" means: the voting representative of each compacting
139.16 state appointed pursuant to Article VIII of this compact.

139.17 D. "Deployment" means: the period one month prior to the service members'
139.18 departure from their home station on military orders through six months after return to
139.19 their home station.

139.20 E. "Education(al) records" means: those official records, files, and data directly
139.21 related to a student and maintained by the school or local education agency, including but
139.22 not limited to records encompassing all the material kept in the student's cumulative
139.23 folder, such as general identifying data, records of attendance and of academic work
139.24 completed, records of achievement and results of evaluative tests, health data, disciplinary
139.25 status, test protocols, and individualized education programs.

139.26 F. "Extracurricular activities" means: a voluntary activity sponsored by the school
139.27 or local education agency or an organization sanctioned by the local education agency.
139.28 Extracurricular activities include, but are not limited to, preparation for and involvement
139.29 in public performances, contests, athletic competitions, demonstrations, displays, and
139.30 club activities.

139.31 G. "Interstate Commission on Educational Opportunity for Military Children"
139.32 means: the commission that is created under Article IX of this compact, which is generally
139.33 referred to as Interstate Commission.

139.34 H. "Local education agency" means: a public authority legally constituted by the
139.35 state as an administrative agency to provide control of and direction for kindergarten
139.36 through grade 12 public educational institutions.

140.1 I. "Member state" means: a state that has enacted this compact.

140.2 J. "Military installation" means: a base, camp, post, station, yard, center, homeport
140.3 facility for any ship, or other activity under the jurisdiction of the Department of Defense,
140.4 including any leased facility, which is located within any of the several states, the District
140.5 of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,
140.6 American Samoa, the Northern Mariana Islands, and any other United States territory.
140.7 Such term does not include any facility used primarily for civil works, rivers and harbors
140.8 projects, or flood control projects.

140.9 K. "Nonmember state" means: a state that has not enacted this compact.

140.10 L. "Receiving state" means: the state to which a child of a military family is sent,
140.11 brought, or caused to be sent or brought.

140.12 M. "Rule" means: a written statement by the Interstate Commission promulgated
140.13 pursuant to Article XII of this compact that is of general applicability, implements,
140.14 interprets, or prescribes a policy or provision of the Compact, or an organizational,
140.15 procedural, or practice requirement of the Interstate Commission, and has the force
140.16 and effect of statutory law in a member state, and includes the amendment, repeal, or
140.17 suspension of an existing rule.

140.18 N. "Sending state" means: the state from which a child of a military family is sent,
140.19 brought, or caused to be sent or brought.

140.20 O. "State" means: a state of the United States, the District of Columbia, the
140.21 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa,
140.22 the Northern Mariana Islands, and any other United States territory.

140.23 P. "Student" means: the child of a military family for whom the local education
140.24 agency receives public funding and who is formally enrolled in kindergarten through
140.25 grade 12.

140.26 Q. "Transition" means: (1) the formal and physical process of transferring from
140.27 school to school or (2) the period of time in which a student moves from one school in
140.28 the sending state to another school in the receiving state.

140.29 R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast
140.30 Guard as well as the commissioned Corps of the National Oceanic and Atmospheric
140.31 Administration, and Public Health Services.

140.32 S. "Veteran" means: a person who served in the uniformed services and who was
140.33 discharged or released there from under conditions other than dishonorable.

140.34 **ARTICLE III**

140.35 **APPLICABILITY**

141.1 A. Except as otherwise provided in Section B, this compact shall apply to the
141.2 children of:

141.3 1. active duty members of the uniformed services as defined in this compact,
141.4 including members of the National Guard and Reserve on active duty orders pursuant to
141.5 United States Code, title 10, sections 1209 and 1211;

141.6 2. members or veterans of the uniformed services who are severely injured and
141.7 medically discharged or retired for a period of one year after medical discharge or
141.8 retirement; and

141.9 3. members of the uniformed services who die on active duty or as a result of
141.10 injuries sustained on active duty for a period of one year after death.

141.11 B. The provisions of this interstate compact shall only apply to local education
141.12 agencies as defined in this compact.

141.13 C. The provisions of this compact shall not apply to the children of:

141.14 1. inactive members of the national guard and military reserves;

141.15 2. members of the uniformed services now retired, except as provided in Section A;

141.16 3. veterans of the uniformed services, except as provided in Section A; and

141.17 4. other United States Department of Defense personnel and other federal agency
141.18 civilian and contract employees not defined as active duty members of the uniformed
141.19 services.

141.20 ARTICLE IV

141.21 EDUCATIONAL RECORDS AND ENROLLMENT

141.22 A. Unofficial or "hand-carried" education records - In the event that official
141.23 education records cannot be released to the parents for the purpose of transfer, the
141.24 custodian of the records in the sending state shall prepare and furnish to the parent
141.25 a complete set of unofficial educational records containing uniform information as
141.26 determined by the Interstate Commission. Upon receipt of the unofficial education records
141.27 by a school in the receiving state, the school shall enroll and appropriately place the
141.28 student based on the information provided in the unofficial records pending validation by
141.29 the official records, as quickly as possible.

141.30 B. Official education records/transcripts - Simultaneous with the enrollment and
141.31 conditional placement of the student, the school in the receiving state shall request the
141.32 student's official education record from the school in the sending state. Upon receipt of
141.33 this request, the school in the sending state will process and furnish the official education
141.34 records to the school in the receiving state within ten days or within such time as
141.35 reasonably determined under rules promulgated by the Interstate Commission.

142.1 C. Immunizations - Compacting states shall give 30 days from the date of enrollment
142.2 or within such time as is reasonably determined under the rules promulgated by the
142.3 Interstate Commission, for students to obtain any immunization(s) required by the
142.4 receiving state. For a series of immunizations, initial vaccinations must be obtained within
142.5 30 days or within such time as is reasonably determined under the rules promulgated by
142.6 the Interstate Commission.

142.7 D. Kindergarten and first grade entrance age - Students shall be allowed to continue
142.8 their enrollment at grade level in the receiving state commensurate with their grade level
142.9 (including kindergarten) from a local education agency in the sending state at the time of
142.10 transition, regardless of age. A student that has satisfactorily completed the prerequisite
142.11 grade level in the local education agency in the sending state shall be eligible for enrollment
142.12 in the next highest grade level in the receiving state, regardless of age. A student
142.13 transferring after the start of the school year in the receiving state shall enter the school in
142.14 the receiving state on their validated level from an accredited school in the sending state.

142.15 ARTICLE V

142.16 PLACEMENT AND ATTENDANCE

142.17 A. Course placement - When the student transfers before or during the school year,
142.18 the receiving state school shall initially honor placement of the student in educational
142.19 courses based on the student's enrollment in the sending state school and/or educational
142.20 assessments conducted at the school in the sending state if the courses are offered. Course
142.21 placement includes but is not limited to Honors, International Baccalaureate, Advanced
142.22 Placement, vocational, technical, and career pathways courses. Continuing the student's
142.23 academic program from the previous school and promoting placement in academically and
142.24 career challenging courses should be paramount when considering placement. This does
142.25 not preclude the school in the receiving state from performing subsequent evaluations to
142.26 ensure appropriate placement and continued enrollment of the student in the course(s).

