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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 2**

January 12, 2009

Authored by Greiling, Kelliher, Morrow, Mariani, Davnie and others  
The bill was read for the first time and referred to the Committee on Finance

April 17, 2009

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Taxes

April 20, 2009

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Ways and Means

A bill for an act

1.1 relating to education; providing for policy and funding for family, adult, and  
1.2 prekindergarten through grade 12 education including general education,  
1.3 education excellence, special programs, facilities and technology, libraries,  
1.4 nutrition, accounting, self-sufficiency and lifelong learning, state agencies,  
1.5 pupil transportation, school finance system changes, forecast adjustments,  
1.6 and technical corrections; providing for advisory groups; requiring reports;  
1.7 appropriating money; amending Minnesota Statutes 2008, sections 6.74; 16A.06,  
1.8 subdivision 11; 120A.40; 120B.02; 120B.021, subdivision 1; 120B.022,  
1.9 subdivision 1; 120B.023, subdivision 2; 120B.11, subdivision 5; 120B.13;  
1.10 120B.132; 120B.30; 120B.31; 120B.35; 120B.36; 121A.15, subdivision 8;  
1.11 121A.41, subdivisions 7, 10; 121A.43; 122A.07, subdivisions 2, 3; 122A.18,  
1.12 subdivision 4; 122A.31, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41,  
1.13 subdivisions 3, 5; 122A.413, subdivision 2; 122A.414, subdivisions 2, 2b;  
1.14 122A.60, subdivisions 1a, 2; 122A.61, subdivision 1; 123A.05; 123A.06;  
1.15 123A.08; 123B.02, subdivision 21; 123B.03, subdivisions 1, 1a; 123B.10,  
1.16 subdivision 1; 123B.14, subdivision 7; 123B.143, subdivision 1; 123B.51, by  
1.17 adding a subdivision; 123B.53, subdivision 5; 123B.57, subdivision 1; 123B.59,  
1.18 subdivisions 2, 3, 3a; 123B.70, subdivision 1; 123B.71, subdivisions 8, 9,  
1.19 12; 123B.75, subdivision 5; 123B.76, subdivision 3; 123B.77, subdivision 3;  
1.20 123B.79, subdivision 7; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3;  
1.21 123B.92, subdivisions 1, 5; 124D.095, subdivisions 2, 3, 4, 7, 10; 124D.10;  
1.22 124D.11, subdivisions 4, 9; 124D.111, subdivision 3; 124D.128, subdivisions  
1.23 2, 3; 124D.42, subdivision 6, by adding a subdivision; 124D.4531; 124D.59,  
1.24 subdivision 2; 124D.65, subdivision 5; 124D.68, subdivisions 2, 3, 4, 5; 124D.83,  
1.25 subdivision 4; 124D.86, subdivisions 1, 1a, 1b; 125A.02; 125A.07; 125A.08;  
1.26 125A.091; 125A.11, subdivision 1; 125A.15; 125A.28; 125A.51; 125A.56;  
1.27 125A.57, subdivision 2; 125A.62, subdivision 8; 125A.63, subdivisions 2,  
1.28 4; 125A.76, subdivisions 1, 5; 125A.79, subdivision 7; 125B.26; 126C.01,  
1.29 by adding subdivisions; 126C.05, subdivisions 1, 2, 3, 5, 6, 8, 15, 16, 17, 20;  
1.30 126C.10, subdivisions 1, 2, 2a, 3, 4, 6, 13, 14, 18, 24, 34, by adding subdivisions;  
1.31 126C.13, subdivisions 4, 5; 126C.15, subdivisions 2, 4; 126C.17, subdivisions 1,  
1.32 5, 6, 9; 126C.20; 126C.40, subdivisions 1, 6; 126C.41, subdivision 2; 126C.44;  
1.33 127A.08, by adding a subdivision; 127A.441; 127A.45, subdivisions 2, 3, 13, by  
1.34 adding a subdivision; 127A.47, subdivisions 5, 7; 127A.51; 134.31, subdivision  
1.35 4a, by adding a subdivision; 169.011, subdivision 71; 169.443, subdivision 9;  
1.36 169.4501, subdivision 1; 169.4503, subdivision 20, by adding a subdivision;  
1.37 169.454, subdivision 13; 169A.03, subdivision 23; 171.01, subdivision 22;  
1.38 171.02, subdivisions 2, 2a, 2b; 171.05, subdivision 2; 171.17, subdivision 1;  
1.39

2.1 171.22, subdivision 1; 171.321, subdivisions 1, 4, 5; 181A.05, subdivision 1;  
 2.2 275.065, subdivisions 3, 6; 299A.297; 471.975; 475.58, subdivision 1; Laws  
 2.3 2007, chapter 146, article 1, section 24, subdivisions 2, as amended, 6, as  
 2.4 amended, 8, as amended; article 2, section 46, subdivision 6, as amended; article  
 2.5 3, section 24, subdivision 4, as amended; article 4, section 16, subdivisions 2, as  
 2.6 amended, 6, as amended; article 5, section 13, subdivisions 2, as amended, 3,  
 2.7 as amended; article 9, section 17, subdivisions 2, as amended, 13, as amended;  
 2.8 Laws 2008, chapter 363, article 2, section 46, subdivision 1; proposing coding  
 2.9 for new law in Minnesota Statutes, chapters 120B; 123B; 125A; 126C; 127A;  
 2.10 repealing Minnesota Statutes 2008, sections 120B.362; 120B.39; 121A.27;  
 2.11 121A.66; 121A.67, subdivision 1; 122A.628; 122A.75; 123B.54; 123B.57,  
 2.12 subdivisions 3, 4, 5; 123B.591; 124D.091; 125A.03; 125A.05; 125A.18;  
 2.13 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b,  
 2.14 13a, 13b, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 34, 35, 36; 126C.12;  
 2.15 126C.126; 127A.50; 275.065, subdivisions 5a, 6b, 6c, 8, 9, 10; Minnesota Rules,  
 2.16 parts 3525.0210, subparts 5, 6, 9, 13, 17, 29, 30, 34, 43, 46, 47; 3525.0400;  
 2.17 3525.1100, subpart 2, item F; 3525.2445; 3525.2900, subpart 5; 3525.4220.

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

## 2.19 ARTICLE 1

### 2.20 GENERAL EDUCATION

2.21 Section 1. Minnesota Statutes 2008, section 16A.06, subdivision 11, is amended to read:

2.22 Subd. 11. **Permanent school fund reporting.** The commissioner shall biannually  
 2.23 report to the Permanent School Fund Advisory Committee and the legislature ~~on the~~  
 2.24 ~~management of the permanent school trust fund that shows how the commissioner the~~  
 2.25 amount of the permanent school fund transfer and information about the investment of the  
 2.26 permanent school fund provided by the State Board of Investment. The State Board of  
 2.27 Investment shall provide information about how they maximized the long-term economic  
 2.28 return of the permanent school ~~trust~~ fund.

2.29 Sec. 2. Minnesota Statutes 2008, section 120A.40, is amended to read:

#### 2.30 120A.40 SCHOOL CALENDAR.

2.31 (a) Except for learning programs during summer, flexible learning year programs  
 2.32 authorized under sections 124D.12 to 124D.127, and learning year programs under section  
 2.33 124D.128, a district must not commence an elementary or secondary school year before  
 2.34 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops  
 2.35 may be held before Labor Day. Districts that enter into cooperative agreements are  
 2.36 encouraged to adopt similar school calendars.

2.37 (b) A district may begin the school year on any day before Labor Day;

2.38 (1) to accommodate a construction or remodeling project of \$400,000 or more  
 2.39 affecting a district school facility;

3.1           (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35  
3.2 with a district that qualifies under clause (1); or  
3.3           ~~A school (3) if the district that agrees to the same schedule with a school district~~  
3.4 ~~in an adjoining state also may begin the school year before Labor Day as authorized~~  
3.5 ~~under this paragraph.~~

3.6           Sec. 3. Minnesota Statutes 2008, section 122A.60, subdivision 1a, is amended to read:

3.7           Subd. 1a. **Effective staff development activities.** (a) Staff development activities  
3.8 must:

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

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

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

3.15           (4) enhance teacher content knowledge and instructional skills;

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

3.17           (6) provide opportunities to build professional relationships, foster collaboration  
3.18 among principals and staff who provide instruction, and provide opportunities for  
3.19 teacher-to-teacher mentoring; and

3.20           (7) align with the plan of the district or site for an alternative teacher professional  
3.21 pay system.

3.22           Staff development activities may include curriculum development and curriculum training  
3.23 programs, ~~and~~ activities that provide teachers and other members of site-based teams  
3.24 training to enhance team performance, and basic first aid, focusing on certification for  
3.25 CPR and the use of automatic external defibrillators. The school district also may  
3.26 implement other staff development activities required by law and activities associated with  
3.27 professional teacher compensation models.

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

3.33           Sec. 4. Minnesota Statutes 2008, section 122A.61, subdivision 1, is amended to read:

4.1           Subdivision 1. **Staff development revenue.** A district is required to reserve  
4.2 an amount equal to at least two percent of the basic revenue under section 126C.10,  
4.3 subdivision 2, for in-service education for programs under section 120B.22, subdivision  
4.4 2, for staff development plans, including plans for challenging instructional activities  
4.5 and experiences under section 122A.60, and for curriculum development and programs,  
4.6 other in-service education, teachers' workshops, teacher conferences, the cost of  
4.7 substitute teachers staff development purposes, preservice and in-service education for  
4.8 special education professionals and paraprofessionals, and other related costs for staff  
4.9 development efforts. A district may annually waive the requirement to reserve their basic  
4.10 revenue under this section if a majority vote of the licensed teachers in the district and  
4.11 a majority vote of the school board agree to a resolution to waive the requirement. A  
4.12 district in statutory operating debt is exempt from reserving basic revenue according to  
4.13 this section. Districts may expend an additional amount of unreserved revenue for staff  
4.14 development based on their needs. With the exception of amounts reserved for staff  
4.15 development from revenues allocated directly to school sites and any amounts spent for  
4.16 first aid or CPR and automatic external defibrillator training, the board must initially  
4.17 allocate 50 percent of the remaining reserved revenue to each school site in the district on  
4.18 a per teacher basis, which must be retained by the school site until used. The board may  
4.19 retain 25 percent to be used for district wide staff development efforts. The remaining  
4.20 25 percent of the revenue must be used to make grants to school sites for best practices  
4.21 methods. A grant may be used for any purpose authorized under section 120B.22,  
4.22 subdivision 2, 122A.60, or for the costs of curriculum development and programs, other  
4.23 in-service education, teachers' workshops, teacher conferences, substitute teachers for  
4.24 staff development purposes, and other staff development efforts, and determined by  
4.25 the site professional development team. The site professional development team must  
4.26 demonstrate to the school board the extent to which staff at the site have met the outcomes  
4.27 of the program. The board may withhold a portion of initial allocation of revenue if the  
4.28 staff development outcomes are not being met.

4.29           Sec. 5. Minnesota Statutes 2008, section 123B.77, subdivision 3, is amended to read:

4.30           Subd. 3. **Statement for comparison and correction.** (a) By November 30 of the  
4.31 calendar year of the submission of the unaudited financial data, the district must provide to  
4.32 the commissioner audited financial data for the preceding fiscal year. The audit must be  
4.33 conducted in compliance with generally accepted governmental auditing standards, the  
4.34 federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office  
4.35 of the State Auditor. An audited financial statement prepared in a form which will allow



5.1 comparison with and correction of material differences in the unaudited financial data  
5.2 shall be submitted to the commissioner and the state auditor by December 31. The audited  
5.3 financial statement must also provide a statement of assurance pertaining to uniform  
5.4 financial accounting and reporting standards compliance and a copy of the management  
5.5 letter submitted to the district by the school district's auditor.

5.6 (b) By ~~January~~ February 15 of the calendar year following the submission of the  
5.7 unaudited financial data, the commissioner shall convert the audited financial data  
5.8 required by this subdivision into the consolidated financial statement format required  
5.9 under subdivision 1a and publish the information on the department's Web site.

5.10 Sec. 6. Minnesota Statutes 2008, section 123B.83, subdivision 3, is amended to read:

5.11 Subd. 3. **Failure to limit expenditures.** If a district does not limit its expenditures in  
5.12 accordance with this section, the commissioner may so notify the appropriate committees  
5.13 of the legislature by no later than ~~January 1~~ February 15 of the year following the end  
5.14 of that fiscal year.

5.15 Sec. 7. Minnesota Statutes 2008, section 125A.11, subdivision 1, is amended to read:

5.16 Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006,  
5.17 when a school district provides instruction and services outside the district of residence,  
5.18 board and lodging, and any tuition to be paid, shall be paid by the district of residence.  
5.19 The tuition rate to be charged for any child with a disability, excluding a pupil for whom  
5.20 tuition is calculated according to section 127A.47, subdivision 7, paragraph (d), must be  
5.21 the sum of (1) the actual cost of providing special instruction and services to the child  
5.22 including a proportionate amount for special transportation and unreimbursed building  
5.23 lease and debt service costs for facilities used primarily for special education, plus (2)  
5.24 the amount of general education revenue and referendum aid attributable to the pupil,  
5.25 minus (3) the amount of special education aid for children with a disability received  
5.26 on behalf of that child, minus (4) if the pupil receives special instruction and services  
5.27 outside the regular classroom for more than 60 percent of the school day, the amount of  
5.28 general education revenue and referendum aid, excluding portions attributable to district  
5.29 and school administration, district support services, operations and maintenance, capital  
5.30 expenditures, and pupil transportation, attributable to that pupil for the portion of time  
5.31 the pupil receives special instruction and services outside of the regular classroom. If  
5.32 the boards involved do not agree upon the tuition rate, either board may apply to the  
5.33 commissioner to fix the rate. Notwithstanding chapter 14, the commissioner must then set  
5.34 a date for a hearing or request a written statement from each board, giving each board

6.1 at least ten days' notice, and after the hearing or review of the written statements the  
6.2 commissioner must make an order fixing the tuition rate, which is binding on both school  
6.3 districts. General education revenue and referendum equalization aid attributable to a  
6.4 pupil must be calculated using the resident district's average general education revenue  
6.5 and referendum equalization aid per adjusted pupil unit.

6.6 (b) For fiscal year 2007 and later, when a school district provides special instruction  
6.7 and services for a pupil with a disability as defined in section 125A.02 outside the district  
6.8 of residence, excluding a pupil for whom an adjustment to special education aid is  
6.9 calculated according to section 127A.47, subdivision 7, paragraph (e), special education  
6.10 aid paid to the resident district must be reduced by an amount equal to (1) the actual  
6.11 cost of providing special instruction and services to the pupil, including a proportionate  
6.12 amount for special transportation and unreimbursed building lease and debt service costs  
6.13 for facilities used primarily for special education, plus (2) the amount of general education  
6.14 revenue and referendum equalization aid attributable to that pupil, calculated using the  
6.15 resident district's average general education revenue and referendum equalization aid  
6.16 per adjusted pupil unit excluding basic skills revenue, elementary sparsity revenue and  
6.17 secondary sparsity revenue, minus (3) the amount of special education aid for children  
6.18 with a disability received on behalf of that child, minus (4) if the pupil receives special  
6.19 instruction and services outside the regular classroom for more than 60 percent of the  
6.20 school day, the amount of general education revenue and referendum equalization aid,  
6.21 excluding portions attributable to district and school administration, district support  
6.22 services, operations and maintenance, capital expenditures, and pupil transportation,  
6.23 attributable to that pupil for the portion of time the pupil receives special instruction  
6.24 and services outside of the regular classroom, calculated using the resident district's  
6.25 average general education revenue and referendum equalization aid per adjusted pupil unit  
6.26 excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue  
6.27 and the serving district's basic skills revenue, elementary sparsity revenue and secondary  
6.28 sparsity revenue per adjusted pupil unit. Notwithstanding clauses (1) and (4), for pupils  
6.29 served by a cooperative unit without a fiscal agent school district, the general education  
6.30 revenue and referendum equalization aid attributable to a pupil must be calculated using  
6.31 the resident district's average general education revenue and referendum equalization aid  
6.32 excluding compensatory revenue, elementary sparsity revenue, and secondary sparsity  
6.33 revenue. Special education aid paid to the district or cooperative providing special  
6.34 instruction and services for the pupil must be increased by the amount of the reduction in  
6.35 the aid paid to the resident district. Amounts paid to cooperatives under this subdivision  
6.36 and section 127A.47, subdivision 7, shall be recognized and reported as revenues and

7.1 expenditures on the resident school district's books of account under sections 123B.75  
7.2 and 123B.76. If the resident district's special education aid is insufficient to make the full  
7.3 adjustment, the remaining adjustment shall be made to other state aid due to the district.

7.4 (c) Notwithstanding paragraphs (a) and (b) and section 127A.47, subdivision 7,  
7.5 paragraphs (d) and (e), a charter school where more than 30 percent of enrolled students  
7.6 receive special education and related services, a site approved under section 125A.515,  
7.7 an intermediate district, a special education cooperative, or a school district that served  
7.8 as the applicant agency for a group of school districts for federal special education aids  
7.9 for fiscal year 2006 may apply to the commissioner for authority to charge the resident  
7.10 district an additional amount to recover any remaining unreimbursed costs of serving  
7.11 pupils with a disability. The application must include a description of the costs and the  
7.12 calculations used to determine the unreimbursed portion to be charged to the resident  
7.13 district. Amounts approved by the commissioner under this paragraph must be included  
7.14 in the tuition billings or aid adjustments under paragraph (a) or (b), or section 127A.47,  
7.15 subdivision 7, paragraph (d) or (e), as applicable.