142.27 B. Educational program placement - The receiving state school shall initially honor
142.28 placement of the student in educational programs based on the current educational
142.29 assessments conducted at the school in the sending state or participation/placement in
142.30 like programs in the sending state. Such programs include, but are not limited to: (1)
142.31 gifted and talented programs; and (2) English as a second language (ESL). This does not
142.32 preclude the school in the receiving state from performing subsequent evaluations to
142.33 ensure appropriate placement of the student.

142.34 C. Special education services - (1) in compliance with the federal requirements of the
142.35 Individuals with Disabilities Education Act (IDEA), United States Code Annotated, title
142.36 20, section 1400 et seq., the receiving state shall initially provide comparable services to a

143.1 student with disabilities based on his/her current Individualized Education Program (IEP);
143.2 and (2) in compliance with the requirements of Section 504 of the Rehabilitation Act,
143.3 United States Code Annotated, title 29, section 794, and with Title II of the Americans
143.4 with Disabilities Act, United States Code Annotated, title 42, sections 12131 to 12165,
143.5 the receiving state shall make reasonable accommodations and modifications to address
143.6 the needs of incoming students with disabilities, subject to an existing 504 or Title II
143.7 Plan, to provide the student with equal access to education. This does not preclude the
143.8 school in the receiving state from performing subsequent evaluations to ensure appropriate
143.9 placement of the student.

143.10 D. Placement flexibility - Local education agency administrative officials shall have
143.11 flexibility in waiving course/program prerequisites, or other preconditions for placement
143.12 in courses/programs offered under the jurisdiction of the local education agency.

143.13 E. Absence as related to deployment activities - A student whose parent or legal
143.14 guardian is an active duty member of the uniformed services, as defined by the compact,
143.15 and has been called to duty for, is on leave from, or immediately returned from deployment
143.16 to a combat zone or combat support posting, shall be granted additional excused absences
143.17 at the discretion of the local education agency superintendent to visit with his or her parent
143.18 or legal guardian relative to such leave or deployment of the parent or guardian.

143.19 ARTICLE VI

143.20 ELIGIBILITY

143.21 A. Eligibility for enrollment

143.22 1. Special power of attorney, relative to the guardianship of a child of a military
143.23 family and executed under applicable law shall be sufficient for the purposes of enrollment
143.24 and all other actions requiring parental participation and consent.

143.25 2. A local education agency shall be prohibited from charging local tuition to a
143.26 transitioning military child placed in the care of a noncustodial parent or other person
143.27 standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

143.28 3. A transitioning military child, placed in the care of a noncustodial parent or
143.29 other person standing in loco parentis who lives in a jurisdiction other than that of the
143.30 custodial parent, may continue to attend the school in which he/she was enrolled while
143.31 residing with the custodial parent.

143.32 B. Eligibility for extracurricular participation - State and local education
143.33 agencies shall facilitate the opportunity for transitioning military children's inclusion
143.34 in extracurricular activities, regardless of application deadlines, to the extent they are
143.35 otherwise qualified.

143.36 ARTICLE VII

GRADUATION

144.1

144.2 In order to facilitate the on-time graduation of children of military families, states
144.3 and local education agencies shall incorporate the following procedures:

144.4 A. Waiver requirements - Local education agency administrative officials shall waive
144.5 specific courses required for graduation if similar coursework has been satisfactorily
144.6 completed in another local education agency or shall provide reasonable justification for
144.7 denial. Should a waiver not be granted to a student who would qualify to graduate from
144.8 the sending school, the local education agency shall provide an alternative means of
144.9 acquiring required coursework so that graduation may occur on time.

144.10 B. Exit exams - States shall accept: (1) exit or end-of-course exams required for
144.11 graduation from the sending state, (2) national norm-referenced achievement tests, or (3)
144.12 alternative testing, in lieu of testing requirements for graduation in the receiving state.
144.13 In the event the above alternatives cannot be accommodated by the receiving state for a
144.14 student transferring in his or her senior year, then the provisions of Section C shall apply.

144.15 C. Transfers during senior year - Should a military student transferring at the
144.16 beginning or during his or her senior year be ineligible to graduate from the receiving local
144.17 education agency after all alternatives have been considered, the sending and receiving
144.18 local education agencies shall ensure the receipt of a diploma from the sending local
144.19 education agency, if the student meets the graduation requirements of the sending local
144.20 education agency. In the event that one of the states in question is not a member of this
144.21 compact, the member state shall use best efforts to facilitate the on-time graduation of the
144.22 student in accordance with Sections A and B of this Article.

ARTICLE VIII

144.23

STATE COORDINATION

144.24

144.25 A. Each member state shall, through the creation of a State Council or use of an
144.26 existing body or board, provide for the coordination among its agencies of government,
144.27 local education agencies, and military installations concerning the state's participation in,
144.28 and compliance with, this compact and Interstate Commission activities. While each
144.29 member state may determine the membership of its own State Council, its membership
144.30 must include at least: the state superintendent of education, superintendent of a school
144.31 district with a high concentration of military children, representative from a military
144.32 installation, one representative each from the legislative and executive branches of
144.33 government, and other offices and stakeholder groups the State Council deems appropriate.
144.34 A member state that does not have a school district deemed to contain a high concentration
144.35 of military children may appoint a superintendent from another school district to represent
144.36 local education agencies on the State Council.

145.1 B. The State Council of each member state shall appoint or designate a military
145.2 family education liaison to assist military families and the state in facilitating the
145.3 implementation of this compact.

145.4 C. The compact commissioner responsible for the administration and management
145.5 of the state's participation in the compact shall be appointed by the governor or as
145.6 otherwise determined by each member state.

145.7 D. The compact commissioner and the military family education liaison designated
145.8 herein shall be ex-officio members of the State Council, unless either is already a full
145.9 voting member of the State Council.

145.10 **ARTICLE IX**
145.11 **INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY**
145.12 **FOR MILITARY CHILDREN**

145.13 The member states hereby create the "Interstate Commission on Educational
145.14 Opportunity for Military Children." The activities of the Interstate Commission are
145.15 the formation of public policy and are a discretionary state function. The Interstate
145.16 Commission shall:

145.17 A. Be a body corporate and joint agency of the member states and shall have all the
145.18 responsibilities, powers, and duties set forth herein, and such additional powers as may be
145.19 conferred upon it by a subsequent concurrent action of the respective legislatures of the
145.20 member states in accordance with the terms of this compact.

145.21 B. Consist of one Interstate Commission voting representative from each member
145.22 state who shall be that state's compact commissioner.

145.23 1. Each member state represented at a meeting of the Interstate Commission is
145.24 entitled to one vote.

145.25 2. A majority of the total member states shall constitute a quorum for the transaction
145.26 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

145.27 3. A representative shall not delegate a vote to another member state. In the event
145.28 the compact commissioner is unable to attend a meeting of the Interstate Commission,
145.29 the Governor or State Council may delegate voting authority to another person from
145.30 their state for a specified meeting.

145.31 4. The bylaws may provide for meetings of the Interstate Commission to be
145.32 conducted by telecommunication or electronic communication.

145.33 C. Consist of ex-officio, nonvoting representatives who are members of interested
145.34 organizations. Such ex-officio members, as defined in the bylaws, may include, but not
145.35 be limited to, members of the representative organizations of military family advocates,
145.36 local education agency officials, parent and teacher groups, the United States Department
145.37 of Defense, the Education Commission of the States, the Interstate Agreement on the

146.1 Qualification of Educational Personnel, and other interstate compacts affecting the
146.2 education of children of military members.

146.3 D. Meet at least once each calendar year. The chairperson may call additional
146.4 meetings and, upon the request of a simple majority of the member states, shall call
146.5 additional meetings.

146.6 E. Establish an executive committee, whose members shall include the officers
146.7 of the Interstate Commission and such other members of the Interstate Commission as
146.8 determined by the bylaws. Members of the executive committee shall serve a one-year
146.9 term. Members of the executive committee shall be entitled to one vote each. The
146.10 executive committee shall have the power to act on behalf of the Interstate Commission,
146.11 with the exception of rulemaking, during periods when the Interstate Commission is
146.12 not in session. The executive committee shall oversee the day-to-day activities of the
146.13 administration of the compact, including enforcement and compliance with the provisions
146.14 of the compact, its bylaws and rules, and other such duties as deemed necessary. The
146.15 United States Department of Defense shall serve as an ex-officio, nonvoting member of
146.16 the executive committee.

146.17 F. Establish bylaws and rules that provide for conditions and procedures under which
146.18 the Interstate Commission shall make its information and official records available to the
146.19 public for inspection or copying. The Interstate Commission may exempt from disclosure
146.20 information or official records to the extent they would adversely affect personal privacy
146.21 rights or proprietary interests.

146.22 G. Public notice shall be given by the Interstate Commission of all meetings and
146.23 all meetings shall be open to the public, except as set forth in the rules or as otherwise
146.24 provided in the compact. The Interstate Commission and its committees may close a
146.25 meeting, or portion thereof, where it determines by two-thirds vote that an open meeting
146.26 would be likely to:

- 146.27 1. Relate solely to the Interstate Commission's internal personnel practices and
146.28 procedures;
- 146.29 2. Disclose matters specifically exempted from disclosure by federal and state statute;
- 146.30 3. Disclose trade secrets or commercial or financial information which is privileged
146.31 or confidential;
- 146.32 4. Involve accusing a person of a crime, or formally censuring a person;
- 146.33 5. Disclose information of a personal nature where disclosure would constitute a
146.34 clearly unwarranted invasion of personal privacy;
- 146.35 6. Disclose investigative records compiled for law enforcement purposes; or

147.1 7. Specifically relate to the Interstate Commission's participation in a civil action
147.2 or other legal proceeding.

147.3 H. For a meeting, or a portion of a meeting, closed pursuant to this provision, the
147.4 Interstate Commission's legal counsel or designee shall certify that the meeting may be
147.5 closed and shall reference each relevant exemptible provision. The Interstate Commission
147.6 shall keep minutes which shall fully and clearly describe all matters discussed in a meeting
147.7 and shall provide a full and accurate summary of actions taken, and the reasons therefore,
147.8 including a description of the views expressed and the record of a roll call vote. All
147.9 documents considered in connection with an action shall be identified in such minutes. All
147.10 minutes and documents of a closed meeting shall remain under seal, subject to release by a
147.11 majority vote of the Interstate Commission.

147.12 I. The Interstate Commission shall collect standardized data concerning the
147.13 educational transition of the children of military families under this compact as directed
147.14 through its rules which shall specify the data to be collected, the means of collection, and
147.15 data exchange and reporting requirements. Such methods of data collection, exchange,
147.16 and reporting shall, insofar as is reasonably possible, conform to current technology and
147.17 coordinate its information functions with the appropriate custodian of records as identified
147.18 in the bylaws and rules.

147.19 J. The Interstate Commission shall create a process that permits military officials,
147.20 education officials, and parents to inform the Interstate Commission if and when there
147.21 are alleged violations of the compact or its rules or when issues subject to the jurisdiction
147.22 of the compact or its rules are not addressed by the state or local education agency. This
147.23 section shall not be construed to create a private right of action against the Interstate
147.24 Commission or any member state.

147.25 ARTICLE X

147.26 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

147.27 The Interstate Commission shall have the following powers:

147.28 A. To provide for dispute resolution among member states.

147.29 B. To promulgate rules and take all necessary actions to effect the goals, purposes,
147.30 and obligations as enumerated in this compact. The rules shall have the force and effect of
147.31 statutory law and shall be binding in the compact states to the extent and in the manner
147.32 provided in this compact.

147.33 C. To issue, upon request of a member state, advisory opinions concerning the
147.34 meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

148.1 D. To enforce compliance with the compact provisions, the rules promulgated by the
148.2 Interstate Commission, and the bylaws, using all necessary and proper means, including
148.3 but not limited to the use of judicial process.

148.4 E. To establish and maintain offices which shall be located within one or more of
148.5 the member states.

148.6 F. To purchase and maintain insurance and bonds.

148.7 G. To borrow, accept, hire, or contract for services of personnel.

148.8 H. To establish and appoint committees including, but not limited to, an executive
148.9 committee as required by Article IX, Section E, which shall have the power to act on
148.10 behalf of the Interstate Commission in carrying out its powers and duties hereunder.

148.11 I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and
148.12 to fix their compensation, define their duties, and determine their qualifications; and to
148.13 establish the Interstate Commission's personnel policies and programs relating to conflicts
148.14 of interest, rates of compensation, and qualifications of personnel.

148.15 J. To accept any and all donations and grants of money, equipment, supplies,
148.16 materials, and services, and to receive, utilize, and dispose of it.

148.17 K. To lease, purchase, accept contributions or donations of, or otherwise to own,
148.18 hold, improve, or use any property, real, personal, or mixed.

148.19 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
148.20 of any property, real, personal, or mixed.

148.21 M. To establish a budget and make expenditures.

148.22 N. To adopt a seal and bylaws governing the management and operation of the
148.23 Interstate Commission.

148.24 O. To report annually to the legislatures, governors, judiciary, and State Councils
148.25 of the member states concerning the activities of the Interstate Commission during the
148.26 preceding year. Such reports shall also include any recommendations that may have
148.27 been adopted by the Interstate Commission.