7.16 (d) For purposes of this subdivision and section 127A.47, subdivision 7, paragraphs  
7.17 (d) and (e), "general education revenue and referendum equalization aid" means the sum  
7.18 of the general education revenue according to section 126C.10, subdivision 1, excluding  
7.19 alternative teacher compensation revenue, plus the referendum equalization aid according  
7.20 to section 126C.17, subdivision 7, as adjusted according to section 127A.47, subdivision  
7.21 7, paragraphs (a) to (c).

7.22 Sec. 8. Minnesota Statutes 2008, section 126C.05, subdivision 2, is amended to read:

7.23 Subd. 2. **Foreign exchange pupils.** Notwithstanding section 124D.02, subdivision  
7.24 3, or any other law to the contrary, a foreign exchange pupil enrolled in a district under a  
7.25 cultural exchange program registered with the Office of the Secretary of State under  
7.26 section 5A.02 may be counted as a resident pupil for the purposes of this chapter  
7.27 and chapters 120B, 122A, 123A, 123B, 124D, 125A, and 127A, even if the pupil has  
7.28 graduated from high school or the equivalent.

7.29 Sec. 9. Minnesota Statutes 2008, section 126C.15, subdivision 2, is amended to read:

7.30 Subd. 2. **Building allocation.** (a) A district must allocate its compensatory  
7.31 revenue to each school building in the district where the children who have generated the  
7.32 revenue are served unless the school district has received permission under Laws 2005,  
7.33 First Special Session chapter 5, article 1, section 50, to allocate compensatory revenue  
7.34 according to student performance measures developed by the school board.

8.1 (b) Notwithstanding paragraph (a), a district may allocate up to five percent of the  
8.2 amount of compensatory revenue that the district receives to school sites according to a  
8.3 plan adopted by the school board. The money reallocated under this paragraph must be  
8.4 spent for the purposes listed in subdivision 1, but may be spent on students in any grade,  
8.5 including students attending school readiness or other prekindergarten programs.

8.6 (c) For the purposes of this section and section 126C.05, subdivision 3, "building"  
8.7 means education site as defined in section 123B.04, subdivision 1.

8.8 ~~(d) If the pupil is served at a site other than one owned and operated by the district,~~  
8.9 ~~the revenue shall be paid to the district and used for services for pupils who generate~~  
8.10 ~~the revenue.~~ Notwithstanding section 123A. 26, subdivision 1, compensatory revenue  
8.11 generated by students served at a cooperative unit shall be paid to the cooperative unit.

8.12 (e) A district with school building openings, school building closings, changes  
8.13 in attendance area boundaries, or other changes in programs or student demographics  
8.14 between the prior year and the current year may reallocate compensatory revenue among  
8.15 sites to reflect these changes. A district must report to the department any adjustments it  
8.16 makes according to this paragraph and the department must use the adjusted compensatory  
8.17 revenue allocations in preparing the report required under section 123B.76, subdivision 3,  
8.18 paragraph (c).

8.19 Sec. 10. Minnesota Statutes 2008, section 126C.15, subdivision 4, is amended to read:

8.20 Subd. 4. **Separate accounts.** Each district and cooperative unit that receives basic  
8.21 skills revenue shall maintain separate accounts to identify expenditures for salaries and  
8.22 programs related to basic skills revenue.

8.23 Sec. 11. Minnesota Statutes 2008, section 126C.17, subdivision 9, is amended to read:

8.24 Subd. 9. **Referendum revenue.** (a) The revenue authorized by section 126C.10,  
8.25 subdivision 1, may be increased in the amount approved by the voters of the district at a  
8.26 referendum called for the purpose. The referendum may be called by the board or shall be  
8.27 called by the board upon written petition of qualified voters of the district. The referendum  
8.28 must be conducted one or two calendar years before the increased levy authority, if  
8.29 approved, first becomes payable. Only one election to approve an increase may be held  
8.30 in a calendar year. Unless the referendum is conducted by mail under subdivision 11,  
8.31 paragraph (a), the referendum must be held on the first Tuesday after the first Monday  
8.32 in November. The ballot must state the maximum amount of the increased revenue per  
8.33 resident marginal cost pupil unit. The ballot may state a schedule, determined by the  
8.34 board, of increased revenue per resident marginal cost pupil unit that differs from year

9.1 to year over the number of years for which the increased revenue is authorized or may  
9.2 state that the amount shall increase annually by the rate of inflation. For this purpose, the  
9.3 rate of inflation shall be the annual inflationary increase calculated under subdivision 2,  
9.4 paragraph (b). The ballot may state that existing referendum levy authority is expiring. In  
9.5 this case, the ballot may also compare the proposed levy authority to the existing expiring  
9.6 levy authority, and express the proposed increase as the amount, if any, over the expiring  
9.7 referendum levy authority. The ballot must designate the specific number of years, not to  
9.8 exceed ten, for which the referendum authorization applies. The ballot, including a ballot  
9.9 on the question to revoke or reduce the increased revenue amount under paragraph (c),  
9.10 must abbreviate the term "per resident marginal cost pupil unit" as "per pupil." The notice  
9.11 required under section 275.60 may be modified to read, in cases of renewing existing  
9.12 levies at the same amount per pupil as in the previous year:

9.13 "BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING  
9.14 TO EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS  
9.15 SCHEDULED TO EXPIRE."

9.16 The ballot may contain a textual portion with the information required in this  
9.17 subdivision and a question stating substantially the following:

9.18 "Shall the increase in the revenue proposed by (petition to) the board of .....,  
9.19 School District No. ..., be approved?"

9.20 If approved, an amount equal to the approved revenue per resident marginal cost  
9.21 pupil unit times the resident marginal cost pupil units for the school year beginning in  
9.22 the year after the levy is certified shall be authorized for certification for the number of  
9.23 years approved, if applicable, or until revoked or reduced by the voters of the district at a  
9.24 subsequent referendum.

9.25 (b) The board must prepare and deliver by first class mail at least 15 days but no more  
9.26 than 30 days before the day of the referendum to each taxpayer a notice of the referendum  
9.27 and the proposed revenue increase. The board need not mail more than one notice to any  
9.28 taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be  
9.29 those shown to be owners on the records of the county auditor or, in any county where  
9.30 tax statements are mailed by the county treasurer, on the records of the county treasurer.  
9.31 Every property owner whose name does not appear on the records of the county auditor  
9.32 or the county treasurer is deemed to have waived this mailed notice unless the owner  
9.33 has requested in writing that the county auditor or county treasurer, as the case may be,  
9.34 include the name on the records for this purpose. The notice must project the anticipated  
9.35 amount of tax increase in annual dollars for typical residential homesteads, agricultural  
9.36 homesteads, apartments, and commercial-industrial property within the school district.

10.1 The notice for a referendum may state that an existing referendum levy is expiring  
10.2 and project the anticipated amount of increase over the existing referendum levy in  
10.3 the first year, if any, in annual dollars for typical residential homesteads, agricultural  
10.4 homesteads, apartments, and commercial-industrial property within the district.

10.5 The notice must include the following statement: "Passage of this referendum will  
10.6 result in an increase in your property taxes." However, in cases of renewing existing levies,  
10.7 the notice may include the following statement: "Passage of this referendum extends an  
10.8 existing operating referendum at the same amount per pupil as in the previous year."

10.9 (c) A referendum on the question of revoking or reducing the increased revenue  
10.10 amount authorized pursuant to paragraph (a) may be called by the board and shall be called  
10.11 by the board upon the written petition of qualified voters of the district. A referendum to  
10.12 revoke or reduce the revenue amount must state the amount per resident marginal cost  
10.13 pupil unit by which the authority is to be reduced. Revenue authority approved by the  
10.14 voters of the district pursuant to paragraph (a) must be available to the school district at  
10.15 least once before it is subject to a referendum on its revocation or reduction for subsequent  
10.16 years. Only one revocation or reduction referendum may be held to revoke or reduce  
10.17 referendum revenue for any specific year and for years thereafter.

10.18 (d) A petition authorized by paragraph (a) or (c) is effective if signed by a number  
10.19 of qualified voters in excess of ~~15~~ 30 percent of the registered voters of the district on  
10.20 the day the petition is filed with the board. A referendum invoked by petition must be  
10.21 held on the date specified in paragraph (a).

10.22 (e) The approval of 50 percent plus one of those voting on the question is required to  
10.23 pass a referendum authorized by this subdivision.

10.24 (f) At least 15 days before the day of the referendum, the district must submit a  
10.25 copy of the notice required under paragraph (b) to the commissioner and to the county  
10.26 auditor of each county in which the district is located. Within 15 days after the results  
10.27 of the referendum have been certified by the board, or in the case of a recount, the  
10.28 certification of the results of the recount by the canvassing board, the district must notify  
10.29 the commissioner of the results of the referendum.

10.30 **EFFECTIVE DATE.** This section is effective for petitions filed after July 1, 2009.

10.31 Sec. 12. Minnesota Statutes 2008, section 126C.40, subdivision 6, is amended to read:

10.32 Subd. 6. **Lease purchase; installment buys.** (a) Upon application to, and approval  
10.33 by, the commissioner in accordance with the procedures and limits in subdivision 1,  
10.34 paragraphs (a) and (b), a district, as defined in this subdivision, may:

11.1 (1) purchase real or personal property under an installment contract or may lease  
 11.2 real or personal property with an option to purchase under a lease purchase agreement, by  
 11.3 which installment contract or lease purchase agreement title is kept by the seller or vendor  
 11.4 or assigned to a third party as security for the purchase price, including interest, if any; and

11.5 (2) annually levy the amounts necessary to pay the district's obligations under the  
 11.6 installment contract or lease purchase agreement.

11.7 (b) The obligation created by the installment contract or the lease purchase  
 11.8 agreement must not be included in the calculation of net debt for purposes of section  
 11.9 475.53, and does not constitute debt under other law. An election is not required in  
 11.10 connection with the execution of the installment contract or the lease purchase agreement.

11.11 (c) The proceeds of the levy authorized by this subdivision must not be used to  
 11.12 acquire a facility to be primarily used for athletic or school administration purposes.

11.13 (d) For the purposes of this subdivision, "district" means:

11.14 (1) a school district ~~required to have a comprehensive plan for the elimination of~~  
 11.15 ~~segregation~~ which is eligible for revenue under section 124D.86, subdivision 3, clause (1),  
 11.16 (2), or (3), and whose plan has been determined by the commissioner to be in compliance  
 11.17 with Department of Education rules relating to equality of educational opportunity and  
 11.18 school desegregation and, for a district eligible for revenue under section 124D.86,  
 11.19 subdivision 3, clause (4) or (5), where the acquisition of property under this subdivision is  
 11.20 determined by the commissioner to contribute to the implementation of the desegregation  
 11.21 plan; or

11.22 (2) a school district that participates in a joint program for interdistrict desegregation  
 11.23 with a district defined in clause (1) if the facility acquired under this subdivision is to  
 11.24 be primarily used for the joint program and the commissioner determines that the joint  
 11.25 programs are being undertaken to implement the districts' desegregation plan.

11.26 (e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease  
 11.27 or rent a district-owned building to itself does not apply to levies otherwise authorized  
 11.28 by this subdivision.

11.29 (f) For the purposes of this subdivision, any references in subdivision 1 to building  
 11.30 or land shall include personal property.

11.31 Sec. 13. Minnesota Statutes 2008, section 126C.41, subdivision 2, is amended to read:

11.32 Subd. 2. **Retired employee health benefits.** (a) A district may levy an amount up  
 11.33 to the amount the district is required by the collective bargaining agreement in effect  
 11.34 on March 30, 1992, to pay for health insurance or unreimbursed medical expenses for  
 11.35 licensed and nonlicensed employees who have terminated services in the employing

12.1 district and withdrawn from active teaching service or other active service, as applicable,  
 12.2 before July 1, 1998, if a sunset clause is in effect for the current collective bargaining  
 12.3 agreement. The total amount of the levy each year may not exceed \$600,000.

12.4 (b) In addition to the levy authority granted under paragraph (a), a school district  
 12.5 may levy for other postemployment benefits expenses. For purposes of this subdivision  
 12.6 "postemployment benefits" means benefits giving rise to a liability under Statement No.  
 12.7 45 of the Government Accounting Standards Board. A district seeking levy authority  
 12.8 under this subdivision must:

12.9 (1) create or have created an actuarial liability to pay postemployment benefits to  
 12.10 employees or officers after their termination of service;

12.11 (2) have a sunset clause in effect for the current collective bargaining agreement  
 12.12 as required by paragraph (a); and

12.13 (3) apply for the authority in the form and manner required by the commissioner  
 12.14 of education.

12.15 If the total levy authority requested under this paragraph exceeds the amount established  
 12.16 in paragraph (c), the commissioner must proportionately reduce each district's maximum  
 12.17 levy authority under this subdivision.

12.18 (c) The maximum levy authority under paragraph (b) must not exceed the following  
 12.19 amounts:

12.20 (1) \$24,000,000 for taxes payable in 2010;

12.21 (2) \$50,000,000 for taxes payable in 2011; and

12.22 (3) for taxes payable in 2012 and later, the maximum levy authority must not exceed  
 12.23 the sum of the previous year's authority and \$19,000,000.

12.24 Sec. 14. Minnesota Statutes 2008, section 126C.44, is amended to read:

12.25 **126C.44 SAFE SCHOOLS LEVY.**

12.26 (a) Each district may make a levy on all taxable property located within the district  
 12.27 for the purposes specified in this section. The maximum amount which may be levied  
 12.28 for all costs under this section shall be equal to \$30 multiplied by the district's adjusted  
 12.29 marginal cost pupil units for the school year. The proceeds of the levy must be reserved and  
 12.30 used for directly funding the following purposes or for reimbursing the cities and counties  
 12.31 who contract with the district for the following purposes: (1) to pay the costs incurred for  
 12.32 the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in  
 12.33 services in the district's schools; (2) to pay the costs for a drug abuse prevention program  
 12.34 as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;  
 12.35 (3) to pay the costs for a gang resistance education training curriculum in the district's



13.1 schools; (4) to pay the costs for security in the district's schools and on school property; (5)  
13.2 to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary  
13.3 opt-in suicide prevention tools, and violence prevention measures taken by the school  
13.4 district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed  
13.5 school social workers, licensed school psychologists, and licensed alcohol and chemical  
13.6 dependency counselors to help provide early responses to problems. For expenditures  
13.7 under clause (1), the district must initially attempt to contract for services to be provided  
13.8 by peace officers or sheriffs with the police department of each city or the sheriff's  
13.9 department of the county within the district containing the school receiving the services. If  
13.10 a local police department or a county sheriff's department does not wish to provide the  
13.11 necessary services, the district may contract for these services with any other police or  
13.12 sheriff's department located entirely or partially within the school district's boundaries.

13.13 (b) A school district that is a member of an intermediate school district may  
13.14 include in its authority under this section the costs associated with safe schools activities  
13.15 authorized under paragraph (a) for intermediate school district programs. This authority  
13.16 must not exceed \$10 times the adjusted marginal cost pupil units of the member districts.  
13.17 This authority is in addition to any other authority authorized under this section. Revenue  
13.18 raised under this paragraph must be transferred to the intermediate school district.

13.19 (c) A school district must set aside at least \$3 per adjusted marginal cost pupil  
13.20 unit of the safe schools levy proceeds for the purposes authorized under paragraph (a),  
13.21 clause (6). The district must annually certify either that: (1) its total spending on services  
13.22 provided by the employees listed in paragraph (a), clause (6), is not less than the sum of  
13.23 its expenditures for these purposes, excluding amounts spent under this section, in the  
13.24 previous year plus the amount spent under this section; or (2) that the district's full-time  
13.25 equivalent number of employees listed in paragraph (a), clause (6), is not less than the  
13.26 number for the previous year.

13.27 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2010  
13.28 and later.

13.29 Sec. 15. Minnesota Statutes 2008, section 127A.47, subdivision 7, is amended to read:

13.30 Subd. 7. **Alternative attendance programs.** The general education aid and special  
13.31 education aid for districts must be adjusted for each pupil attending a nonresident district  
13.32 under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The adjustments  
13.33 must be made according to this subdivision.

13.34 (a) General education aid paid to a resident district must be reduced by an amount  
13.35 equal to the referendum equalization aid attributable to the pupil in the resident district.

14.1 (b) General education aid paid to a district serving a pupil in programs listed in this  
14.2 subdivision must be increased by an amount equal to the greater of (1) the referendum  
14.3 equalization aid attributable to the pupil in the nonresident district; or (2) the product of  
14.4 the district's open enrollment concentration index, the maximum amount of referendum  
14.5 revenue in the first tier, and the district's net open enrollment pupil units for that year. A  
14.6 district's open enrollment concentration index equals the greater of: (i) zero, or (ii) the  
14.7 lesser of 1.0, or the difference between the district's ratio of open enrollment pupil units  
14.8 served to its resident pupil units for that year and 0.2. This clause does not apply to a  
14.9 school district where more than 50 percent of the open enrollment students are enrolled  
14.10 solely in online learning courses.

14.11 (c) If the amount of the reduction to be made from the general education aid of the  
14.12 resident district is greater than the amount of general education aid otherwise due the  
14.13 district, the excess reduction must be made from other state aids due the district.

14.14 (d) For fiscal year 2006, the district of residence must pay tuition to a district or an  
14.15 area learning center, operated according to paragraph (f), providing special instruction and  
14.16 services to a pupil with a disability, as defined in section 125A.02, or a pupil, as defined in  
14.17 section 125A.51, who is enrolled in a program listed in this subdivision. The tuition must  
14.18 be equal to (1) the actual cost of providing special instruction and services to the pupil,  
14.19 including a proportionate amount for special transportation and unreimbursed building  
14.20 lease and debt service costs for facilities used primarily for special education, minus (2)  
14.21 if the pupil receives special instruction and services outside the regular classroom for  
14.22 more than 60 percent of the school day, the amount of general education revenue and  
14.23 referendum aid attributable to that pupil for the portion of time the pupil receives special  
14.24 instruction and services outside of the regular classroom, excluding portions attributable to  
14.25 district and school administration, district support services, operations and maintenance,  
14.26 capital expenditures, and pupil transportation, minus (3) special education aid attributable  
14.27 to that pupil, that is received by the district providing special instruction and services.  
14.28 For purposes of this paragraph, general education revenue and referendum equalization  
14.29 aid attributable to a pupil must be calculated using the serving district's average general  
14.30 education revenue and referendum equalization aid per adjusted pupil unit.