148.28 P. To coordinate education, training, and public awareness regarding the compact, its
148.29 implementation and operation for officials and parents involved in such activity.

148.30 Q. To establish uniform standards for the reporting, collecting, and exchanging of
148.31 data.

148.32 R. To maintain corporate books and records in accordance with the bylaws.

148.33 S. To perform such functions as may be necessary or appropriate to achieve the
148.34 purposes of this compact.

148.35 T. To provide for the uniform collection and sharing of information between and
148.36 among member states, schools, and military families under this compact.

149.1 **ARTICLE XI**

149.2 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

149.3 A. The Interstate Commission shall, by a majority of the members present and
149.4 voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to
149.5 govern its conduct as may be necessary or appropriate to carry out the purposes of the
149.6 compact, including, but not limited to:

149.7 1. Establishing the fiscal year of the Interstate Commission;

149.8 2. Establishing an executive committee, and such other committees as may be
149.9 necessary;

149.10 3. Providing for the establishment of committees and for governing any general or
149.11 specific delegation of authority or function of the Interstate Commission;

149.12 4. Providing reasonable procedures for calling and conducting meetings of the
149.13 Interstate Commission, and ensuring reasonable notice of each such meeting;

149.14 5. Establishing the titles and responsibilities of the officers and staff of the Interstate
149.15 Commission;

149.16 6. Providing a mechanism for concluding the operations of the Interstate
149.17 Commission and the return of surplus funds that may exist upon the termination of the
149.18 compact after the payment and reserving of all of its debts and obligations;

149.19 7. Providing "start up" rules for initial administration of the compact.

149.20 B. The Interstate Commission shall, by a majority of the members, elect annually
149.21 from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom
149.22 shall have such authority and duties as may be specified in the bylaws. The chairperson or,
149.23 in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings
149.24 of the Interstate Commission. The officers so elected shall serve without compensation or
149.25 remuneration from the Interstate Commission; provided that, subject to the availability
149.26 of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and
149.27 expenses incurred by them in the performance of their responsibilities as officers of the
149.28 Interstate Commission.

149.29 C. Executive Committee, Officers, and Personnel

149.30 1. The executive committee shall have such authority and duties as may be set forth
149.31 in the bylaws, including but not limited to:

149.32 a. Managing the affairs of the Interstate Commission in a manner consistent with the
149.33 bylaws and purposes of the Interstate Commission;

149.34 b. Overseeing an organizational structure within, and appropriate procedures for,
149.35 the Interstate Commission to provide for the creation of rules, operating procedures, and
149.36 administrative and technical support functions; and

150.1 c. Planning, implementing, and coordinating communications and activities with
150.2 other state, federal, and local government organizations in order to advance the goals of
150.3 the Interstate Commission.

150.4 2. The executive committee may, subject to the approval of the Interstate
150.5 Commission, appoint or retain an executive director for such period, upon such terms and
150.6 conditions, and for compensation, as the Interstate Commission may deem appropriate.
150.7 The executive director shall serve as secretary to the Interstate Commission, but shall not
150.8 be a member of the Interstate Commission. The executive director shall hire and supervise
150.9 such other persons as may be authorized by the Interstate Commission.

150.10 D. The Interstate Commission's executive director and its employees shall be
150.11 immune from suit and liability, either personally or in their official capacity, for a claim
150.12 for damage to or loss of property or personal injury or other civil liability caused or arising
150.13 out of or relating to an actual or alleged act, error, or omission that occurred, or that
150.14 such person had a reasonable basis for believing occurred, within the scope of Interstate
150.15 Commission employment, duties, or responsibilities; provided that such person shall
150.16 not be protected from suit or liability for damage, loss, injury, or liability caused by the
150.17 intentional or willful and wanton misconduct of such person.

150.18 1. The liability of the Interstate Commission's executive director and employees
150.19 or Interstate Commission representatives, acting within the scope of such person's
150.20 employment or duties for acts, errors, or omissions occurring within such person's state
150.21 may not exceed the limits of liability set forth under the Constitution and laws of that state
150.22 for state officials, employees, and agents. The Interstate Commission is considered to be an
150.23 instrumentality of the states for the purposes of any such action. Nothing in this subsection
150.24 shall be construed to protect such person from suit or liability for damage, loss, injury, or
150.25 liability caused by the intentional or willful and wanton misconduct of such person.

150.26 2. The Interstate Commission shall defend the executive director and its employees
150.27 and, subject to the approval of the attorney general or other appropriate legal counsel of the
150.28 member state represented by an Interstate Commission representative, shall defend such
150.29 Interstate Commission representative in any civil action seeking to impose liability arising
150.30 out of an actual or alleged act, error, or omission that occurred within the scope of Interstate
150.31 Commission employment, duties, or responsibilities, or that the defendant had a reasonable
150.32 basis for believing occurred within the scope of the Interstate Commission employment,
150.33 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not
150.34 result from intentional or willful and wanton misconduct on the part of such person.

150.35 3. To the extent not covered by the state involved, member state, or the Interstate
150.36 Commission, the representatives or employees of the Interstate Commission shall be held

151.1 harmless in the amount of a settlement or judgment, including attorney fees and costs,
151.2 obtained against such persons arising out of an actual or alleged act, error, or omission
151.3 that occurred within the scope of the Interstate Commission employment, duties, or
151.4 responsibilities, or that such persons had a reasonable basis for believing occurred within
151.5 the scope of Interstate Commission employment, duties, or responsibilities, provided that
151.6 the actual or alleged act, error, or omission did not result from intentional or willful and
151.7 wanton misconduct on the part of such persons.

151.8 ARTICLE XII

151.9 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

151.10 A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable
151.11 rules in order to effectively and efficiently achieve the purposes of this Compact.
151.12 Notwithstanding the foregoing, in the event the Interstate Commission exercises its
151.13 rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or
151.14 the powers granted hereunder, then such an action by the Interstate Commission shall be
151.15 invalid and have no force or effect.

151.16 B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process
151.17 that substantially conforms to the "Model State Administrative Procedure Act," of 1981
151.18 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to
151.19 the operations of the Interstate Commission.

151.20 C. Not later than 30 days after a rule is promulgated, any person may file a petition
151.21 for judicial review of the rule; provided that the filing of such a petition shall not stay
151.22 or otherwise prevent the rule from becoming effective unless the court finds that the
151.23 petitioner has a substantial likelihood of success. The court shall give deference to
151.24 the actions of the Interstate Commission consistent with applicable law and shall not
151.25 find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate
151.26 Commission's authority.

151.27 D. If a majority of the legislatures of the compacting states reject a rule by enactment
151.28 of a statute or resolution in the same manner used to adopt the compact, then such rule
151.29 shall have no further force and effect in any compacting state.

151.30 ARTICLE XIII

151.31 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

151.32 A. Oversight

151.33 1. The executive, legislative, and judicial branches of state government in each
151.34 member state shall enforce this compact and shall take all actions necessary and
151.35 appropriate to effectuate the compact's purposes and intent. The provisions of this compact
151.36 and the rules promulgated hereunder shall have standing as statutory law.

152.1 2. All courts shall take judicial notice of the compact and the rules in any judicial or
152.2 administrative proceeding in a member state pertaining to the subject matter of this compact
152.3 which may affect the powers, responsibilities, or actions of the Interstate Commission.

152.4 3. The Interstate Commission shall be entitled to receive all service of process in any
152.5 such proceeding, and shall have standing to intervene in the proceeding for all purposes.
152.6 Failure to provide service of process to the Interstate Commission shall render a judgment
152.7 or order void as to the Interstate Commission, this compact, or promulgated rules.

152.8 B. Default, Technical Assistance, Suspension, and Termination - If the Interstate
152.9 Commission determines that a member state has defaulted in the performance of its
152.10 obligations or responsibilities under this compact, or the bylaws or promulgated rules,
152.11 the Interstate Commission shall:

152.12 1. Provide written notice to the defaulting state and other member states of the
152.13 nature of the default, the means of curing the default, and any action taken by the Interstate
152.14 Commission. The Interstate Commission shall specify the conditions by which the
152.15 defaulting state must cure its default.

152.16 2. Provide remedial training and specific technical assistance regarding the default.

152.17 3. If the defaulting state fails to cure the default, the defaulting state shall be
152.18 terminated from the compact upon an affirmative vote of a majority of the member states
152.19 and all rights, privileges, and benefits conferred by this compact shall be terminated from
152.20 the effective date of termination. A cure of the default does not relieve the offending state
152.21 of obligations or liabilities incurred during the period of the default.

152.22 4. Suspension or termination of membership in the compact shall be imposed only
152.23 after all other means of securing compliance have been exhausted. Notice of intent
152.24 to suspend or terminate shall be given by the Interstate Commission to the governor,
152.25 the majority and minority leaders of the defaulting state's legislature, and each of the
152.26 member states.

152.27 5. The state which has been suspended or terminated is responsible for all
152.28 assessments, obligations, and liabilities incurred through the effective date of suspension
152.29 or termination, including obligations, the performance of which extends beyond the
152.30 effective date of suspension or termination.

152.31 6. The Interstate Commission shall not bear any costs relating to any state that has
152.32 been found to be in default or which has been suspended or terminated from the compact,
152.33 unless otherwise mutually agreed upon in writing between the Interstate Commission
152.34 and the defaulting state.

152.35 7. The defaulting state may appeal the action of the Interstate Commission by
152.36 petitioning the United States District Court for the District of Columbia or the federal

153.1 district where the Interstate Commission has its principal offices. The prevailing party
153.2 shall be awarded all costs of such litigation including reasonable attorney fees.

153.3 C. Dispute Resolution

153.4 1. The Interstate Commission shall attempt, upon the request of a member state, to
153.5 resolve disputes which are subject to the compact and which may arise among member
153.6 states and between member and nonmember states.

153.7 2. The Interstate Commission shall promulgate a rule providing for both mediation
153.8 and binding dispute resolution for disputes as appropriate.

153.9 D. Enforcement

153.10 1. The Interstate Commission, in the reasonable exercise of its discretion, shall
153.11 enforce the provisions and rules of this compact.

153.12 2. The Interstate Commission may, by majority vote of the members, initiate legal
153.13 action in the United States District Court for the District of Columbia or, at the discretion
153.14 of the Interstate Commission, in the federal district where the Interstate Commission has its
153.15 principal offices, to enforce compliance with the provisions of the compact, its promulgated
153.16 rules and bylaws, against a member state in default. The relief sought may include both
153.17 injunctive relief and damages. In the event judicial enforcement is necessary the prevailing
153.18 party shall be awarded all costs of such litigation including reasonable attorney fees.

153.19 3. The remedies herein shall not be the exclusive remedies of the Interstate
153.20 Commission. The Interstate Commission may avail itself of any other remedies available
153.21 under state law or the regulation of a profession.

153.22 **ARTICLE XIV**

153.23 **FINANCING OF THE INTERSTATE COMMISSION**

153.24 A. The Interstate Commission shall pay, or provide for the payment of the reasonable
153.25 expenses of its establishment, organization, and ongoing activities.

153.26 B. The Interstate Commission may levy on and collect an annual assessment from
153.27 each member state to cover the cost of the operations and activities of the Interstate
153.28 Commission and its staff which must be in a total amount sufficient to cover the Interstate
153.29 Commission's annual budget as approved each year. The aggregate annual assessment
153.30 amount shall be allocated based upon a formula to be determined by the Interstate
153.31 Commission, which shall promulgate a rule binding upon all member states.

153.32 C. The Interstate Commission shall not incur obligations of any kind prior to securing
153.33 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
153.34 of any of the member states, except by and with the authority of the member state.

153.35 D. The Interstate Commission shall keep accurate accounts of all receipts and
153.36 disbursements. The receipts and disbursements of the Interstate Commission shall be

154.1 subject to the audit and accounting procedures established under its bylaws. However,
154.2 all receipts and disbursements of funds handled by the Interstate Commission shall be
154.3 audited yearly by a certified or licensed public accountant and the report of the audit shall
154.4 be included in and become part of the annual report of the Interstate Commission.

154.5 ARTICLE XV

154.6 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

- 154.7 A. Any state is eligible to become a member state.
- 154.8 B. The compact shall become effective and binding upon legislative enactment of the
154.9 compact into law by no less than ten of the states. The effective date shall be no earlier than
154.10 December 1, 2007. Thereafter, it shall become effective and binding as to any other member
154.11 state upon enactment of the compact into law by that state. The governors of nonmember
154.12 states or their designees shall be invited to participate in the activities of the Interstate
154.13 Commission on a nonvoting basis prior to the adoption of the compact by all states.
- 154.14 C. The Interstate Commission may propose amendments to the compact for
154.15 enactment by the member states. No amendment shall become effective and binding upon
154.16 the Interstate Commission and the member states unless and until it is enacted into law by
154.17 unanimous consent of the member states.

154.18 ARTICLE XVI

154.19 WITHDRAWAL AND DISSOLUTION

- 154.20 A. Withdrawal
- 154.21 1. Once effective, the compact shall continue in force and remain binding upon each
154.22 and every member state; provided that a member state may withdraw from the compact
154.23 specifically repealing the statute, which enacted the compact into law.
- 154.24 2. Withdrawal from this compact shall be by the enactment of a statute repealing
154.25 the same, but shall not take effect until one year after the effective date of such statute
154.26 and until written notice of the withdrawal has been given by the withdrawing state to the
154.27 governor of each other member jurisdiction.
- 154.28 3. The withdrawing state shall immediately notify the chairperson of the Interstate
154.29 Commission in writing upon the introduction of legislation repealing this compact in the
154.30 withdrawing state. The Interstate Commission shall notify the other member states of the
154.31 withdrawing state's intent to withdraw within 60 days of its receipt thereof.
- 154.32 4. The withdrawing state is responsible for all assessments, obligations, and
154.33 liabilities incurred through the effective date of withdrawal, including obligations, the
154.34 performance of which extend beyond the effective date of withdrawal.