14.31 (e) For fiscal year 2007 and later, special education aid paid to a resident district  
14.32 must be reduced by an amount equal to (1) the actual cost of providing special instruction  
14.33 and services, including special transportation and unreimbursed building lease and debt  
14.34 service costs for facilities used primarily for special education, for a pupil with a disability,  
14.35 as defined in section 125A.02, or a pupil, as defined in section 125A.51, who is enrolled  
14.36 in a program listed in this subdivision, minus (2) if the pupil receives special instruction

15.1 and services outside the regular classroom for more than 60 percent of the school day,  
 15.2 the amount of general education revenue and referendum equalization aid attributable  
 15.3 to that pupil for the portion of time the pupil receives special instruction and services  
 15.4 outside of the regular classroom, excluding portions attributable to district and school  
 15.5 administration, district support services, operations and maintenance, capital expenditures,  
 15.6 and pupil transportation, minus (3) special education aid attributable to that pupil, that is  
 15.7 received by the district providing special instruction and services. For purposes of this  
 15.8 paragraph, general education revenue and referendum equalization aid attributable to a  
 15.9 pupil must be calculated using the serving district's average general education revenue  
 15.10 and referendum equalization aid per adjusted pupil unit. Special education aid paid to the  
 15.11 district or cooperative providing special instruction and services for the pupil, or to the  
 15.12 fiscal agent district for a cooperative, must be increased by the amount of the reduction  
 15.13 in the aid paid to the resident district. If the resident district's special education aid is  
 15.14 insufficient to make the full adjustment, the remaining adjustment shall be made to other  
 15.15 state aids due to the district.

15.16 (f) An area learning center operated by a service cooperative, intermediate district,  
 15.17 education district, or a joint powers cooperative may elect through the action of the  
 15.18 constituent boards to charge the resident district tuition for pupils rather than to have the  
 15.19 general education revenue paid to a fiscal agent school district. Except as provided in  
 15.20 paragraph (d) or (e), the district of residence must pay tuition equal to at least 90 percent of  
 15.21 the district average general education revenue per pupil unit minus an amount equal to the  
 15.22 product of the formula allowance according to section 126C.10, subdivision 2, times .0485,  
 15.23 calculated without ~~basic skills~~ compensatory revenue and transportation sparsity revenue,  
 15.24 times the number of pupil units for pupils attending the area learning center, ~~plus the~~  
 15.25 ~~amount of compensatory revenue generated by pupils attending the area learning center.~~

15.26 Sec. 16. Minnesota Statutes 2008, section 475.58, subdivision 1, is amended to read:

15.27 Subdivision 1. **Approval by electors; exceptions.** Obligations authorized by law or  
 15.28 charter may be issued by any municipality upon obtaining the approval of a majority of  
 15.29 the electors voting on the question of issuing the obligations, but an election shall not be  
 15.30 required to authorize obligations issued:

15.31 (1) to pay any unpaid judgment against the municipality;

15.32 (2) for refunding obligations;

15.33 (3) for an improvement or improvement program, which obligation is payable wholly  
 15.34 or partly from the proceeds of special assessments levied upon property specially benefited  
 15.35 by the improvement or by an improvement within the improvement program, or from tax

16.1 increments, as defined in section 469.174, subdivision 25, including obligations which are  
 16.2 the general obligations of the municipality, if the municipality is entitled to reimbursement  
 16.3 in whole or in part from the proceeds of such special assessments or tax increments and  
 16.4 not less than 20 percent of the cost of the improvement or the improvement program is to  
 16.5 be assessed against benefited property or is to be paid from the proceeds of federal grant  
 16.6 funds or a combination thereof, or is estimated to be received from tax increments;

16.7 (4) payable wholly from the income of revenue producing conveniences;

16.8 (5) under the provisions of a home rule charter which permits the issuance of  
 16.9 obligations of the municipality without election;

16.10 (6) under the provisions of a law which permits the issuance of obligations of a  
 16.11 municipality without an election;

16.12 (7) to fund pension or retirement fund ~~or postemployment benefit~~ liabilities pursuant  
 16.13 to section 475.52, subdivision 6;

16.14 (8) under a capital improvement plan under section 373.40; ~~and~~

16.15 (9) under sections 469.1813 to 469.1815 (property tax abatement authority bonds), if  
 16.16 the proceeds of the bonds are not used for a purpose prohibited under section 469.176,  
 16.17 subdivision 4g, paragraph (b); and

16.18 (10) postemployment benefit liabilities pursuant to section 475.52, subdivision 6, for  
 16.19 municipalities other than school districts.

16.20 **EFFECTIVE DATE.** This section is effective for obligations sold after August  
 16.21 1, 2009.

16.22 Sec. 17. **EARLY GRADUATION INCENTIVES PROGRAM WORKING**  
 16.23 **GROUP.**

16.24 Subdivision 1. **Commissioner of education to convene.** The commissioner of  
 16.25 education must convene a working group to study the effects of an early graduation  
 16.26 incentives program for highly motivated high school junior and seniors on Minnesota's  
 16.27 K-12 and Higher Education Systems.

16.28 Subd. 2. **Membership.** The working group's membership consists of the  
 16.29 commissioner of education, two representatives chosen by the speaker of the house, two  
 16.30 senators named by the Subcommittee on Committees of the senate Committee on Rules  
 16.31 and Administration, one superintendent selected by the Minnesota Association of School  
 16.32 Administrators, one person selected by the Minnesota School Boards Association, two  
 16.33 high school teachers selected by Education Minnesota, one representative of higher  
 16.34 education chosen by the University of Minnesota, one higher education representative  
 16.35 chosen by the Minnesota State Colleges and Universities board, two persons selected by

17.1 the Minnesota Private College Council, one person chosen by the Minnesota Council  
 17.2 for the Gifted and Talented, and at least one representative of the business community  
 17.3 selected by the Minnesota Chamber of Commerce.

17.4 Subd. 3. **Duties.** The working group must evaluate the benefits of an early  
 17.5 graduation incentives program designed to engage highly motivated high school juniors  
 17.6 and seniors. The working group must analyze the potential cost savings to the state and the  
 17.7 impact on, and the interplay with, the state's postsecondary enrollment options program.

17.8 Subd. 4. **Compensation.** The advisory group is not subject to Minnesota Statutes,  
 17.9 section 15.059.

17.10 Subd. 5. **Report.** The advisory group must report its recommendations to the  
 17.11 education policy and finance committees of the legislature by January 15, 2010.

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

17.13 **Sec. 18. ONETIME GENERAL EDUCATION REVENUE REDUCTION**  
 17.14 **REPLACED WITH FEDERAL FUNDS FROM THE FISCAL STABILIZATION**  
 17.15 **ACCOUNT.**

17.16 Subdivision 1. **General education reduction.** Notwithstanding Minnesota Statutes,  
 17.17 sections 126C.13 and 126C.20, the state total general education aid for fiscal year 2010 is  
 17.18 reduced by \$275,600,000. The aid reduction must be allocated among school districts and  
 17.19 charter schools in proportion to the school district or charter school's general education  
 17.20 revenue for fiscal year 2008 under Minnesota Statutes, section 126C.10, or Minnesota  
 17.21 Statutes, section 124D.11, subdivisions 1 and 2.

17.22 Subd. 2. **Allocation of federal fiscal stabilization funds.** The commissioner must  
 17.23 offset the onetime general education aid reduction for each school district and charter  
 17.24 school under subdivision 1 with an equal amount of federal aid from the fiscal stabilization  
 17.25 account in the federal fund.

17.26 **Sec. 19. APPROPRIATIONS; GENERAL FUND.**

17.27 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 17.28 appropriated from the general fund to the Department of Education for the fiscal years  
 17.29 designated.

17.30 Subd. 2. **General education aid.** For general education aid under Minnesota  
 17.31 Statutes, section 126C.13, subdivision 4:

17.32 \$ 3,916,460,000 ..... 2010  
 17.33 \$ 5,563,965,000 ..... 2011

18.1 The 2010 appropriation includes \$555,864,000 for 2009 and \$3,360,596,000 for  
 18.2 2010.

18.3 The 2011 appropriation includes \$1,438,969,000 for 2010 and \$4,124,996,000  
 18.4 for 2011.

18.5 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending  
 18.6 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation  
 18.7 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

18.8 \$ 48,000 ..... 2010

18.9 \$ 52,000 ..... 2011

18.10 Subd. 4. **Abatement revenue.** For abatement aid under Minnesota Statutes, section  
 18.11 127A.49:

18.12 \$ 980,000 ..... 2010

18.13 \$ 1,056,000 ..... 2011

18.14 The 2010 appropriation includes \$140,000 for 2009 and \$840,000 for 2010.

18.15 The 2011 appropriation includes \$310,000 for 2010 and \$746,000 for 2011.

18.16 Subd. 5. **Consolidation transition.** For districts consolidating under Minnesota  
 18.17 Statutes, section 123A.485:

18.18 \$ 693,000 ..... 2010

18.19 \$ 931,000 ..... 2011

18.20 The 2010 appropriation includes \$0 for 2009 and \$693,000 for 2010.

18.21 The 2011 appropriation includes \$255,000 for 2010 and \$676,000 for 2011.

18.22 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under  
 18.23 Minnesota Statutes, sections 123B.87 and 123B.40 to 123B.43:

18.24 \$ 14,303,000 ..... 2010

18.25 \$ 17,785,000 ..... 2011

18.26 The 2010 appropriation includes \$1,647,000 for 2009 and \$12,656,000 for 2010.

18.27 The 2011 appropriation includes \$4,680,000 for 2010 and \$13,105,000 for 2011.

18.28 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid  
 18.29 under Minnesota Statutes, section 123B.92, subdivision 9:

18.30 \$ 18,366,000 ..... 2010

18.31 \$ 22,636,000 ..... 2011

18.32 The 2010 appropriation includes \$2,077,000 for 2009 and \$16,289,000 for 2010.

18.33 The 2011 appropriation includes \$6,024,000 for 2010 and \$16,612,000 for 2011.

19.1 Subd. 8. **One-room schoolhouse.** For a grant to Independent School District No.  
 19.2 690, Warroad, to operate the Angle Inlet School:

19.3 \$ 65,000 ..... 2010

19.4 \$ 65,000 ..... 2011

19.5 Subd. 9. **Independent School District No. 239, Rushford-Peterson.** For school  
 19.6 district flood enrollment impact aid as a result of the floods of August 2007:

19.7 \$ 158,000 ..... 2010

19.8 The base appropriation for later fiscal years is zero.

19.9 The district must provide to the commissioner of education documentation of  
 19.10 the additional pupil transportation costs and the number of pupils in average daily  
 19.11 membership lost as a result of the flood.

19.12 Subd. 10. **Lancaster.** For a grant to Independent School District No. 356, Lancaster,  
 19.13 to replace the loss of sparsity revenue:

19.14 \$ 100,000 ..... 2010

19.15 \$ 100,000 ..... 2011

19.16 The base appropriation for later fiscal years is zero.

19.17 Subd. 11. **Compensatory revenue pilot project.** For grants for participation in the  
 19.18 compensatory revenue pilot program under Laws 2005, First Special Session chapter 5,  
 19.19 article 1, section 50:

19.20 \$ 2,175,000 ..... 2010

19.21 \$ 2,175,000 ..... 2011

19.22 Of this amount, \$1,500,000 in each year is for a grant to Independent School District  
 19.23 No. 11, Anoka-Hennepin; \$210,000 in each year is for a grant to Independent School  
 19.24 District No. 279, Osseo; \$160,000 in each year is for a grant to Independent School  
 19.25 District No. 281, Robbinsdale; \$75,000 in each year is for a grant to Independent School  
 19.26 District No. 286, Brooklyn Center; \$165,000 in each year is for a grant to Independent  
 19.27 School District No. 535, Rochester; and \$65,000 in each year is for a grant to Independent  
 19.28 School District No. 833, South Washington.

19.29 If a grant to a specific school district is not awarded, the commissioner may increase  
 19.30 the aid amounts to any of the remaining participating school districts.

19.31 This appropriation is part of the base budget for subsequent fiscal years.

19.32 Sec. 20. **APPROPRIATIONS; FEDERAL FUND.**

20.1 Subdivision 1. Department of Education. The sums indicated in this section are  
 20.2 appropriated from the fiscal stabilization account in the federal fund to the commissioner  
 20.3 of education for the fiscal years designated.

20.4 Subd. 2. General education offset. To offset the onetime general education revenue  
 20.5 reduction under section 18:

20.6 \$ 275,600,000 ..... 2010

20.7 Any balance does not cancel but is available for obligation until September 30, 2011.

## 20.8 ARTICLE 2

### 20.9 EDUCATION EXCELLENCE

20.10 Section 1. Minnesota Statutes 2008, section 6.74, is amended to read:

#### 20.11 **6.74 INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.**

20.12 Subdivision 1. Information generally. The state auditor, or a designated agent, shall  
 20.13 collect annually from all city, county, and other local units of government, information as  
 20.14 to the assessment of property, collection of taxes, receipts from licenses and other sources,  
 20.15 the expenditure of public funds for all purposes, borrowing, debts, principal and interest  
 20.16 payments on debts, and such other information as may be needful. The data shall be  
 20.17 supplied upon forms prescribed by the state auditor, and all public officials so called upon  
 20.18 shall fill out properly and return promptly all forms so transmitted. The state auditor or  
 20.19 assistants, may examine local records in order to complete or verify the information.

20.20 Subd. 2. Examples of good government in procurement and shared services;  
 20.21 clearinghouse. The state auditor may seek funds from local units of government  
 20.22 and nongovernmental sources to establish an online clearinghouse of examples of  
 20.23 good government in procurement and shared services among political subdivisions. If  
 20.24 established, the clearinghouse shall be designed to allow political subdivisions to submit  
 20.25 examples of good government in procurement and shared services in a form prescribed  
 20.26 by the state auditor.

20.27 Sec. 2. Minnesota Statutes 2008, section 120B.02, is amended to read:

#### 20.28 **120B.02 EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S** 20.29 **STUDENTS.**

20.30 (a) The legislature is committed to establishing rigorous academic standards for  
 20.31 Minnesota's public school students. To that end, the commissioner shall adopt in rule  
 20.32 statewide academic standards. The commissioner shall not prescribe in rule or otherwise  
 20.33 the delivery system, classroom assessments, or form of instruction that school sites must



21.1 use. For purposes of this chapter, a school site is a separate facility, or a separate program  
21.2 within a facility that a local school board recognizes as a school site for funding purposes.

21.3 (b) All commissioner actions regarding the rule must be premised on the following:

21.4 (1) the rule is intended to raise academic expectations for students, teachers, and  
21.5 schools;

21.6 (2) any state action regarding the rule must evidence consideration of school district  
21.7 autonomy; and

21.8 (3) the Department of Education, with the assistance of school districts, must make  
21.9 available information about all state initiatives related to the rule to students and parents,  
21.10 teachers, and the general public in a timely format that is appropriate, comprehensive, and  
21.11 readily understandable.

21.12 (c) When fully implemented, the requirements for high school graduation in  
21.13 Minnesota must require students to satisfactorily complete, as determined by the school  
21.14 district, the course credit requirements under section 120B.024 and all state academic  
21.15 standards or local academic standards where state standards do not apply and:

21.16 (1) for students enrolled in grade 8 before the 2005-2006 school year, to pass the  
21.17 basic skills test requirements; and

21.18 (2) for students enrolled in grade 8 in the 2005-2006 school year and later, to pass  
21.19 the Minnesota Comprehensive Assessments Second Edition (MCA-IIIs).

21.20 (d) The commissioner shall periodically review and report on the state's assessment  
21.21 process.

21.22 (e) School districts are not required to adopt specific provisions of the federal  
21.23 School-to-Work programs.

21.24 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to  
21.25 students entering the 9th grade in the 2012-2013 school year and later.

21.26 Sec. 3. Minnesota Statutes 2008, section 120B.021, subdivision 1, is amended to read:

21.27 Subdivision 1. **Required academic standards.** The following subject areas are  
21.28 required for statewide accountability:

21.29 (1) language arts;

21.30 (2) mathematics;

21.31 (3) science;

21.32 (4) social studies, including history, geography, economics, and government and  
21.33 citizenship;

21.34 (5) health and physical education, for which locally developed academic standards  
21.35 apply; and

22.1 (6) the arts, for which statewide or locally developed academic standards apply,  
22.2 as determined by the school district. Public elementary and middle schools must offer  
22.3 ~~at least three~~ and require at least two of the following four arts areas: dance; music;  
22.4 theater; and visual arts. Public high schools, consistent with section 120B.024, paragraph  
22.5 (a), clause (5), must offer ~~at least three~~ and require at least one of the following five arts  
22.6 areas: media arts; dance; music; theater; and visual arts.

22.7 The commissioner must submit proposed standards in science and social studies to  
22.8 the legislature by February 1, 2004.

22.9 For purposes of applicable federal law, the academic standards for language arts,  
22.10 mathematics, and science apply to all public school students, ~~except the very few students~~  
22.11 ~~with extreme cognitive or physical impairments for whom an individualized education~~  
22.12 ~~plan team has determined that the required academic standards are inappropriate. An~~  
22.13 ~~individualized education plan team that makes this determination must establish alternative~~  
22.14 standards with appropriate alternate achievement standards based on these academic  
22.15 standards for students with individualized education plans described under federal law.