155.1 5. Reinstatement following withdrawal of a member state shall occur upon the
155.2 withdrawing state reenacting the compact or upon such later date as determined by the
155.3 Interstate Commission.

155.4 B. Dissolution of Compact

155.5 1. This compact shall dissolve effective upon the date of the withdrawal or default
155.6 of the member state which reduces the membership in the compact to one member state.

155.7 2. Upon the dissolution of this compact, the compact becomes null and void and shall
155.8 be of no further force or effect, and the business and affairs of the Interstate Commission
155.9 shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

155.10 **ARTICLE XVII**

155.11 **SEVERABILITY AND CONSTRUCTION**

155.12 A. The provisions of this compact shall be severable, and if any phrase, clause,
155.13 sentence, or provision is deemed unenforceable, the remaining provisions of the compact
155.14 shall be enforceable.

155.15 B. The provisions of this compact shall be liberally construed to effectuate its
155.16 purposes.

155.17 C. Nothing in this compact shall be construed to prohibit the applicability of other
155.18 interstate compacts to which the states are members.

155.19 **ARTICLE XVIII**

155.20 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

155.21 A. Other Laws

155.22 1. Nothing herein prevents the enforcement of any other law of a member state
155.23 that is not inconsistent with this compact.

155.24 2. All member states' laws conflicting with this compact are superseded to the
155.25 extent of the conflict.

155.26 B. Binding Effect of the Compact

155.27 1. All lawful actions of the Interstate Commission, including all rules and bylaws
155.28 promulgated by the Interstate Commission, are binding upon the member states.

155.29 2. All agreements between the Interstate Commission and the member states are
155.30 binding in accordance with their terms.

155.31 3. In the event any provision of this compact exceeds the constitutional limits
155.32 imposed on the legislature of any member state, such provision shall be ineffective to the
155.33 extent of the conflict with the constitutional provision in question in that member state.

155.34 **Sec. 2. PREVAILING LAW; ACADEMIC CREDITS; HIGH SCHOOL**
155.35 **DIPLOMAS.**

156.1 Notwithstanding article VII of the compact under Minnesota Statutes, section
156.2 127A.85, other compact provisions, or other law to the contrary, where Minnesota
156.3 statute or rule governing the awarding of academic credits or a high school diploma or
156.4 an equivalent degree or credential conflicts with this compact, Minnesota law supersedes
156.5 the provisions of this compact to the extent of the conflict.

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ARTICLE 2	GENERAL EDUCATION	Page.Ln 52.5
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ARTICLE 6	EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND LIFELONG LEARNING	Page.Ln 133.10
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119A.04 TRANSFERS FROM OTHER AGENCIES.

Subd. 3. **Office of Strategic and Long-Range Planning.** The powers and duties of the Office of Strategic and Long-Range Planning with respect to the following programs are transferred to the Department of Education under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

- (1) the information redesign project under section 4A.01;
- (2) the action for children activity under section 4A.01;
- (3) the teen pregnancy prevention program under section 4A.01; and
- (4) the Minnesota children's initiative project under section 4A.01.

119A.08 NEIGHBORHOOD-BASED SERVICES FOR CHILDREN AND FAMILIES.

Subdivision 1. **Pilot projects authorized.** The commissioner may establish a pilot project for family services collaboratives to deliver and broker services through neighborhood-based community organizations.

Subd. 2. **Family service collaborative; pilot.** (a) A family services collaborative under section 124D.23 may apply to the commissioner to participate in the pilot project in specified geographic areas. The selected collaborative must implement the program through family service centers and eligible community groups that have strong ties to a local neighborhood and represent the diversity of residents and that have a history of providing services in the neighborhood.

(b) An eligible organization must submit an application to the sponsoring family services collaborative with a description of areas to be served, a neighborhood presence, the needs of the area, the services to be provided with associated costs and resources, the intended outcomes, and the proposed methods of delivering service through volunteers, including any reimbursement or incentive not to exceed \$200 for any service. Proposed services and amounts must be listed in an outcomes-based format.

Subd. 3. **Eligible activities.** A participating center or group may deliver, or arrange for the delivery of, needed services listed in the application including assisting family members to achieve the GED requirements; assisting with English as a second language or citizenship classes and tests; assisting with access to early childhood programs, childhood immunizations, suitable child care, and home visits; and assisting in crime prevention through after-school enrichment activities, truancy prevention, and tutoring for academically underachieving children.

A collaborative that receives a grant under this section shall establish procedures to ensure the quality of the services paid for with grant funds and to monitor the delivery of services.

120A.30 ATTENDANCE OFFICERS.

The board of any district may authorize the employment of attendance officers, who must investigate truancy or nonattendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and district rules regarding school attendance. When any attendance officer learns of any case of habitual truancy or continued nonattendance of any child required to attend school the officer must immediately notify the person having control of the child to send and keep the child in school. The attendance officer must also refer a habitual truant child as defined in section 260C.007, subdivision 19, and the child's parent or legal guardian to appropriate services and procedures under chapter 260A, if available within the school district. Attendance officers or other designated school officials must ensure that the notice required by section 260A.03 for a child who is a continuing truant is sent. The officer must act under the general supervision of the superintendent.

120B.19 CHINESE LANGUAGE PROGRAMS; CURRICULUM DEVELOPMENT PROJECT.

Subdivision 1. **Project parameters.** (a) Notwithstanding other law to the contrary, the commissioner of education may contract with the Board of Regents of the University of Minnesota or other Minnesota public entity the commissioner determines is qualified to undertake the development of an articulated K-12 Chinese curriculum for Minnesota schools that involves:

- (1) creating a network of Chinese teachers and educators able to develop new and modify or expand existing world languages K-12 curricula, materials, assessments, and best practices needed to provide Chinese language instruction to students; and

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(2) coordinating statewide efforts to develop and expand Chinese language instruction so that it is uniformly available to students throughout the state, and making innovative use of media and technology, including television, distance learning, and online courses to broaden students' access to the instruction.

(b) The entity with which the commissioner contracts under paragraph (a) must have sufficient knowledge and expertise to ensure the professional development of appropriate, high-quality curricula, supplementary materials, aligned assessments, and best practices that accommodate different levels of student ability and types of programs.

(c) Project participants must:

(1) work throughout the project to develop curriculum, supplementary materials, aligned assessments, and best practices; and

(2) make curriculum, supplementary materials, aligned assessments, and best practices equitably available to Minnesota schools and students.