22.16 A school district, no later than the 2007-2008 school year, must adopt graduation  
22.17 requirements that meet or exceed state graduation requirements established in law or  
22.18 rule. A school district that incorporates these state graduation requirements before the  
22.19 2007-2008 school year must provide students who enter the 9th grade in or before  
22.20 the 2003-2004 school year the opportunity to earn a diploma based on existing locally  
22.21 established graduation requirements in effect when the students entered the 9th grade.  
22.22 District efforts to develop, implement, or improve instruction or curriculum as a result  
22.23 of the provisions of this section must be consistent with sections 120B.10, 120B.11,  
22.24 and 120B.20.

22.25 The commissioner must include the contributions of Minnesota American Indian  
22.26 tribes and communities as they relate to the academic standards during the review and  
22.27 revision of the required academic standards.

22.28 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
22.29 later.

22.30 Sec. 4. Minnesota Statutes 2008, section 120B.022, subdivision 1, is amended to read:

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

22.33 (1) vocational and technical education; and

22.34 (2) world languages.

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

23.2 (b) World languages teachers and other school staff should develop and implement  
23.3 world languages programs that acknowledge and reinforce the language proficiency and  
23.4 cultural awareness that non-English language speakers already possess, and encourage  
23.5 students' proficiency in multiple world languages. Programs under this paragraph must  
23.6 encompass indigenous American Indian languages and cultures, among other world  
23.7 languages and cultures. The department shall consult with postsecondary institutions in  
23.8 developing related professional development opportunities.

23.9 (c) Any Minnesota public, charter, or nonpublic school may award Minnesota  
23.10 World Language Proficiency Certificates or Minnesota World Language Proficiency High  
23.11 Achievement Certificates, consistent with this subdivision.

23.12 The Minnesota World Language Proficiency Certificate recognizes students who  
23.13 demonstrate listening, speaking, reading, and writing language skills at the American  
23.14 Council on the Teaching of Foreign Languages' Intermediate-Low level on a valid and  
23.15 reliable assessment tool. For languages listed as Category 3 by the United States Foreign  
23.16 Service Institute or Category 4 by the United States Defense Language Institute, the  
23.17 standard is Intermediate-Low for listening and speaking and Novice-High for reading  
23.18 and writing.

23.19 The Minnesota World Language Proficiency High Achievement Certificate  
23.20 recognizes students who demonstrate listening, speaking, reading, and writing language  
23.21 skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level  
23.22 for K-12 learners on a valid and reliable assessment tool. For languages listed as Category  
23.23 3 by the United States Foreign Service Institute or Category 4 by the United States  
23.24 Defense Language Institute, the standard is Pre-Advanced for listening and speaking and  
23.25 Intermediate-Mid for reading and writing.

23.26 Sec. 5. Minnesota Statutes 2008, section 120B.023, subdivision 2, is amended to read:

23.27 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must  
23.28 revise and appropriately embed technology and information literacy standards consistent  
23.29 with recommendations from school media specialists into the state's academic standards  
23.30 and graduation requirements and implement a review cycle for state academic standards  
23.31 and related benchmarks, consistent with this subdivision. During each review cycle, the  
23.32 commissioner also must examine the alignment of each required academic standard and  
23.33 related benchmark with the knowledge and skills students need for college readiness and  
23.34 advanced work in the particular subject area.

24.1 (b) The commissioner in the 2006-2007 school year must revise and align the state's  
24.2 academic standards and high school graduation requirements in mathematics to require  
24.3 that students satisfactorily complete the revised mathematics standards, beginning in the  
24.4 2010-2011 school year. Under the revised standards:

24.5 (1) students must satisfactorily complete an algebra I credit by the end of eighth  
24.6 grade; and

24.7 (2) students scheduled to graduate in the 2014-2015 school year or later must  
24.8 satisfactorily complete an algebra II credit or its equivalent.

24.9 The commissioner also must ensure that the statewide mathematics assessments  
24.10 administered to students in grades 3 through 8 and 11 beginning in the 2010-2011  
24.11 school year are aligned with the state academic standards in mathematics. The statewide  
24.12 11th grade mathematics test administered to students under clause (2) beginning in  
24.13 the 2013-2014 school year must include algebra II test items that are aligned with  
24.14 corresponding state academic standards in mathematics. The commissioner must  
24.15 implement a review of the academic standards and related benchmarks in mathematics  
24.16 beginning in the 2015-2016 school year.

24.17 (c) The commissioner in the 2007-2008 school year must revise and align the state's  
24.18 academic standards and high school graduation requirements in the arts to require that  
24.19 students satisfactorily complete the revised arts standards beginning in the ~~2010-2011~~  
24.20 2011-2012 school year. The commissioner must implement a review of the academic  
24.21 standards and related benchmarks in arts beginning in the ~~2016-2017~~ 2017-2018 school  
24.22 year.

24.23 (d) The commissioner in the 2008-2009 school year must revise and align the state's  
24.24 academic standards and high school graduation requirements in science to require that  
24.25 students satisfactorily complete the revised science standards, beginning in the ~~2011-2012~~  
24.26 2012-2013 school year. Under the revised standards, students scheduled to graduate in the  
24.27 ~~2014-2015~~ 2015-2016 school year or later must satisfactorily complete a chemistry or  
24.28 physics credit. The commissioner must implement a review of the academic standards and  
24.29 related benchmarks in science beginning in the ~~2017-2018~~ 2018-2019 school year.

24.30 (e) The commissioner in the ~~2009-2010~~ 2010-2011 school year must revise and  
24.31 align the state's academic standards and high school graduation requirements in language  
24.32 arts to require that students satisfactorily complete the revised language arts standards  
24.33 beginning in the ~~2012-2013~~ 2013-2014 school year. The commissioner must implement  
24.34 a review of the academic standards and related benchmarks in language arts beginning  
24.35 in the ~~2018-2019~~ 2019-2020 school year.

25.1 (f) The commissioner in the ~~2010-2011~~ 2011-2012 school year must revise and  
25.2 align the state's academic standards and high school graduation requirements in social  
25.3 studies to require that students satisfactorily complete the revised social studies standards  
25.4 beginning in the ~~2013-2014~~ 2014-2015 school year. The commissioner must implement  
25.5 a review of the academic standards and related benchmarks in social studies beginning  
25.6 in the ~~2019-2020~~ 2020-2021 school year.

25.7 (g) School districts and charter schools must revise and align local academic  
25.8 standards and high school graduation requirements in health, physical education, world  
25.9 languages, and career and technical education to require students to complete the revised  
25.10 standards beginning in a school year determined by the school district or charter school.  
25.11 School districts and charter schools must formally establish a periodic review cycle for  
25.12 the academic standards and related benchmarks in health, physical education, world  
25.13 languages, and career and technical education.

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

25.15 Sec. 6. Minnesota Statutes 2008, section 120B.11, subdivision 5, is amended to read:

25.16 Subd. 5. **Report.** (a) By October 1 of each year, the school board shall use standard  
25.17 statewide reporting procedures the commissioner develops and adopt a report, consistent  
25.18 with section 120B.36, subdivision 1, that includes the following:

25.19 (1) student achievement goals for meeting state academic standards;

25.20 (2) results of local assessment data, and any additional test data;

25.21 (3) the annual school district improvement plans including staff development goals  
25.22 under section 122A.60;

25.23 (4) information about district and learning site progress in realizing previously  
25.24 adopted improvement plans; and

25.25 (5) the amount and type of revenue attributed to each education site as defined  
25.26 in section 123B.04.

25.27 (b) The school board shall publish the report in the local newspaper with the largest  
25.28 circulation in the district, by mail, or by electronic means such as the district Web site. If  
25.29 electronic means are used, school districts must publish notice of the report in a periodical  
25.30 of general circulation in the district. School districts must make copies of the report  
25.31 available to the public on request. ~~The board shall make a copy of the report available to~~  
25.32 ~~the public for inspection. The board shall send a copy of the report to the commissioner~~  
25.33 ~~of education by October 15 of each year.~~

26.1 (c) ~~The title of the report shall contain the name and number of the school district and~~  
 26.2 ~~read "Annual Report on Curriculum, Instruction, and Student Achievement."~~ The report  
 26.3 must include at least the following information about advisory committee membership:

26.4 (1) the name of each committee member and the date when that member's term  
 26.5 expires;

26.6 (2) the method and criteria the school board uses to select committee members; and

26.7 (3) the date by which a community resident must apply to next serve on the  
 26.8 committee.

26.9 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
 26.10 later.

26.11 Sec. 7. Minnesota Statutes 2008, section 120B.13, is amended to read:

26.12 **120B.13 ADVANCED PLACEMENT ~~AND,~~ INTERNATIONAL**  
 26.13 **BACCALAUREATE, AND CONCURRENT ENROLLMENT PROGRAMS.**

26.14 Subdivision 1. **Program structure; training programs for teachers.** (a) The  
 26.15 advanced placement ~~and,~~ international baccalaureate, and concurrent enrollment programs  
 26.16 are well-established academic programs for mature, academically directed high school  
 26.17 students. These programs, in addition to providing academic rigor, offer sound curricular  
 26.18 design, accountability, comprehensive external assessment, feedback to students and  
 26.19 teachers, and the opportunity for high school students to compete academically on a  
 26.20 global level. Advanced placement ~~and,~~ international baccalaureate, and concurrent  
 26.21 enrollment programs allow students to leave high school with the academic skills  
 26.22 and self-confidence to succeed in college and beyond. The advanced placement ~~and,~~  
 26.23 international baccalaureate, and concurrent enrollment programs help provide Minnesota  
 26.24 students with world-class educational opportunity.

26.25 (b) Critical to schools' educational success is ongoing ~~advanced~~  
 26.26 ~~placement/international baccalaureate-approved teacher~~ training for teachers instructing  
 26.27 students in the advanced placement, international baccalaureate, and concurrent enrollment  
 26.28 programs. A secondary teacher assigned by a district to teach an advanced placement or  
 26.29 international baccalaureate course or other interested educator may participate in a training  
 26.30 program offered by The College Board or International Baccalaureate North America, Inc.  
 26.31 A secondary teacher assigned by a district to teach a concurrent enrollment course, or other  
 26.32 interested educator, may participate in a training program offered by the eligible public  
 26.33 postsecondary institution with which the district has entered into an agreement according  
 26.34 to section 124D.09, subdivision 3, paragraph (a). The state may pay a portion of the tuition,

27.1 room, board, and out-of-state travel costs a teacher or other interested educator incurs  
27.2 in participating in a training program. The commissioner shall determine application  
27.3 procedures and deadlines, select teachers and other interested educators to participate in  
27.4 the training program, and determine the payment process and amount of the subsidy.  
27.5 The procedures determined by the commissioner shall, to the extent possible, ensure  
27.6 that advanced placement ~~and~~, international baccalaureate, and concurrent enrollment  
27.7 courses become available in all parts of the state and that a variety of course offerings are  
27.8 available in school districts. This subdivision does not prevent teacher or other interested  
27.9 educator participation in training programs offered by The College Board or International  
27.10 Baccalaureate North America, Inc., when tuition is paid by a source other than the state.

27.11 (c) The commissioner may award state-funded competitive grants designed to create  
27.12 advanced placement summer training institutes for secondary teachers. Two-year grants,  
27.13 beginning and ending on October 1, may be awarded to Minnesota institutions of higher  
27.14 education that comply with the training requirements outlined by the College Board. The  
27.15 commissioner shall determine award criteria and the selection process.

27.16 Subd. 2. **Support programs.** The commissioner shall provide support programs  
27.17 during the school year for teachers who attended the training programs and teachers  
27.18 experienced in teaching advanced placement ~~or~~, international baccalaureate, or concurrent  
27.19 enrollment courses. The support programs shall provide teachers with opportunities to  
27.20 share instructional ideas with other teachers. The state may pay the costs of participating  
27.21 in the support programs, including substitute teachers, if necessary, and program affiliation  
27.22 costs.

27.23 Subd. 3. **Subsidy for examination fees.** The state may pay all or part of the fee for  
27.24 advanced placement or international baccalaureate examinations. The commissioner shall  
27.25 pay all examination fees for all public and nonpublic students of low-income families, as  
27.26 defined by the commissioner, and to the limit of the available appropriation, shall also pay  
27.27 a portion or all of the examination fees for other public and nonpublic students sitting for  
27.28 an advanced placement examination, international baccalaureate examination, or both.  
27.29 The commissioner shall determine procedures for state payments of fees.

27.30 Subd. 3a. **College credit.** The colleges and universities of the Minnesota State  
27.31 Colleges and Universities system must award, and the University of Minnesota and private  
27.32 postsecondary institutions are encouraged to award, college credit to high school students  
27.33 who receive a score of three or higher on an advanced placement or four or higher on the  
27.34 international baccalaureate program examination.

27.35 Subd. 4. **Information.** The commissioner shall submit the following information to  
27.36 the education committees of the legislature each year by February 1:

- 28.1 (1) the number of pupils enrolled in advanced placement ~~and~~ international  
 28.2 baccalaureate, and concurrent enrollment courses in each school district;
- 28.3 (2) the number of teachers in each district attending training programs offered by the  
 28.4 college board or International Baccalaureate North America, Inc.;
- 28.5 (3) the number of teachers in each district participating in support programs;
- 28.6 (4) recent trends in the field of advanced placement ~~and~~ international baccalaureate,  
 28.7 and concurrent enrollment programs;
- 28.8 (5) expenditures for each category in this section; and
- 28.9 (6) other recommendations for the state program.

28.10 Sec. 8. Minnesota Statutes 2008, section 120B.132, is amended to read:

28.11 **120B.132 RAISED ACADEMIC ACHIEVEMENT; ADVANCED**  
 28.12 **PLACEMENT ~~AND~~, INTERNATIONAL BACCALAUREATE, AND**  
 28.13 **CONCURRENT ENROLLMENT PROGRAMS.**

28.14 Subdivision 1. **Establishment; eligibility.** A program is established to raise  
 28.15 kindergarten through grade 12 academic achievement through increased student  
 28.16 participation in preadvanced placement, advanced placement, ~~and~~ international  
 28.17 baccalaureate, and concurrent enrollment programs, consistent with section 120B.13.  
 28.18 Schools and charter schools eligible to participate under this section:

28.19 (1) must have a three-year plan approved by the local school board to establish a new  
 28.20 international baccalaureate program leading to international baccalaureate authorization,  
 28.21 expand an existing program that leads to international baccalaureate authorization, or  
 28.22 expand an existing authorized international baccalaureate program; or

28.23 (2) must have a three-year plan approved by the local school board to create a new or  
 28.24 expand an existing program to implement the college board advanced placement courses  
 28.25 and exams or preadvanced placement initiative; ~~and~~ or

28.26 (3) must have a three-year plan approved by the local school board to create a new  
 28.27 or expand an existing concurrent enrollment program; and

28.28 ~~(3)~~ (4) must propose to further raise students' academic achievement by:

28.29 (i) increasing the availability of and all students' access to advanced placement ~~or~~,  
 28.30 international baccalaureate, or concurrent enrollment courses or programs;

28.31 (ii) expanding the breadth of advanced placement ~~or~~, international baccalaureate, or  
 28.32 concurrent enrollment courses or programs that are available to students;

28.33 (iii) increasing the number and the diversity of the students who participate in  
 28.34 advanced placement ~~or~~, international baccalaureate, or concurrent enrollment courses  
 28.35 or programs and succeed;



29.1 (iv) providing low-income and other disadvantaged students with increased access  
 29.2 to advanced placement ~~or~~, international baccalaureate, or concurrent enrollment courses  
 29.3 and programs; or

29.4 (v) increasing the number of high school students, including low-income and other  
 29.5 disadvantaged students, who receive college credit by successfully completing advanced  
 29.6 placement ~~or~~, international baccalaureate, or concurrent enrollment courses or programs  
 29.7 and achieving satisfactory scores on related exams.

29.8 Subd. 2. **Application and review process; funding priority.** (a) Charter schools  
 29.9 and school districts in which eligible schools under subdivision 1 are located may apply to  
 29.10 the commissioner, in the form and manner the commissioner determines, for competitive  
 29.11 funding to further raise students' academic achievement. The application must detail the  
 29.12 specific efforts the applicant intends to undertake in further raising students' academic  
 29.13 achievement, consistent with subdivision 1, and a proposed budget detailing the district or  
 29.14 charter school's current and proposed expenditures for advanced placement, preadvanced  
 29.15 placement, ~~and~~ international baccalaureate, and concurrent enrollment courses and  
 29.16 programs. The proposed budget must demonstrate that the applicant's efforts will support  
 29.17 implementation of advanced placement, preadvanced placement, ~~and~~ international  
 29.18 baccalaureate, and concurrent enrollment courses and programs. Expenditures for  
 29.19 administration must not exceed five percent of the proposed budget. The commissioner  
 29.20 may require an applicant to provide additional information.

29.21 (b) When reviewing applications, the commissioner must determine whether  
 29.22 the applicant satisfied all the requirements in this subdivision and subdivision 1.  
 29.23 The commissioner may give funding priority to an otherwise qualified applicant that  
 29.24 demonstrates:

29.25 (1) a focus on developing or expanding preadvanced placement, advanced placement,  
 29.26 ~~or~~ international baccalaureate, or concurrent enrollment courses or programs or increasing  
 29.27 students' participation in, access to, or success with the courses or programs, including the  
 29.28 participation, access, or success of low-income and other disadvantaged students;

29.29 (2) a compelling need for access to preadvanced placement, advanced placement, ~~or~~  
 29.30 international baccalaureate, or concurrent enrollment courses or programs;

29.31 (3) an effective ability to actively involve local business and community  
 29.32 organizations in student activities that are integral to preadvanced placement, advanced  
 29.33 placement, ~~or~~ international baccalaureate, or concurrent enrollment courses or programs;

29.34 (4) access to additional public or nonpublic funds or in-kind contributions that are  
 29.35 available for preadvanced placement, advanced placement, ~~or~~ international baccalaureate,  
 29.36 or concurrent enrollment courses or programs; or

30.1 (5) an intent to implement activities that target low-income and other disadvantaged  
30.2 students.