Subd. 2. Project participants. The entity with which the commissioner contracts must work with the network of Chinese teachers and educators to:

(1) conduct an inventory of Chinese language curricula, supplementary materials, and professional development initiatives currently used in Minnesota or other states;

(2) develop Chinese language curricula and benchmarks aligned to local world language standards and classroom-based assessments; and

(3) review and recommend to the commissioner how best to build an educational infrastructure to provide more students with Chinese language instruction, including how to develop and provide: (i) an adequate supply of Chinese language teachers; (ii) an adequate number of high-quality school programs; (iii) appropriate curriculum, instructional materials, and aligned assessments that include technology-based delivery systems; (iv) teacher preparation programs to train Chinese language teachers; (v) expedited licensing of Chinese language teachers; (vi) best practices in existing educational programs that can be used to establish K-12 Chinese language programs; and (vii) technical assistance resources.

120B.24 ENDOWED CHAIR.

Subdivision 1. **Purpose.** The purpose of the endowed chair program is to increase curriculum offerings and learning experiences available to students.

Subd. 2. **Eligibility.** A school site, represented by the school site council or, if no site council exists, the principal or lead teacher, and the party interested in endowing a chair may enter into an agreement for an endowed chair for no longer than one year in length. The party endowing the chair and the school site may, at their discretion, renew annually.

Subd. 3. **Program.** An endowed chair program may be for a semester, a summer session, or a full school year. Curriculum developed or provided under the endowed chair program must supplement the existing curriculum offerings available at the school in the particular subject chosen.

Subd. 4. **Agreement.** The agreement must make available funds sufficient for the salary and benefit costs of the instructor, and necessary supplies for the course. The participating site must provide the classroom space and administer the program. The parties, in consultation with the school district and the exclusive representative of the teachers, jointly select the instructor for the endowed chair.

121A.17 SCHOOL BOARD RESPONSIBILITIES.

Subd. 9. **Health care provider societies.** A board may consult with local societies of health care providers.

122A.19 BILINGUAL AND ENGLISH AS A SECOND LANGUAGE TEACHERS; LICENSES.

Subd. 3. **Employment of teachers.** Teachers employed in a bilingual education or English as a second language program established pursuant to sections 124D.58 to 124D.64 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

122A.52 TEACHERS' REPORTS.

An order must not be issued for the payment of the wages of any teacher while the teacher is in default in making reports or in returning the teacher's register. The teachers, principals,

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and superintendents shall make such reports as may be required by law or the rules of the state or local board under like penalty.

122A.53 KEEPING OF REGISTERS.

Each teacher shall keep a register, furnished by the clerk, showing the daily attendance of each pupil, and such other matters as may be required in such register. Each teacher shall also keep such record of department and scholarship as may be required by the board. The register shall show the names and ages of all pupils, the names and number of days' attendance of all pupils between the ages of five and eight years, between eight and 15 years, and between 15 and 21 years, and the names of all paying tuition. The teacher shall return such register, properly kept, to the clerk within ten days after the close of the school year.

122A.61 RESERVED REVENUE FOR STAFF DEVELOPMENT.

Subd. 2. **Career teacher staff development.** Of a district's basic revenue under section 126C.10, subdivision 2, an amount equal to \$5 times the number of resident pupil units must be reserved by a district operating a career teacher program according to sections 124D.25 to 124D.29. The revenue may be used only to provide staff development for the career teacher program.

123B.15 REFUSING TO SERVE ON SCHOOL BOARD.

Any person who accepts election or appointment to any school board and who refuses or neglects to qualify or to serve or to perform any of the duties of the office, shall be fined \$10 for each offense. The fine shall be collected in an action before a district court. It may be prosecuted in the name of the district by any school board member or eligible voter of the district.

123B.16 FAILURE OF CLERK TO REPORT.

Any clerk of a school district who fails to make any report required by law shall forfeit not less than \$5, nor more than \$50, for the use of the district.

123B.17 DRAWING ILLEGAL ORDER.

Any school district clerk who illegally draws an order upon the treasurer, any chair or other officer who attests the order, and any school district treasurer who knowingly pays the order, shall each forfeit to the district twice the amount of the order, to be collected in an action brought in the name of the district by any eligible voter of the district.

123B.18 NEGLECTING TO KEEP OR DELIVER RECORDS.

Any school district clerk who shall neglect to keep official books and records in the manner prescribed by law or shall willfully refuse to deliver such books and records to a successor in office, shall forfeit to the use of the district the sum of \$10 for each offense.

123B.26 JUDGMENT PAID BY TREASURER.

Except as provided in this section, no execution shall issue upon any judgment against a district for the recovery of money. Unless the judgment is stayed by appeal, the treasurer shall pay such judgment, upon presentation of a certified copy of the judgment, if the district has sufficient money not otherwise appropriated. A treasurer who fails to pay the judgment shall be personally liable for the amount, unless the collection is stayed afterwards.

123B.27 ISSUANCE OF EXECUTION.

If the judgment is not paid within 30 days after the time when the proceeds of such levy becomes payable by the county treasurer of the district, execution may be issued thereon, to which any property belonging to the district shall be liable.

124D.24 CITATION; MINNESOTA FAMILY CONNECTIONS ACT.

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Sections 124D.25 to 124D.29 may be cited as the "Minnesota Family Connections Act."

124D.25 PURPOSE OF FAMILY CONNECTIONS ACT.

The legislature recognizes the unique and lifelong learning and development process of all human beings. The legislature is committed to the goal of maximizing the individual growth potential of all learners. The purposes of the Family Connections Act are:

- (1) to offer family connections programs which emphasize learning and development based on learner outcomes;
- (2) to recognize and utilize the unique skills that teachers, students, family, and the community have in both the teaching process and the learning and development process; and
- (3) to provide an opportunity for maximum use of teachers, principals, and counselors.

124D.26 IMPROVED LEARNING PROGRAM.

Subdivision 1. **Authorization.** A district or group of districts may establish an improved learning program.

Subd. 2. **Rules and rights.** The commissioner of education 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.

Subd. 3. **Additional funding.** A district providing an improved learning program may receive funds for the program from private sources and governmental agencies, including state or federal funds.

124D.27 ADVISORY COUNCIL.

The board of a district providing a family connections program must appoint an advisory council. Council members must be selected from the school attendance area in which programs are provided. Members of the council may include students, teachers, principals, administrators and community members. A majority of the members must be parents with children participating in the local program. The local advisory council must advise the board in the development, coordination, supervision, and review of the career teacher program. The council must meet at least two times each year with any established community education advisory council in the district. Members of the council may be members of the community education advisory council. The council must report to the school board.

124D.28 FAMILY CONNECTIONS PROGRAM COMPONENTS.