30.3 Subd. 3. **Funding; permissible funding uses.** (a) The commissioner shall award  
30.4 grants to applicant school districts and charter schools that meet the requirements of  
30.5 subdivisions 1 and 2. The commissioner must award grants on an equitable geographical  
30.6 basis to the extent feasible and consistent with this section. Grant awards must not exceed  
30.7 the lesser of:

30.8 (1) \$85 times the number of pupils enrolled at the participating sites on October  
30.9 1 of the previous fiscal year; or

30.10 (2) the approved supplemental expenditures based on the budget submitted under  
30.11 subdivision 2. For charter schools in their first year of operation, the maximum funding  
30.12 award must be calculated using the number of pupils enrolled on October 1 of the current  
30.13 fiscal year. The commissioner may adjust the maximum funding award computed using  
30.14 prior year data for changes in enrollment attributable to school closings, school openings,  
30.15 grade level reconfigurations, or school district reorganizations between the prior fiscal  
30.16 year and the current fiscal year.

30.17 (b) School districts and charter schools that submit an application and receive  
30.18 funding under this section must use the funding, consistent with the application, to:

30.19 (1) provide teacher training and instruction to more effectively serve students,  
30.20 including low-income and other disadvantaged students, who participate in preadvanced  
30.21 placement, advanced placement, ~~or~~ international baccalaureate, or concurrent enrollment  
30.22 courses or programs;

30.23 (2) further develop preadvanced placement, advanced placement, ~~or~~ international  
30.24 baccalaureate, or concurrent enrollment courses or programs;

30.25 (3) improve the transition between grade levels to better prepare students, including  
30.26 low-income and other disadvantaged students, for succeeding in preadvanced placement,  
30.27 advanced placement, ~~or~~ international baccalaureate, or concurrent enrollment courses or  
30.28 programs;

30.29 (4) purchase books and supplies;

30.30 (5) pay course or program fees;

30.31 (6) increase students' participation in and success with preadvanced placement,  
30.32 advanced placement, ~~or~~ international baccalaureate, or concurrent enrollment courses or  
30.33 programs;

30.34 (7) expand students' access to preadvanced placement, advanced placement, ~~or~~  
30.35 international baccalaureate, or concurrent enrollment courses or programs through online  
30.36 learning;

31.1 (8) hire appropriately licensed personnel to teach additional advanced placement ~~or~~  
 31.2 international baccalaureate, or concurrent enrollment courses or programs; or

31.3 (9) engage in other activity directly related to expanding students' access to,  
 31.4 participation in, and success with preadvanced placement, advanced placement, ~~or~~  
 31.5 international baccalaureate, or concurrent enrollment courses or programs, including  
 31.6 low-income and other disadvantaged students.

31.7 Subd. 4. **Annual reports.** (a) Each school district and charter school that receives  
 31.8 a grant under this section annually must collect demographic and other student data to  
 31.9 demonstrate and measure the extent to which the district or charter school raised students'  
 31.10 academic achievement under this program and must report the data to the commissioner  
 31.11 in the form and manner the commissioner determines. The commissioner annually by  
 31.12 February 15 must make summary data about this program available to the education  
 31.13 policy and finance committees of the legislature.

31.14 (b) Each school district and charter school that receives a grant under this section  
 31.15 annually must report to the commissioner, consistent with the Uniform Financial  
 31.16 Accounting and Reporting Standards, its actual expenditures for advanced placement,  
 31.17 preadvanced placement, ~~and~~ international baccalaureate, and concurrent enrollment  
 31.18 courses and programs. The report must demonstrate that the school district or charter  
 31.19 school has maintained its effort from other sources for advanced placement, preadvanced  
 31.20 placement, ~~and~~ international baccalaureate, and concurrent enrollment courses and  
 31.21 programs compared with the previous fiscal year, and the district or charter school has  
 31.22 expended all grant funds, consistent with its approved budget.

31.23 Subd. 5. **Accreditation of concurrent enrollment programs.** (a) To establish a  
 31.24 uniform standard by which concurrent enrollment courses and professional development  
 31.25 activities may be measured, postsecondary institutions are encouraged to apply for  
 31.26 accreditation by the National Alliance of Concurrent Enrollment Partnership.

31.27 (b) Beginning in fiscal year 2011, districts offering a concurrent enrollment program  
 31.28 according to an agreement under section 124D.09, subdivision 10, are only eligible for aid  
 31.29 under this section and section 120B.13, if the college or university concurrent enrollment  
 31.30 courses offered by the district are accredited by the National Alliance of Concurrent  
 31.31 Enrollment Partnership, in the process of being accredited, or are shown by clear evidence  
 31.32 to be of comparable standard to accredited courses.

31.33 Sec. 9. **[120B.299] DEFINITIONS.**

31.34 Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

32.1 Subd. 2. **Growth.** "Growth" compares the difference in a student's achievement  
32.2 score at two or more distinct points in time.

32.3 Subd. 3. **Value added.** "Value added" is the amount of achievement a student  
32.4 demonstrates above an established baseline. The difference between the student's score  
32.5 and the baseline defines value added.

32.6 Subd. 4. **Value-added growth.** "Value-added growth" is based on a student's  
32.7 growth score. In a value-added growth system, the student's first test is the baseline, and  
32.8 the difference between the student's first and next test scores within a defined period is the  
32.9 measure of value added. Value-added growth models use student-level data to measure  
32.10 what portion of a student's growth can be explained by inputs related to the educational  
32.11 environment.

32.12 Subd. 5. **Adequate yearly progress.** A school or district makes "adequate yearly  
32.13 progress" if, for every student subgroup under the federal 2001 No Child Left Behind  
32.14 Act in the school or district, its proficiency index or other approved adjustments for  
32.15 performance, based on statewide assessment scores, meets or exceeds federal expectations.  
32.16 To make adequate yearly progress, the school or district also must satisfy applicable  
32.17 federal requirements related to student attendance, graduation, and test participation rates.

32.18 Subd. 6. **State growth target.** (a) "State growth target" is the average year-two  
32.19 assessment scores for students with similar year-one assessment scores.

32.20 (b) The state growth targets for each grade and subject are benchmarked as follows  
32.21 until the assessment scale changes:

32.22 (1) beginning in the 2008-2009 school year, the state growth target for grades 3 to 8  
32.23 is benchmarked to 2006-2007 and 2007-2008 school year data;

32.24 (2) beginning in the 2008-2009 school year the state growth target for grade 10 is  
32.25 benchmarked to 2005-2006 and 2006-2007 school year data;

32.26 (3) for the 2008-2009 school year, the state growth target for grade 11 is  
32.27 benchmarked to 2005-2006 school year data; and

32.28 (4) beginning in the 2009-2010 school year, the state growth target for grade 11 is  
32.29 benchmarked to 2005-2006 and 2006-2007 school year data.

32.30 (c) Each time before the assessment scale changes, a stakeholder group that includes  
32.31 assessment and evaluation directors and staff and researchers must recommend a new  
32.32 state growth target that the commissioner must consider when revising standards under  
32.33 section 120B.023, subdivision 2.

32.34 Subd. 7. **Low growth.** "Low growth" is an assessment score one-half standard  
32.35 deviation below the state growth target.

33.1 Subd. 8. **Medium growth.** "Medium growth" is an assessment score within one-half  
 33.2 standard deviation above or below the state growth target.

33.3 Subd. 9. **High growth.** "High growth" is an assessment score one-half standard  
 33.4 deviation or more above the state growth target.

33.5 Subd. 10. **Proficiency.** "Proficiency" for purposes of reporting growth on school  
 33.6 performance report cards under section 120B.36, subdivision 1, means those students  
 33.7 who, in the previous school year, scored at or above "meets standards" on the statewide  
 33.8 assessments under section 120B.30. Each year, school performance report cards must  
 33.9 separately display: (1) the numbers and percentages of students who achieved low growth,  
 33.10 medium growth, and high growth and achieved proficiency in the previous school year;  
 33.11 and (2) the numbers and percentages of students who achieved low growth, medium  
 33.12 growth, and high growth and did not achieve proficiency in the previous school year.

33.13 Subd. 11. **Growth and progress toward proficiency.** The categories of low  
 33.14 growth, medium growth, and high growth shall be used to indicate both (1) growth and (2)  
 33.15 progress toward grade-level proficiency that is consistent with subdivision 10.

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

33.17 Sec. 10. Minnesota Statutes 2008, section 120B.30, is amended to read:

33.18 **120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.**

33.19 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
 33.20 with appropriate technical qualifications and experience and stakeholders, consistent with  
 33.21 subdivision 1a, shall include in the comprehensive assessment system, for each grade  
 33.22 level to be tested, state-constructed tests developed ~~from and~~ to be computer-adaptive  
 33.23 reading and mathematics assessments for general education students that are aligned with  
 33.24 the state's required academic standards under section 120B.021, include both multiple  
 33.25 choice and constructed response questions, and are administered annually to all students  
 33.26 in grades 3 through 8 and at the high school level. A State-developed test high school  
 33.27 tests aligned with the state's required academic standards under section 120B.021 and  
 33.28 administered to all high school students in a subject other than writing, ~~developed after~~  
 33.29 the 2002-2003 school year, must include both ~~machine-scoreable~~ multiple choice and  
 33.30 constructed response questions. The commissioner shall establish one or more months  
 33.31 during which schools shall administer the tests to students each school year. Schools  
 33.32 that the commissioner identifies for stand-alone field testing or other national sampling  
 33.33 must participate as directed. Superintendents or charter school directors may appeal in  
 33.34 writing to the commissioner for an exemption from a field test based on undue hardship.

34.1 The commissioner's decision regarding the appeal is final. For students enrolled in  
34.2 grade 8 before the 2005-2006 school year, ~~only~~ Minnesota basic skills tests in reading,  
34.3 mathematics, and writing shall fulfill students' basic skills testing requirements for a  
34.4 passing state notation. The passing scores of basic skills tests in reading and mathematics  
34.5 are the equivalent of 75 percent correct for students entering grade 9 ~~in 1997 and~~  
34.6 ~~thereafter, as based on the first uniform test administration of~~ administered in February  
34.7 1998. Students who have not successfully passed a Minnesota basic skills test by the end  
34.8 of the 2011-2012 school year must pass the graduation-required assessments for diploma  
34.9 under paragraph (b).

34.10 (b) For students enrolled in grade 8 in the 2005-2006 school year and later, only the  
34.11 following options shall fulfill students' state graduation test requirements:

34.12 (1) for reading and mathematics:

34.13 (i) obtaining an achievement level equivalent to or greater than proficient as  
34.14 determined through a standard setting process on the Minnesota comprehensive  
34.15 assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing  
34.16 score as determined through a standard setting process on the graduation-required  
34.17 assessment for diploma in grade 10 for reading and grade 11 for mathematics or  
34.18 subsequent retests;

34.19 (ii) achieving a passing score as determined through a standard setting process on the  
34.20 state-identified language proficiency test in reading and the mathematics test for English  
34.21 language learners or the graduation-required assessment for diploma equivalent of those  
34.22 assessments for students designated as English language learners;

34.23 (iii) achieving an individual passing score on the graduation-required assessment  
34.24 for diploma as determined by appropriate state guidelines for students with an individual  
34.25 education plan or 504 plan;

34.26 (iv) obtaining achievement level equivalent to or greater than proficient as  
34.27 determined through a standard setting process on the state-identified alternate assessment  
34.28 or assessments in grade 10 for reading and grade 11 for mathematics for students with  
34.29 an individual education plan; or

34.30 (v) achieving an individual passing score on the state-identified alternate assessment  
34.31 or assessments as determined by appropriate state guidelines for students with an  
34.32 individual education plan; and

34.33 (2) for writing:

34.34 (i) achieving a passing score on the graduation-required assessment for diploma;

35.1 (ii) achieving a passing score as determined through a standard setting process on  
 35.2 the state-identified language proficiency test in writing for students designated as English  
 35.3 language learners;

35.4 (iii) achieving an individual passing score on the graduation-required assessment  
 35.5 for diploma as determined by appropriate state guidelines for students with an individual  
 35.6 education plan or 504 plan; or

35.7 (iv) achieving an individual passing score on the state-identified alternate assessment  
 35.8 or assessments as determined by appropriate state guidelines for students with an  
 35.9 individual education plan.

35.10 (c) Students enrolled in grade 8 in any school year from the 2005-2006 school  
 35.11 year to the 2009-2010 school year who do not pass the mathematics graduation-required  
 35.12 assessment for diploma under paragraph (b) are eligible to receive a high school diploma  
 35.13 with a passing state notation if they:

35.14 (1) complete with a passing score or grade all state and local coursework and credits  
 35.15 required for graduation by the school board granting the students their diploma;

35.16 (2) participate in district-prescribed academic remediation in mathematics; and

35.17 (3) fully participate in at least two retests of the mathematics GRAD test or until  
 35.18 they pass the mathematics GRAD test, whichever comes first. A school board issuing a  
 35.19 student a high school diploma in any school year from the 2009-2010 school year through  
 35.20 the 2013-2014 school year must record on the student's high school transcript the student's  
 35.21 score as the total number of test items and the number of test items the student answered  
 35.22 correctly on the mathematics graduation-required assessment for diploma under this  
 35.23 subdivision.

35.24 In addition, the school board granting the students their diplomas may formally  
 35.25 decide to include a notation of high achievement on the high school diplomas of those  
 35.26 graduating seniors who, according to established school board criteria, demonstrate  
 35.27 exemplary academic achievement during high school.

35.28 (d) The 3rd through 8th grade computer-adaptive assessments and high school level  
 35.29 test results shall be available to districts for diagnostic purposes affecting student learning  
 35.30 and district instruction and curriculum, and for establishing educational accountability.  
 35.31 The commissioner must disseminate to the public the computer-adaptive assessments and  
 35.32 high school test results upon receiving those results.

35.33 ~~(d) State~~ (e) The 3rd through 8th grade computer-adaptive assessments and  
 35.34 high school tests must be constructed and aligned with state academic standards. The  
 35.35 commissioner shall determine the testing process and the order of administration shall be

36.1 ~~determined by the commissioner.~~ The statewide results shall be aggregated at the site and  
 36.2 district level, consistent with subdivision 1a.

36.3 ~~(e)~~ (f) In addition to the testing and reporting requirements under this section, the  
 36.4 commissioner shall include the following components in the statewide public reporting  
 36.5 system:

36.6 (1) uniform statewide testing of all students in grades 3 through 8 and at the high  
 36.7 school level that provides appropriate, technically sound accommodations; or alternate  
 36.8 assessments; ~~or exemptions consistent with applicable federal law, only with parent or~~  
 36.9 ~~guardian approval, for those very few students for whom the student's individual education~~  
 36.10 ~~plan team under sections 125A.05 and 125A.06 determines that the general statewide test~~  
 36.11 ~~is inappropriate for a student, or for a limited English proficiency student under section~~  
 36.12 ~~124D.59, subdivision 2;~~

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

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

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

36.21 Subd. 1a. **Statewide and local assessments; results.** (a) For purposes of this  
 36.22 section, the following definitions have the meanings given them.

36.23 (1) "Computer-adaptive assessments" means fully adaptive assessments or partially  
 36.24 adaptive assessments.

36.25 (2) "Fully adaptive assessments" include test items that are on-grade level and items  
 36.26 that may be above or below a student's grade level.

36.27 (3) "Partially adaptive assessments" include two portions of test items, where one  
 36.28 portion is limited to on-grade level test items and a second portion includes test items that  
 36.29 are on-grade level or above or below a student's grade level.

36.30 (4) "On-grade level" test items contain subject area content that is aligned to state  
 36.31 academic standards for the grade level of the student taking the assessment.

36.32 (5) "Above-grade level" test items contain subject area content that is above the grade  
 36.33 level of the student taking the assessment and are considered aligned with state academic  
 36.34 standards to the extent they are aligned with content represented in state academic  
 36.35 standards above the grade level of the student taking the assessment. Notwithstanding



37.1 the student's grade level, administering above-grade level test items to a student does not  
37.2 violate the requirement that state assessments must be aligned with state standards.

37.3 (6) "Below-grade level" test items contain subject area content that is below  
37.4 the grade level of the student taking the test and are considered aligned with state  
37.5 academic standards to the extent they are aligned with content represented in state  
37.6 academic standards below the student's current grade level. Notwithstanding the student's  
37.7 grade level, administering below-grade level test items to a student does not violate the  
37.8 requirement that state assessments must be aligned with state standards.

37.9 (b) The commissioner must use fully adaptive assessments to the extent no net loss  
37.10 of federal and state funds occurs as a result of using these assessments. If a net loss of  
37.11 federal and state funds were to occur under this subdivision, then the commissioner must  
37.12 use partially adaptive assessments to meet existing federal educational accountability  
37.13 requirements.

37.14 (c) For purposes of conforming with existing federal educational accountability  
37.15 requirements, the commissioner must develop and implement computer-adaptive reading;  
37.16 and mathematics, and science assessments for grades 3 through 8, state-developed  
37.17 high school reading and mathematics tests aligned with state academic standards, and  
37.18 science assessments under clause (2) that districts and sites must use to monitor student  
37.19 growth toward achieving those standards. The commissioner must not develop statewide  
37.20 assessments for academic standards in social studies, health and physical education, and  
37.21 the arts. The commissioner must require:

37.22 (1) annual computer-adaptive reading and mathematics assessments in grades 3  
37.23 through 8, and at the high school level for the 2005-2006 school year and later high school  
37.24 reading and mathematics tests; and

37.25 (2) annual science assessments in one grade in the grades 3 through 5 span, the  
37.26 grades 6 through 9 8 span, and a life sciences assessment in the grades 10 9 through 12  
37.27 span for the 2007-2008 school year and later, and the commissioner must not require  
37.28 students to achieve a passing score on high school science assessments as a condition of  
37.29 receiving a high school diploma.

37.30 The commissioner must ensure that for annual computer-adaptive assessments:

37.31 (i) individual student performance data and achievement and summary reports are  
37.32 available within three school days of when students take an assessment;

37.33 (ii) growth information is available for each student from the student's first  
37.34 assessment to each proximate assessment using a constant measurement scale;

37.35 (iii) parents, teachers, and school administrators are able to use elementary and  
37.36 middle school student performance data to project student achievement in high school; and

38.1 (iv) useful diagnostic information about areas of students' academic strengths and  
 38.2 weaknesses is available to teachers and school administrators for purposes of improving  
 38.3 student instruction and indicating the specific skills and concepts that should be introduced  
 38.4 and developed for students at given score levels, organized by strands within subject areas,  
 38.5 and aligned to state academic standards.

38.6 When contracting for computer-adaptive assessments under this section, the  
 38.7 weighting criteria the commissioner uses to evaluate contract proposals must give  
 38.8 preference to vendors prepared to provide statewide computer-adaptive assessments and  
 38.9 options for locally selected, locally financed, and locally implemented assessments that are  
 38.10 independently aligned to state standards and used to inform curriculum and instruction.

38.11 ~~(b)~~ (d) The commissioner must ensure that all statewide tests administered to  
 38.12 elementary and secondary students measure students' academic knowledge and skills and  
 38.13 not students' values, attitudes, and beliefs.

38.14 ~~(c)~~ (e) Reporting of assessment results must:

38.15 (1) provide timely, useful, and understandable information on the performance of  
 38.16 individual students, schools, school districts, and the state;

38.17 (2) include, ~~by no later than the 2008-2009 school year,~~ a value-added component  
 38.18 ~~that is in addition to a measure for student achievement growth over time~~ growth indicator  
 38.19 of student achievement under section 120B.35, subdivision 3, paragraph (b); and

38.20 (3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine  
 38.21 whether students have met the state's basic skills requirements; and

38.22 (ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine  
 38.23 whether students have met the state's academic standards.

38.24 ~~(d)~~ (f) Consistent with applicable federal law and subdivision 1, paragraph (d),  
 38.25 clause (1), the commissioner must include appropriate, technically sound accommodations  
 38.26 or alternative assessments for the very few students with disabilities for whom statewide  
 38.27 assessments are inappropriate and for students with limited English proficiency.

38.28 ~~(e)~~ (g) A school, school district, and charter school must administer statewide  
 38.29 assessments under this section, as the assessments become available, to evaluate student  
 38.30 ~~progress in achieving the~~ proficiency in the context of the state's grade level academic  
 38.31 standards. If a state assessment is not available, a school, school district, and charter  
 38.32 school must determine locally if a student has met the required academic standards. A  
 38.33 school, school district, or charter school may use a student's performance on a statewide  
 38.34 assessment as one of multiple criteria to determine grade promotion or retention. A  
 38.35 school, school district, or charter school may use a high school student's performance on a

39.1 statewide assessment as a percentage of the student's final grade in a course, or place a  
39.2 student's assessment score on the student's transcript.

39.3 (h) For each procurement cycle for computer-adaptive assessments, the  
39.4 commissioner must report to the K-12 education policy and finance committees of the  
39.5 legislature on the costs of implementing computer-adaptive assessments and demonstrate  
39.6 that these assessments both represent the greatest value to the state and local school  
39.7 districts and minimize the need for redundant assessments.

39.8 **Subd. 2. Department of Education assistance.** The Department of Education  
39.9 shall contract for professional and technical services according to competitive bidding  
39.10 procedures under chapter 16C for purposes of this section.

39.11 **Subd. 3. Reporting.** The commissioner shall report test data publicly and to  
39.12 stakeholders, including the performance achievement levels developed from students'  
39.13 unweighted test scores in each tested subject and a listing of demographic factors that  
39.14 strongly correlate with student performance. The commissioner shall also report data that  
39.15 compares performance results among school sites, school districts, Minnesota and other  
39.16 states, and Minnesota and other nations. The commissioner shall disseminate to schools  
39.17 and school districts a more comprehensive report containing testing information that  
39.18 meets local needs for evaluating instruction and curriculum.

39.19 **Subd. 4. Access to tests.** The commissioner must adopt and publish a policy  
39.20 to provide public and parental access for review of basic skills tests, Minnesota  
39.21 Comprehensive Assessments, or any other such statewide test and assessment. Upon  
39.22 receiving a written request, the commissioner must make available to parents or guardians  
39.23 a copy of their student's actual responses to the test questions ~~to be reviewed by the~~  
39.24 parent for their review.

39.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.  
39.26 Subdivision 1, paragraph (c), applies to the 2009-2010 through 2013-2014 school  
39.27 years only. Notwithstanding any other law to the contrary, requirements related to the  
39.28 mathematics graduation-required assessment for diploma under this section are repealed  
39.29 June 30, 2014, and the commissioner of education must not implement any alternative to  
39.30 the mathematics graduation-required assessment for diploma without specific legislative  
39.31 authority. Requirements for using computer-adaptive mathematics assessments for grades  
39.32 3 through 8 apply in the 2010-2011 school year and later and requirements for using  
39.33 computer-adaptive reading assessments for grades 3 through 8 apply in the 2012-2013  
39.34 school year and later.

40.1 Sec. 11. Minnesota Statutes 2008, section 120B.31, is amended to read:

40.2 **120B.31 SYSTEM ACCOUNTABILITY AND STATISTICAL**  
40.3 **ADJUSTMENTS.**

40.4 Subdivision 1. **Educational accountability and public reporting.** Consistent  
40.5 with the process direction to adopt ~~a results-oriented graduation rule~~ statewide academic  
40.6 standards under section 120B.02, the department, in consultation with education and  
40.7 other system stakeholders, must establish a coordinated and comprehensive system of  
40.8 educational accountability and public reporting that promotes ~~higher~~ greater academic  
40.9 achievement, preparation for higher academic education, preparation for the world of  
40.10 work, citizenship under sections 120B.021, subdivision 1, clause (4), and 120B.024,  
40.11 paragraph (a), clause (4), and the arts.

40.12 Subd. 2. **Statewide testing.** Each school year, all school districts shall give a  
40.13 uniform statewide test to students at specified grades to provide information on the status,  
40.14 needs and performance of Minnesota students.

40.15 Subd. 3. **Educational accountability.** (a) The Independent Office of Educational  
40.16 Accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5,  
40.17 section 28, subdivision 2, is established, and shall be funded through the Board of Regents  
40.18 of the University of Minnesota. The office shall advise the education committees of the  
40.19 legislature and the commissioner of education, at least on a biennial basis, on:

40.20 (1) the degree to which the statewide educational accountability and reporting system  
40.21 includes a comprehensive assessment framework that measures school accountability  
40.22 for students achieving the goals described in the state's ~~results-oriented~~ high school  
40.23 graduation rule;

40.24 (2) the completeness, integrity, and use of the information provided by the statewide  
40.25 educational accountability and reporting system in the context of enabling legislators and  
40.26 other stakeholders to make fully informed education policy decisions consistent with the  
40.27 best and most current academic research available; and

40.28 (3) the impact the statewide educational accountability and reporting system has on  
40.29 prekindergarten through grade 12 education policy, effectiveness, resource distribution,  
40.30 and structure.

40.31 (b) The office shall determine and annually report to the legislature whether and  
40.32 how effectively:

40.33 (1) the statewide system of educational accountability ~~utilizes~~ uses multiple  
40.34 indicators to provide valid and reliable comparative and contextual data on students,  
40.35 schools, districts, and the state, and if not, recommend ways to improve the accountability  
40.36 reporting system;

41.1 (2) ~~the commissioner makes statistical adjustments when reporting student data over~~  
 41.2 ~~time, consistent with clause (4);~~

41.3 ~~(3) the commissioner uses indicators of student achievement growth~~ a value-added  
 41.4 growth indicator of student achievement over time ~~and a value-added assessment model~~  
 41.5 ~~that~~ estimates the effects of the school and school district on student achievement ~~to~~  
 41.6 measure and measures school performance, consistent with section ~~120B.36, subdivision~~  
 41.7 ~~1~~ 120B.35, subdivision 3, paragraph (b);

41.8 ~~(4) the commissioner makes~~ (3) data are available on students who do not pass one  
 41.9 or more of the state's required GRAD tests and do not receive a diploma as a consequence,  
 41.10 and ~~categorizes~~ these data are categorized according to gender, race, eligibility for free  
 41.11 or reduced lunch, and English language proficiency; and

41.12 ~~(5) the commissioner fulfills~~ (4) the requirements under section 127A.095,  
 41.13 subdivision 2, are met.

41.14 ~~(b)~~ (c) When the office reviews the statewide educational accountability and  
 41.15 reporting system, it shall also consider:

41.16 (1) the objectivity and neutrality of the state's educational accountability system; and

41.17 (2) the impact of a testing program on school curriculum and student learning.

41.18 Subd. 4. **Statistical adjustments; student performance data.** In developing  
 41.19 policies and assessment processes to hold schools and districts accountable for high  
 41.20 levels of academic standards under section 120B.021, the commissioner shall aggregate  
 41.21 student data over time to report student performance and growth levels measured at the  
 41.22 school, school district, regional, or ~~and~~ statewide level. When collecting and reporting  
 41.23 the performance data, the commissioner shall: (1) acknowledge the impact of significant  
 41.24 demographic factors such as residential instability, the number of single parent families,  
 41.25 parents' level of education, and parents' income level on school outcomes; and (2)  
 41.26 organize and report the data so that state and local policy makers can understand the  
 41.27 educational implications of changes in districts' demographic profiles over time. Any  
 41.28 report the commissioner disseminates containing summary data on student performance  
 41.29 must integrate student performance and the demographic factors that strongly correlate  
 41.30 with that performance.

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

41.32 Sec. 12. Minnesota Statutes 2008, section 120B.35, is amended to read:

41.33 **120B.35 STUDENT ACADEMIC ACHIEVEMENT AND PROGRESS**  
 41.34 **GROWTH.**

42.1 Subdivision 1. ~~Adequate yearly progress of schools and students~~ School and  
 42.2 student indicators of growth and achievement. The commissioner must develop and  
 42.3 implement a system for measuring and reporting academic achievement and individual  
 42.4 student ~~progress~~ growth, consistent with the statewide educational accountability and  
 42.5 reporting system. The system components ~~of the system~~ must measure and separately  
 42.6 report the adequate yearly progress of schools and the growth of individual students:  
 42.7 students' current achievement in schools under subdivision 2; and individual students'  
 42.8 educational ~~progress~~ growth over time under subdivision 3. The system also must include  
 42.9 statewide measures of student academic ~~achievement~~ growth that identify schools with  
 42.10 high levels of ~~achievement~~ growth, and also schools with low levels of ~~achievement~~  
 42.11 growth that need improvement. When determining a school's effect, the data must  
 42.12 include both statewide measures of student achievement and, to the extent annual tests  
 42.13 are administered, indicators of achievement growth that take into account a student's  
 42.14 prior achievement. Indicators of achievement and prior achievement must be based on  
 42.15 highly reliable statewide or districtwide assessments. Indicators that take into account a  
 42.16 student's prior achievement must not be used to disregard a school's low achievement or to  
 42.17 exclude a school from a program to improve low achievement levels. ~~The commissioner~~  
 42.18 ~~by January 15, 2002, must submit a plan for integrating these components to the chairs of~~  
 42.19 ~~the legislative committees having policy and budgetary responsibilities for elementary~~  
 42.20 ~~and secondary education.~~

42.21 Subd. 2. **Federal expectations for student academic achievement.** (a) Each school  
 42.22 year, a school district must determine if the student achievement levels at each school site  
 42.23 meet ~~state and local~~ federal expectations. If student achievement levels at a school site do  
 42.24 not meet ~~state and local~~ federal expectations and the site has not made adequate yearly  
 42.25 progress for two consecutive school years, beginning with the 2001-2002 school year,  
 42.26 the district must work with the school site to adopt a plan to raise student achievement  
 42.27 levels to meet ~~state and local~~ federal expectations. The commissioner of education shall  
 42.28 establish student academic achievement levels to comply with this paragraph.

42.29 (b) School sites identified as not meeting federal expectations must develop  
 42.30 continuous improvement plans in order to meet ~~state and local~~ federal expectations for  
 42.31 student academic achievement. The department, at a district's request, must assist the  
 42.32 district and the school site in developing a plan to improve student achievement. The plan  
 42.33 must include parental involvement components.

42.34 (c) The commissioner must:

42.35 (1) ~~provide assistance to~~ assist school sites and districts identified as not meeting  
 42.36 federal expectations; and

43.1 (2) provide technical assistance to schools that integrate student ~~progress~~  
 43.2 ~~achievement~~ measures ~~under subdivision 3 in~~ into the school continuous improvement  
 43.3 plan.

43.4 (d) The commissioner shall establish and maintain a continuous improvement Web  
 43.5 site designed to make data on every school and district available to parents, teachers,  
 43.6 administrators, community members, and the general public.

43.7 Subd. 3. ~~Student progress assessment~~ State growth target; other state measures.

43.8 (a) The state's educational assessment system ~~component~~ measuring individual students'  
 43.9 educational ~~progress must be~~ growth is based, to the extent annual tests are administered,  
 43.10 on indicators of achievement growth that show an individual student's prior achievement.  
 43.11 Indicators of achievement and prior achievement must be based on highly reliable  
 43.12 statewide or districtwide assessments.

43.13 (b) The commissioner, in consultation with a stakeholder group that includes  
 43.14 assessment and evaluation directors and staff and researchers must ~~identify effective~~  
 43.15 ~~models for measuring individual student progress that enable a school district or school~~  
 43.16 ~~site to perform gains-based analysis, including evaluating the effects of the teacher,~~  
 43.17 ~~school, and school district on student achievement over time. At least one model must~~  
 43.18 ~~be a "value-added" assessment model that reliably estimates those effects for classroom~~  
 43.19 ~~settings where a single teacher teaches multiple subjects to the same group of students, for~~  
 43.20 ~~team teaching arrangements, and for other teaching circumstances.~~ implement a model  
 43.21 that uses a value-added growth indicator and includes criteria for identifying schools  
 43.22 and school districts that demonstrate medium and high growth under section 120B.299,  
 43.23 subdivisions 8 and 9, and may recommend other value-added measures under section  
 43.24 120B.299, subdivision 3. The model may be used to advance educators' professional  
 43.25 development and replicate programs that succeed in meeting students' diverse learning  
 43.26 needs. Data on individual teachers generated under the model are personnel data under  
 43.27 section 13.43. The model must allow users to:

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

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

43.33 The commissioner must report separate measures of student growth and proficiency,  
 43.34 consistent with this paragraph.

43.35 (c) ~~If a district has an accountability plan that includes gains-based analysis or~~  
 43.36 ~~"value-added" assessment, the commissioner shall, to the extent practicable, incorporate~~

44.1 ~~those measures in determining whether the district or school site meets expectations. The~~  
44.2 ~~department must coordinate with the district in evaluating school sites and continuous~~  
44.3 ~~improvement plans, consistent with best practices. When reporting student performance~~  
44.4 under section 120B.36, subdivision 1, the commissioner annually, beginning July 1,  
44.5 2011, must report two core measures indicating the extent to which current high school  
44.6 graduates are being prepared for postsecondary academic and career opportunities:

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

44.12 (2) a rigorous coursework measure indicating the number and percentage of high  
44.13 school graduates in the most recent school year who successfully completed one or more  
44.14 college-level advanced placement, international baccalaureate, postsecondary enrollment  
44.15 options including concurrent enrollment, other rigorous courses of study under section  
44.16 120B.021, subdivision 1a, or industry certification courses or programs.

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

44.22 (d) When reporting student performance under section 120B.36, subdivision 1, the  
44.23 commissioner annually, beginning July 1, 2013, must report summary data on school  
44.24 safety and students' engagement and connection at school. The summary data under this  
44.25 paragraph are separate from and must not be used for any purpose related to measuring  
44.26 or evaluating the performance of classroom teachers. The commissioner, in consultation  
44.27 with qualified experts on student engagement and connection and classroom teachers,  
44.28 must identify highly reliable variables that generate summary data under this paragraph.  
44.29 The summary data may be used at school, district, and state levels only. Any data on  
44.30 individuals received, collected, or created that are used to generate the summary data  
44.31 under this paragraph are nonpublic data under section 13.02, subdivision 9.

44.32 **Subd. 4. Improving schools.** Consistent with the requirements of this section,  
44.33 beginning June 20, 2012, the commissioner of education must ~~establish a second~~  
44.34 ~~achievement benchmark to identify improving schools. The commissioner must~~  
44.35 ~~recommend to annually report to the public and the legislature by February 15, 2002,~~  
44.36 ~~indicators in addition to the achievement benchmark for identifying improving schools,~~



45.1 ~~including an indicator requiring a school to demonstrate ongoing successful use of best~~  
 45.2 ~~teaching practices~~ the organizational and curricular practices implemented in those schools  
 45.3 that demonstrate medium and high growth compared to the state growth target.