Subdivision 1. **Mandatory components.** A family connections program must include:

- (1) participation by a designated individual as a career teacher, principal-teacher, or counselor teacher;
- (2) an emphasis on each individual child's unique learning and development needs;
- (3) procedures to give the career teacher a major responsibility for leadership of the instructional and noninstructional activities of each child beginning with early childhood family education;
- (4) procedures to involve parents in the learning and development experiences of their children;
- (5) procedures to implement outcome-based education by focusing on the needs of the learner;
- (6) procedures to coordinate and integrate the instructional program with all community education programs;
- (7) procedures to concentrate career teacher programs at sites that provide early childhood family education and subsequent learning and development programs; and
- (8) procedures for the district to fund the program.

Subd. 2. **Optional components.** A family connections program may include:

- (1) efforts to improve curricula strategies, instructional strategies, and use of materials that respond to the individual educational needs and learning styles of each pupil in order to enable each pupil to make continuous progress and to learn at a rate appropriate to that pupil's abilities;
- (2) efforts to develop student abilities in basic skills; applied learning skills; and, when appropriate, arts; humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education;

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- (3) use of community resources and communications media to pursue learning and development opportunities for pupils;
- (4) staff development for teachers and other school personnel;
- (5) improvements to the learning and development environment, including use of the community in general, to enhance the learning and development process;
- (6) cooperative efforts with other agencies involved with human services or child development and development of alternative community based learning and development experiences;
- (7) postsecondary education components for pupils who are able to accelerate or programs for pupils with special abilities and interests who are given advanced learning and development opportunities within existing programs;
- (8) use of volunteers in the learning and development program;
- (9) flexible attendance schedules for pupils;
- (10) adult education component;
- (11) coordination with early childhood family education and community education programs;
- (12) variable student/faculty ratios for special education students to provide for special programming;
- (13) inclusion of nonpublic pupils as part of the ratio in the career teacher, principal-teacher, and counselor teacher component;
- (14) application of educational research findings;
- (15) summer learning and development experiences for students as recommended by the career teacher, principal-teacher, and counselor teacher;
- (16) use of education assistants, teacher aides, or paraprofessionals as part of the career teacher program;
- (17) establishment of alternative criteria for high school graduation; and
- (18) variable age and learning size groupings of students.

124D.29 CAREER TEACHER.

Subdivision 1. **Status.** A family connections program may include a career teacher, principal-teacher, and counselor teacher component. The career teacher, principal-teacher, and counselor teacher must not be the exclusive teacher for students assigned to them but shall serve as a primary teacher and perform the function of developing and implementing a student's overall learning and development program. The career teacher, principal-teacher, and counselor teacher may be responsible for regular assignments as well as learning and development programs for other assigned students.

Subd. 2. **Qualifications.** (a) An individual employed as a career teacher must be licensed as a teacher and shall be considered a teacher as defined in section 179A.03, subdivision 18, for purposes of chapter 179A.

(b) An individual employed as a principal teacher must be licensed as a principal and shall be considered a principal, as defined in section 179A.03, subdivision 12, for purposes of chapter 179A.

(c) An individual employed as a counselor teacher must be licensed as a counselor and shall be considered a teacher, as defined in section 179A.03, subdivision 18, for purposes of chapter 179A.

Subd. 3. **Staff/student ratio.** (a) Except as provided in paragraph (b), one career teacher, principal-teacher, or counselor teacher shall be assigned for every 125 students. For each special education student included in the assignment, the 1:125 ratio must be reduced by one.

(b) One principal-teacher shall be assigned for every 50 students when the principal-teacher is also the principal of the school.

Subd. 4. **Selection; renewal.** (a) The board must establish procedures for teachers, principals, and counselors to apply for the position of career teacher, principal-teacher, or counselor teacher. The authority for selection of career teachers, principal-teachers, and counselor teachers is vested in the board and no individual shall have a right to employment as a career teacher, principal-teacher, or counselor teacher based on seniority or order of employment in the district.

(b) Employment of the career teacher, principal-teacher, and counselor teacher may be on a 12-month basis with vacation time negotiated individually with the board. The annual contract of a career teacher, principal-teacher, or counselor teacher may not be renewed, as the board shall see fit. The board must give any teacher whose contract as a career teacher, principal-teacher, or counselor teacher it declines to renew for the following year written notice to that effect

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before April 15. If the board fails to renew the contract of a career teacher, principal-teacher, or counselor teacher, that individual must be reinstated to another position in the district if eligible pursuant to section 122A.40 or 122A.41.

Subd. 5. **Duties.** The career teacher, principal-teacher, and counselor teacher is responsible for:

- (1) the overall education, learning, and development plan of assigned students. The career teacher, principal-teacher, and counselor teacher must design this plan with the student, parents, and other faculty, and must seek to maximize the learning and development potential and maturation level of each pupil;
- (2) measuring the proficiency of the assigned students and assisting other staff in identifying pupil needs and making appropriate educational and subject groupings;
- (3) when part of the district's plan, taking responsibility for the parent and early childhood education of assigned students;
- (4) designing and being responsible for program components which meet special learning needs of high potential and talented students;
- (5) coordinating the ongoing, year-to-year learning and development program for assigned students; and
- (6) developing learning and development portfolios.

124D.30 FAMILY CONNECTIONS AID.

Subdivision 1. **Eligibility.** A district that has a family connections program, according to sections 124D.24 to 124D.29, for one or more of its teachers is eligible for aid to extend the teaching contract of a family connections teacher.

Subd. 2. **Aid.** A district with an approved plan shall receive \$30 per pupil served at the school site with the family connections program. The district must provide a match of \$15 per pupil served at the school site with the family connections program.

Subd. 3. **Commissioner approval.** The commissioner may approve plans and applications for districts throughout the state for family connections aid. The commissioner shall establish application procedures and deadlines.

Subd. 4. **Use of aid.** Family connections aid may be used only to implement a family connections program.

124D.31 RESERVED REVENUE FOR CERTAIN TEACHER PROGRAM.

A district that has a family connections program or a mentor-teacher program may reserve part of the basic revenue under section 126C.10, subdivision 2, for the district's share, of the portion of the teaching contract that is in addition to the standard teaching contract of the district.

125A.027 INTERAGENCY EARLY INTERVENTION COMMITTEE RESPONSIBILITIES.

Subd. 3. **Implementation timeline.** By July 1, 2000, the individual interagency intervention plan must be available and by January 1, 2001, all governing boards of interagency early intervention committees statewide must implement a coordinated service system for children up to age five with disabilities consistent with the requirements of this section and section 125A.023 and the evaluation results from the demonstration projects under section 125A.023, subdivision 5. Children with disabilities up to the age of 21 shall be eligible for coordinated services and their eligibility to receive such services under this section shall be phased in over a four-year period as follows:

- (1) July 1, 2001, children up to age nine become eligible;
- (2) July 1, 2002, children up to age 14 become eligible; and
- (3) July 1, 2003, children up to age 21 become eligible.