45.4 **Subd. 5. Improving graduation rates for students with emotional or behavioral**  
 45.5 **disorders.** (a) A district must develop strategies in conjunction with parents of students  
 45.6 with emotional or behavioral disorders and the county board responsible for implementing  
 45.7 sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in  
 45.8 school, when the district has a drop-out rate for students with an emotional or behavioral  
 45.9 disorder in grades 9 through 12 exceeding 25 percent.

45.10 (b) A district must develop a plan in conjunction with parents of students with  
 45.11 emotional or behavioral disorders and the local mental health authority to increase the  
 45.12 graduation rates of students with emotional or behavioral disorders. A district with a  
 45.13 drop-out rate for children with an emotional or behavioral disturbance in grades 9 through  
 45.14 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight  
 45.15 to the commissioner.

45.16 **EFFECTIVE DATE.** Subdivision 3, paragraph (b), applies to students in the  
 45.17 2008-2009 school year and later. Subdivision 3, paragraph (c), applies to students in the  
 45.18 2010-2011 school year and later. Subdivision 3, paragraph (d), applies to data that are  
 45.19 collected in the 2010-2011 school year and later and reported annually beginning July 1,  
 45.20 2013, consistent with advice the commissioner receives from recognized and qualified  
 45.21 experts on student engagement and connection and classroom teachers. Subdivision 4  
 45.22 applies in the 2011-2012 school year and later.

45.23 Sec. 13. Minnesota Statutes 2008, section 120B.36, is amended to read:

45.24 **120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.**

45.25 Subdivision 1. **School performance report cards.** (a) The commissioner shall ~~use~~  
 45.26 ~~objective criteria based on levels of student performance to report at least~~ student academic  
 45.27 performance under section 120B.35, subdivision 2, the percentages of students showing  
 45.28 low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b),  
 45.29 school safety and student engagement and connection under section 120B.35, subdivision  
 45.30 3, paragraph (d), rigorous coursework under section 120B.35, subdivision 3, paragraph  
 45.31 (c), two separate student-to-teacher ratios that clearly indicate the definition of teacher  
 45.32 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios,  
 45.33 ~~and staff characteristics excluding salaries, with a value-added component added no later~~  
 45.34 ~~than the 2008-2009 school year~~ student enrollment demographics, district mobility, and

46.1 extracurricular activities. The report also must indicate a school's adequate yearly progress  
 46.2 status, and must not set any designations applicable to high- and low-performing schools  
 46.3 due solely to adequate yearly progress status.

46.4 (b) The commissioner shall develop, annually update, and post on the department  
 46.5 Web site school performance report cards.

46.6 (c) The commissioner must make available ~~the first~~ performance report cards by  
 46.7 ~~November 2003, and during~~ the beginning of each school year ~~thereafter~~.

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

46.11 (e) School performance report ~~cards~~ card data are nonpublic data under section  
 46.12 13.02, subdivision 9, until not later than ten days after the appeal procedure described in  
 46.13 paragraph (d) concludes. The department shall annually post school performance report  
 46.14 cards to its public Web site no later than September 1.

46.15 Subd. 2. **Adequate yearly progress and other data.** All data the department  
 46.16 receives, collects, or creates ~~for purposes of determining~~ to determine adequate yearly  
 46.17 progress ~~designations~~ status under Public Law 107-110, section 1116, set state growth  
 46.18 targets, and determine student growth are nonpublic data under section 13.02, subdivision  
 46.19 9, until not later than ten days after the appeal procedure described in subdivision 1,  
 46.20 paragraph (d), concludes. Districts must provide parents sufficiently detailed summary  
 46.21 data to permit parents to appeal under Public Law 107-110, section 1116(b)(2). The  
 46.22 department shall annually post federal adequate yearly progress data and state student  
 46.23 growth data to its public Web site no later than September 1.

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

46.25 Sec. 14. **[120B.3625] QUALITY ACHIEVEMENT IN MINNESOTA SCHOOLS.**

46.26 (a) To improve K-12 educational achievements in Minnesota, schools and  
 46.27 school districts are encouraged to participate in the Minnesota Council for Quality's  
 46.28 organizational assessment and performance improvement process and learn how to  
 46.29 enhance organizational structures and processes, eliminate barriers to students' improved  
 46.30 educational performance, and increase teaching effectiveness and administrative  
 46.31 efficiency. Schools and school districts that achieve improved performance are encouraged  
 46.32 to disseminate information and provide guidance to interested educators about how they  
 46.33 achieved that improvement.

46.34 (b) The commissioner may recognize schools and school districts that participate  
 46.35 in the Minnesota Council for Quality's organizational assessment and performance

47.1 improvement process, receive Minnesota Council for Quality recognition at the  
47.2 "commitment" level or higher, and implement action plans to continue improvements in  
47.3 student learning and school performance, consistent with this chapter.

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

47.5 Sec. 15. Minnesota Statutes 2008, section 121A.15, subdivision 8, is amended to read:

47.6 Subd. 8. **Report.** The administrator or other person having general control and  
47.7 supervision of the elementary or secondary school shall file a report with the commissioner  
47.8 on all persons enrolled in the school. The superintendent of each district shall file a report  
47.9 with the commissioner for all persons within the district receiving instruction in a home  
47.10 school in compliance with sections 120A.22 and 120A.24. The parent of persons receiving  
47.11 instruction in a home school shall submit the statements as required by subdivisions 1, 2,  
47.12 3, and 4 to the superintendent of the district in which the person resides by October 1 of  
47.13 ~~each school year~~ the first year of their home schooling and the 7th grade year. The school  
47.14 report must be prepared on forms developed jointly by the commissioner of health and the  
47.15 commissioner of education and be distributed to the local districts by the commissioner  
47.16 of health. The school report must state the number of persons attending the school, the  
47.17 number of persons who have not been immunized according to subdivision 1 or 2, and  
47.18 the number of persons who received an exemption under subdivision 3, clause (c) or (d).  
47.19 The school report must be filed with the commissioner of education within 60 days of the  
47.20 commencement of each new school term. Upon request, a district must be given a 60-day  
47.21 extension for filing the school report. The commissioner of education shall forward the  
47.22 report, or a copy thereof, to the commissioner of health who shall provide summary  
47.23 reports to boards of health as defined in section 145A.02, subdivision 2. The administrator  
47.24 or other person having general control and supervision of the child care facility shall file a  
47.25 report with the commissioner of human services on all persons enrolled in the child care  
47.26 facility. The child care facility report must be prepared on forms developed jointly by  
47.27 the commissioner of health and the commissioner of human services and be distributed  
47.28 to child care facilities by the commissioner of health. The child care facility report  
47.29 must state the number of persons enrolled in the facility, the number of persons with no  
47.30 immunizations, the number of persons who received an exemption under subdivision 3,  
47.31 clause (c) or (d), and the number of persons with partial or full immunization histories.  
47.32 The child care facility report must be filed with the commissioner of human services by  
47.33 November 1 of each year. The commissioner of human services shall forward the report,  
47.34 or a copy thereof, to the commissioner of health who shall provide summary reports to  
47.35 boards of health as defined in section 145A.02, subdivision 2. The report required by this

48.1 subdivision is not required of a family child care or group family child care facility, for  
48.2 prekindergarten children enrolled in any elementary or secondary school provided services  
48.3 according to sections 125A.05 and 125A.06, nor for child care facilities in which at least  
48.4 75 percent of children in the facility participate on a onetime only or occasional basis to a  
48.5 maximum of 45 hours per child, per month.

48.6 Sec. 16. Minnesota Statutes 2008, section 122A.07, subdivision 2, is amended to read:

48.7 Subd. 2. **Eligibility; board composition.** Except for the representatives of higher  
48.8 education and the public, to be eligible for appointment to the Board of Teaching a person  
48.9 must be a teacher currently teaching in a Minnesota school and fully licensed for the  
48.10 position held and have at least five years teaching experience in Minnesota, including the  
48.11 two years immediately preceding nomination and appointment. Each nominee, other than  
48.12 a public nominee, must be selected on the basis of professional experience and knowledge  
48.13 of teacher education, accreditation, and licensure. The board must be composed of:

48.14 (1) six teachers who are currently teaching in a Minnesota school or who were  
48.15 teaching at the time of the appointment, at least four of whom must be teaching in a  
48.16 public school;

48.17 (2) one higher education representative, who must be a faculty member preparing  
48.18 teachers;

48.19 (3) one school administrator; and

48.20 (4) three members of the public, two of whom must be present or former members  
48.21 of school boards.

48.22 Sec. 17. Minnesota Statutes 2008, section 122A.07, subdivision 3, is amended to read:

48.23 Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching  
48.24 during the course of completing a board term, the position of a member who leaves  
48.25 Minnesota or whose employment status changes to a category different from that from  
48.26 which appointed is deemed vacant.

48.27 Sec. 18. Minnesota Statutes 2008, section 122A.18, subdivision 4, is amended to read:

48.28 Subd. 4. **Expiration and renewal.** (a) Each license the Department of Education  
48.29 issues through its licensing section must bear the date of issue. Licenses must expire  
48.30 and be renewed according to the respective rules the Board of Teaching, the Board  
48.31 of School Administrators, or the commissioner of education adopts. Requirements for  
48.32 renewing a license must include showing satisfactory evidence of successful teaching or  
48.33 administrative experience for at least one school year during the period covered by the

49.1 license in grades or subjects for which the license is valid or completing such additional  
49.2 preparation as the Board of Teaching prescribes. The Board of School Administrators  
49.3 shall establish requirements for renewing the licenses of supervisory personnel except  
49.4 athletic coaches. The State Board of Teaching shall establish requirements for renewing  
49.5 the licenses of athletic coaches.

49.6 (b) Relicensure applicants, as a condition of relicensure, must present to their  
49.7 local continuing education and relicensure committee or other local relicensure  
49.8 committee evidence of work that demonstrates professional reflection and growth in best  
49.9 teaching practices. The applicant must include a reflective statement of professional  
49.10 accomplishment and the applicant's own assessment of professional growth showing  
49.11 evidence of:

49.12 (1) support for student learning;

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

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

49.17 (4) continual professional development that may include job-embedded or other  
49.18 ongoing formal professional learning during the relicensure period.

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

49.21 ~~(b)~~ (c) The Board of Teaching shall offer alternative continuing relicensure options  
49.22 for teachers who are accepted into and complete the National Board for Professional  
49.23 Teaching Standards certification process, and offer additional continuing relicensure  
49.24 options for teachers who earn National Board for Professional Teaching Standards  
49.25 certification. Continuing relicensure requirements for teachers who do not maintain  
49.26 National Board for Professional Teaching Standards certification are those the board  
49.27 prescribes, consistent with this section.

49.28 **EFFECTIVE DATE.** This section is effective the day following final enactment  
49.29 and applies to licensees seeking relicensure beginning July 1, 2012.

49.30 Sec. 19. Minnesota Statutes 2008, section 122A.40, subdivision 6, is amended to read:

49.31 Subd. 6. ~~Peer review~~ **Mentoring for probationary teachers.** A school board and  
49.32 an exclusive representative of the teachers in the district must develop a probationary  
49.33 teacher peer review process through joint agreement. The process may include having

50.1 trained observers serve as mentors or coaches or having teachers participate in professional  
50.2 learning communities.

50.3 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
50.4 later.

50.5 Sec. 20. Minnesota Statutes 2008, section 122A.40, subdivision 8, is amended to read:

50.6 Subd. 8. **Peer review coaching for continuing contract teachers.** A school board  
50.7 and an exclusive representative of the teachers in the district shall develop a peer review  
50.8 process for continuing contract teachers through joint agreement. The process may  
50.9 include having trained observers serve as peer coaches or having teachers participate in  
50.10 professional learning communities.

50.11 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
50.12 later.

50.13 Sec. 21. Minnesota Statutes 2008, section 122A.41, subdivision 3, is amended to read:

50.14 Subd. 3. **Peer review Mentoring for probationary teachers.** A board and an  
50.15 exclusive representative of the teachers in the district must develop a probationary teacher  
50.16 peer review process through joint agreement. The process may include having trained  
50.17 observers serve as mentors or coaches or having teachers participate in professional  
50.18 learning communities.

50.19 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
50.20 later.

50.21 Sec. 22. Minnesota Statutes 2008, section 122A.41, subdivision 5, is amended to read:

50.22 Subd. 5. **Peer review coaching for continuing contract teachers.** A school  
50.23 board and an exclusive representative of the teachers in the district must develop a peer  
50.24 review process for nonprobationary teachers through joint agreement. The process may  
50.25 include having trained observers serve as peer coaches or having teachers participate in  
50.26 professional learning communities.

50.27 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
50.28 later.

50.29 Sec. 23. Minnesota Statutes 2008, section 122A.413, subdivision 2, is amended to read:

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

51.3 (1) assessment and evaluation tools to measure student performance and progress;

51.4 (2) performance goals and benchmarks for improvement;

51.5 (3) measures of student attendance and completion rates;

51.6 (4) a rigorous research and practice-based professional development system, based

51.7 on national and state standards of effective teaching practice and consistent with section

51.8 122A.60, that is aligned with educational improvement; and designed to achieve ongoing

51.9 and schoolwide progress and growth in teaching quality improvement, and consistent with

51.10 clearly defined research-based standards practice;

51.11 (5) measures of student, family, and community involvement and satisfaction;

51.12 (6) a data system about students and their academic progress that provides parents

51.13 and the public with understandable information;

51.14 (7) a teacher induction and mentoring program for probationary teachers that

51.15 provides continuous learning and sustained teacher support; and

51.16 (8) substantial participation by the exclusive representative of the teachers in

51.17 developing the plan.

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

51.19 and applies to plans developed in the 2009-2010 school year and later.

51.20 Sec. 24. Minnesota Statutes 2008, section 122A.414, subdivision 2, is amended to read:

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

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

51.27 (1) describe how teachers can achieve career advancement and additional

51.28 compensation;

51.29 (2) describe how the school district, intermediate school district, school site, or

51.30 charter school will provide teachers with career advancement options that allow teachers

51.31 to retain primary roles in student instruction and facilitate site-focused professional

51.32 development that helps other teachers improve their skills;

51.33 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation

51.34 paid before implementing the pay system from being reduced as a result of participating

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

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

52.5 (ii) measures of student achievement; and

52.6 (iii) an objective evaluation program and evidence of effective practice that includes  
52.7 include:

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

52.10 (B) objective evaluations using multiple criteria conducted by a locally selected and  
52.11 periodically trained evaluation team that understands teaching and learning including  
52.12 a professional framework outlined in teacher evaluation best practices, supported by  
52.13 multiple criteria, and conducted in a professional and supportive environment; and

52.14 (c) reflection and growth in best teaching practices shown through support for  
52.15 student learning, collaborative work with colleagues, or continual professional learning,  
52.16 consistent with section 122A.18, subdivision 4, paragraph (b), clauses (1) to (3);

52.17 (4) provide integrated ongoing site-based professional development activities to  
52.18 improve instructional skills and learning that are aligned with student needs under section  
52.19 122A.413, consistent with the staff development plan under section 122A.60 and led  
52.20 during the school day by trained teacher leaders such as master or mentor teachers or  
52.21 peer coaches;

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

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

52.26 **EFFECTIVE DATE.** This section is effective the day following final enactment  
52.27 and applies to all alternative teacher professional pay system agreements entered into or  
52.28 modified after that date.

52.29 Sec. 25. Minnesota Statutes 2008, section 122A.414, subdivision 2b, is amended to  
52.30 read:

52.31 Subd. 2b. **Approval process.** (a) Consistent with the requirements of this section  
52.32 and sections 122A.413 and 122A.415, the department must prepare and transmit to  
52.33 interested school districts, intermediate school districts, school sites, and charter schools  
52.34 a standard form for applying to participate in the alternative teacher professional pay  
52.35 system. The commissioner annually must establish three dates as deadlines by which



53.1 interested applicants must submit an application to the commissioner under this section.

53.2 An interested school district, intermediate school district, school site, or charter school  
 53.3 must submit to the commissioner a completed application executed by the district  
 53.4 superintendent and the exclusive bargaining representative of the teachers if the applicant  
 53.5 is a school district, intermediate school district, or school site, or executed by the charter  
 53.6 school board of directors if the applicant is a charter school. The application must include  
 53.7 the proposed alternative teacher professional pay system agreement under subdivision  
 53.8 2. The department must ~~convene a review committee that at least includes teachers~~  
 53.9 ~~and administrators~~ a completed application within 30 days of ~~receiving a completed~~  
 53.10 ~~application to~~ the most recent application deadline and recommend to the commissioner  
 53.11 whether to approve or disapprove the application. The commissioner must approve  
 53.12 applications on a first-come, first-served basis. The applicant's alternative teacher  
 53.13 professional pay system agreement must be legally binding on the applicant and the  
 53.14 collective bargaining representative before the applicant receives alternative compensation  
 53.15 revenue. The commissioner must approve or disapprove an application based on the  
 53.16 requirements under subdivisions 2 and 2a.

53.17 (b) If the commissioner disapproves an application, the commissioner must give the  
 53.18 applicant timely notice of the specific reasons in detail for disapproving the application.  
 53.19 The applicant may revise and resubmit its application and related documents to the  
 53.20 commissioner within 30 days of receiving notice of the commissioner's disapproval and  
 53.21 the commissioner must approve or disapprove the revised application, consistent with this  
 53.22 subdivision. Applications that are revised and then approved are considered submitted on  
 53.23 the date the applicant initially submitted the application.

53.24 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 53.25 and applies to all applications submitted after that date.

53.26 Sec. 26. Minnesota Statutes 2008, section 122A.60, subdivision 2, is amended to read:

53.27 Subd. 2. **Contents of the plan.** The plan must include the staff development  
 53.28 outcomes under subdivision 3, the means to achieve the outcomes, and procedures for  
 53.29 evaluating progress at each school site toward meeting education outcomes-, consistent  
 53.30 with relicensure requirements under section 122A.18, subdivision 2, paragraph (b). The  
 53.31 plan also must:

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

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

- 54.1 (3) maintain a strong subject matter focus premised on students' learning goals;  
 54.2 (4) ensure specialized preparation and learning about issues related to teaching  
 54.3 students with special needs and limited English proficiency; and  
 54.4 (5) reinforce national and state standards of effective teaching practice.

54.5 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
 54.6 later.

54.7 Sec. 27. Minnesota Statutes 2008, section 123A.05, is amended to read:

54.8 **123A.05 AREA LEARNING CENTER STATE-APPROVED ALTERNATIVE**  
 54.9 **PROGRAM ORGANIZATION.**

54.10 Subdivision 1. **Governance.** (a) A district may establish an area learning center  
 54.11 either by itself or in cooperation with other districts, alternative learning program, or  
 54.12 contract alternative in accordance with sections 124D.68, subdivision 3, paragraph (d),  
 54.13 and 124D.69.

54.14 (b) An area learning center is encouraged to cooperate with a service cooperative, an  
 54.15 intermediate school district, a local education and employment transitions partnership,  
 54.16 public and private secondary and postsecondary institutions, public agencies, businesses,  
 54.17 and foundations. Except for a district located in a city of the first class, ~~a~~ an area  
 54.18 learning center must be established in cooperation with other districts and must serve  
 54.19 the geographic area of at least two districts. An area learning center must provide  
 54.20 comprehensive educational services to enrolled secondary students throughout the year,  
 54.21 including a daytime school within a school or separate site for both high school and  
 54.22 middle school level students.

54.23 (c) An alternative learning program may serve the students of one or more districts,  
 54.24 may designate which grades are served, and may make program hours and a calendar  
 54.25 optional.

54.26 (d) A contract alternative is an alternative learning program operated by a private  
 54.27 organization that has contracted with a school district to provide educational services for  
 54.28 students under section 124D.68, subdivision 2.

54.29 Subd. 2. **Reserve revenue.** Each district that is a member of an area learning center  
 54.30 or alternative learning program must reserve revenue in an amount equal to the sum of (1)  
 54.31 at least 90 percent of the district average general education revenue per pupil unit minus  
 54.32 an amount equal to the product of the formula allowance according to section 126C.10,  
 54.33 subdivision 2, times .0485, calculated without basic skills revenue and transportation  
 54.34 sparsity revenue, times the number of pupil units attending an area learning center or

55.1 alternative learning program under this section, plus (2) the amount of basic skills revenue  
 55.2 generated by pupils attending the area learning center or alternative learning program. The  
 55.3 amount of reserved revenue under this subdivision may only be spent on program costs  
 55.4 associated with the area learning center or alternative learning program.

55.5 Subd. 3. **Access to services.** A ~~center~~ state-approved alternative program shall have  
 55.6 access to the district's regular education programs, special education programs, technology  
 55.7 facilities, and staff. It may contract with individuals or postsecondary institutions. It shall  
 55.8 seek the involvement of community education programs, postsecondary institutions,  
 55.9 interagency collaboratives, culturally based organizations, mutual assistance associations,  
 55.10 and other community resources, businesses, and other federal, state, and local public  
 55.11 agencies.

55.12 Subd. 4. **Nonresident pupils.** A pupil who does not reside in the district may  
 55.13 attend a ~~center~~ state-approved alternative program without consent of the school board of  
 55.14 the district of residence.

55.15 Sec. 28. Minnesota Statutes 2008, section 123A.06, is amended to read:

55.16 **123A.06 CENTER STATE-APPROVED ALTERNATIVE PROGRAMS AND**  
 55.17 **SERVICES.**

55.18 Subdivision 1. **Program focus.** (a) The programs and services of a ~~center~~  
 55.19 state-approved alternative program must focus on academic and learning skills, applied  
 55.20 learning opportunities, trade and vocational skills, work-based learning opportunities,  
 55.21 work experience, youth service to the community, transition services, and English  
 55.22 language and literacy programs for children whose primary language is a language other  
 55.23 than English. Applied learning, work-based learning, and service learning may best be  
 55.24 developed in collaboration with a local education and transitions partnership, culturally  
 55.25 based organizations, mutual assistance associations, or other community resources.  
 55.26 In addition to offering programs, the ~~center~~ state-approved alternative program shall  
 55.27 coordinate the use of other available educational services, special education services,  
 55.28 social services, health services, and postsecondary institutions in the community and  
 55.29 services area.

55.30 (b) Consistent with the requirements of sections 121A.40 to 121A.56, a school  
 55.31 district may provide an alternative education program for a student who is within the  
 55.32 compulsory attendance age under section 120A.20, and who is involved in severe or  
 55.33 repeated disciplinary action.

55.34 Subd. 2. **People to be served.** A ~~center~~ state-approved alternative program shall  
 55.35 provide programs for secondary pupils and adults. A center may also provide programs

56.1 and services for elementary and secondary pupils who are not attending the ~~center~~  
 56.2 state-approved alternative program to assist them in being successful in school. A center  
 56.3 shall use research-based best practices for serving limited English proficient students and  
 56.4 their parents. An individual education plan team may identify a ~~center~~ state-approved  
 56.5 alternative program as an appropriate placement to the extent a ~~center~~ state-approved  
 56.6 alternative program can provide the student with the appropriate special education services  
 56.7 described in the student's plan. Pupils eligible to be served are those who qualify under  
 56.8 the graduation incentives program in section 124D.68, subdivision 2, those enrolled  
 56.9 under section 124D.02, subdivision 2, or those pupils who are eligible to receive special  
 56.10 education services under sections 125A.03 to 125A.24, and 125A.65.

56.11 Subd. 3. **Hours of instruction exemption.** Notwithstanding any law to the contrary,  
 56.12 the area learning center programs must be available throughout the entire year. ~~A center~~  
 56.13 ~~may petition the state board under Minnesota Rules, part 3500.1000, for exemption from~~  
 56.14 ~~other rules.~~

56.15 Subd. 4. **Granting a diploma.** Upon successful completion of the area learning  
 56.16 center program, a pupil is entitled to receive a high school diploma. The pupil may elect  
 56.17 to receive a diploma from either the district of residence or the district in which the area  
 56.18 learning center is located.

56.19 Sec. 29. Minnesota Statutes 2008, section 123A.08, is amended to read:

56.20 **123A.08 CENTER STATE-APPROVED ALTERNATIVE PROGRAM**  
 56.21 **FUNDING.**

56.22 Subdivision 1. **Outside sources for resources and services.** A ~~center~~  
 56.23 state-approved alternative program may accept:

56.24 (1) resources and services from postsecondary institutions serving ~~center~~  
 56.25 state-approved alternative program pupils;

56.26 (2) resources from ~~Job Training Partnership~~ Workforce Investment Act programs,  
 56.27 including funding for jobs skills training for various groups and the percentage reserved  
 56.28 for education;

56.29 (3) resources from the Department of Human Services and county welfare funding;

56.30 (4) resources from a local education and employment transitions partnership; or

56.31 (5) private resources, foundation grants, gifts, corporate contributions, and other  
 56.32 grants.

56.33 Subd. 2. **General education aid.** Payment of general education aid for nonresident  
 56.34 pupils enrolled in ~~the center~~ area learning centers and alternative learning programs must  
 56.35 be made according to section 127A.47, subdivision 7.

57.1 Subd. 3. **Special education revenue.** Payment of special education revenue for  
57.2 nonresident pupils enrolled in the ~~center~~ state-approved alternative program must be made  
57.3 according to section ~~125A.15~~ 127A.47, subdivision 7.

57.4 Sec. 30. Minnesota Statutes 2008, section 123B.03, subdivision 1, is amended to read:

57.5 Subdivision 1. **Background check required.** (a) A school hiring authority shall  
57.6 request a criminal history background check from the superintendent of the Bureau of  
57.7 Criminal Apprehension on all individuals who are offered employment in a school and  
57.8 on all individuals, except enrolled student volunteers, who are offered the opportunity to  
57.9 provide athletic coaching services or other extracurricular academic coaching services  
57.10 to a school, regardless of whether any compensation is paid. In order for an individual  
57.11 to be eligible for employment or to provide the services, the individual must provide an  
57.12 executed criminal history consent form and a money order or check payable to either the  
57.13 Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the  
57.14 school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal  
57.15 Apprehension and the school district of conducting the criminal history background  
57.16 check. A school hiring authority deciding to receive payment may, at its discretion, accept  
57.17 payment in the form of a negotiable instrument other than a money order or check and  
57.18 shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct  
57.19 the background check. The superintendent of the Bureau of Criminal Apprehension shall  
57.20 conduct the background check by retrieving criminal history data maintained in the  
57.21 criminal justice information system computers. A school hiring authority, at its discretion,  
57.22 may decide not to request a criminal history background check on an individual who holds  
57.23 an initial entrance license issued by the State Board of Teaching or the commissioner of  
57.24 education within the 12 months preceding an offer of employment.

57.25 (b) A school hiring authority may use the results of a criminal background check  
57.26 conducted at the request of another school hiring authority if:

57.27 (1) the results of the criminal background check are on file with the other school  
57.28 hiring authority or otherwise accessible;

57.29 (2) the other school hiring authority conducted a criminal background check within  
57.30 the previous 12 months;

57.31 (3) the individual who is the subject of the criminal background check executes a  
57.32 written consent form giving a school hiring authority access to the results of the check; and

57.33 (4) there is no reason to believe that the individual has committed an act subsequent  
57.34 to the check that would disqualify the individual for employment.

58.1 (c) A school hiring authority may, at its discretion, request a criminal history  
58.2 background check from the superintendent of the Bureau of Criminal Apprehension on  
58.3 any individual who seeks to enter a school or its grounds for the purpose of serving as a  
58.4 school volunteer or working as an independent contractor or student employee. In order  
58.5 for an individual to enter a school or its grounds under this paragraph when the school  
58.6 hiring authority decides to request a criminal history background check on the individual,  
58.7 the individual first must provide an executed criminal history consent form and a money  
58.8 order, check, or other negotiable instrument payable to the school district in an amount  
58.9 equal to the actual cost to the Bureau of Criminal Apprehension and the school district  
58.10 of conducting the criminal history background check. ~~Notwithstanding section 299C.62,~~  
58.11 ~~subdivision 1, the cost of the criminal history background check under this paragraph is~~  
58.12 ~~the responsibility of the individual.~~ A school hiring authority may decide to pay the cost of  
58.13 conducting a background check under this paragraph, in which case the individual who is  
58.14 the subject of the background check need not pay for the background check.

58.15 (d) For all nonstate residents who are offered employment in a school, a school  
58.16 hiring authority shall request a criminal history background check on such individuals  
58.17 from the superintendent of the Bureau of Criminal Apprehension and from the government  
58.18 agency performing the same function in the resident state or, if no government entity  
58.19 performs the same function in the resident state, from the Federal Bureau of Investigation.  
58.20 Such individuals must provide an executed criminal history consent form and a money  
58.21 order, check, or other negotiable instrument payable to the school hiring authority in an  
58.22 amount equal to the actual cost to the government agencies and the school district of  
58.23 conducting the criminal history background check. Notwithstanding section 299C.62,  
58.24 subdivision 1, the cost of the criminal history background check under this paragraph is  
58.25 the responsibility of the individual.

58.26 (e) At the beginning of each school year or when a student enrolls, a school hiring  
58.27 authority must notify parents and guardians about the school hiring authority's policy  
58.28 requiring a criminal history background check on employees and other individuals who  
58.29 provide services to the school, and identify those positions subject to a background check  
58.30 and the extent of the hiring authority's discretion in requiring a background check. The  
58.31 school hiring authority may include the notice in the student handbook, a school policy  
58.32 guide, or other similar communication. Nothing in this paragraph affects a school hiring  
58.33 authority's ability to request a criminal history background check on an individual under  
58.34 paragraph (c).

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

59.1 Sec. 31. Minnesota Statutes 2008, section 123B.03, subdivision 1a, is amended to read:

59.2 Subd. 1a. **Investigation of disciplinary actions taken against prospective**  
59.3 **teachers.** (a) At the time a school board or other hiring authority conducts the criminal  
59.4 history background check required under subdivision 1 on an individual offered  
59.5 employment as a teacher, the school board or other hiring authority must contact the  
59.6 Board of Teaching to determine whether the board has taken disciplinary action against  
59.7 the teacher based on ~~a board determination that~~ sexual misconduct or attempted sexual  
59.8 misconduct ~~occurred~~ between the teacher and a student or other misconduct resulting in  
59.9 board disciplinary action. If disciplinary action has been taken based on ~~this type of~~  
59.10 misconduct, the school board or other hiring authority must obtain access to data that are  
59.11 public under section 13.41, subdivision 5, that relate to the substance of the disciplinary  
59.12 action. In addition, the school board or other hiring authority must require the individual  
59.13 to provide information in the employment application regarding all current and previous  
59.14 disciplinary actions in Minnesota and other states taken against the individual's teaching  
59.15 license as a result of sexual misconduct or attempted sexual misconduct with a student  
59.16 or other misconduct and indicate to the applicant that intentionally submitting false or  
59.17 incomplete information is a ground for dismissal.

59.18 (b) For purposes of this subdivision, "disciplinary action" does not include an action  
59.19 based on court-ordered child support or maintenance payment arrearages under section  
59.20 214.101 or delinquent state taxes under section 270C.72.

59.21 **EFFECTIVE DATE.** This section is effective May 1, 2009.

59.22 Sec. 32. **[123B.045] DISTRICT-CREATED SITE-GOVERNED SCHOOLS.**

59.23 Subdivision 1. **Authority.** (a) A school board may approve site-governed schools  
59.24 under this section by requesting site-governing school proposals. The request for  
59.25 proposals must include what types of schools or education innovations the board intends  
59.26 to create. A current site may submit a proposal to create a different model for the site if  
59.27 60 percent or more of the teachers at the site support the proposal. A group of licensed  
59.28 district professionals from one or multiple district sites may submit a proposal. The  
59.29 group submitting the proposal must include parents or other community members in the  
59.30 development of the proposal. A proposal may request approval for a model of a school not  
59.31 included in the request for proposal of the board.

59.32 (b) The school board and the applicable bargaining unit representing district  
59.33 employees must enter into memoranda of understanding specifying how applicable  
59.34 sections of current contracts will enable the provisions of subdivision 2, clauses (7) and  
59.35 (8), to be implemented.

60.1 (c) Within 60 days of receipt of the application, the school board shall determine  
60.2 whether to approve, deny, or return the application to the applicants for further information  
60.3 or development.

60.4 (d) Upon approval of the proposal, an agreement between the district and the site  
60.5 council shall be developed identifying the powers and duties delegated to the site and  
60.6 outlining the details of the proposal including the provisions of subdivisions 2, 3, and  
60.7 5. Any powers or duties not specifically delegated to the school site in the agreement  
60.8 remains with the school board.

60.9 Subd. 2. **Roles and responsibilities of site-governed schools.** (a) Site-governed  
60.10 schools approved by the school board have the following autonomy and responsibilities at  
60.11 the discretion of the site:

60.12 (1) to create the site-governing council of the school. The council shall include  
60.13 teachers, administrators, parents, students if appropriate, community members, and other  
60.14 representatives of the community as determined by the site-governing council. Teachers  
60.15 may comprise a majority of the site-governing council at the option of a majority of  
60.16 the teachers at the site. The number of members on the site-governing council and the  
60.17 composition shall be included in the proposal approved by the school board;

60.18 (2) to determine the leadership model for the site including: selecting a principal,  
60.19 operating as a teacher professional practices model with school leadership functions  
60.20 performed by one or more teachers or administrators at the school or other model  
60.21 determined by the site;

60.22 (3) to determine the budget for the site and the allocation and expenditure of the  
60.23 revenue based on provisions of subdivision 3;

60.24 (4) to determine the learning model and organization of the school consistent with  
60.25 the application approved by the school board;

60.26 (5) to select and develop its curriculum and determine formative and summative  
60.27 assessment practices;

60.28 (6) to set policies for the site including student promotion, attendance, discipline,  
60.29 graduation requirements which may exceed the school board standards, and other such  
60.30 rules as approved by the school board consistent with the mission, goals, and learning  
60.31 program of the school site;

60.32 (7) to determine the length of the school day and year and employee work rules  
60.33 covered by the terms and conditions of the employment contract;

60.34 (8) to select teachers and other staff consistent with current law and collective  
60.35 bargaining agreements and memoranda of understanding provided for in subdivision 1,  
60.36 paragraph (b). At least 70 percent of the teachers must be selected by the site prior to final



61.1 approval of the agreement. Prior to requesting the district to employ staff not currently  
61.2 employed by the district, the site must first select current district staff including those on  
61.3 requested and unrequested leave as provided for in sections 122A.40 and 122A.41. The  
61.4 school board shall be the legal employer of all staff at the site and all teachers and other  
61.5 staff members of the applicable bargaining units. Teachers and other employees may be  
61.6 required to sign an individual work agreement with the site-governing council committing  
61.7 themselves to the mission and learning program of the school and the requirements of  
61.8 the site-governing council; and

61.9 (9) to fulfill other provisions as agreed to by the district and site-governing council.

61.10 (b) If a self-governed school created under this section is supervised by a principal,  
61.11 that principal must be licensed, consistent with section 123B.147, subdivision 2.

61.12 Subd. 3. **Revenue to self-governed school.** (a) The revenue that shall be allocated  
61.13 by the site includes the general education revenue generated by the students at the site from  
61.14 state, local, and private sources, referendum revenue, federal revenue from the Elementary  
61.15 and Secondary Education Act, Individuals with Disabilities Education Act, Carl Perkins  
61.16 Act, and other federal programs as agreed to by the school board and site council.

61.17 (b) The district may retain an administrative fee for managing the federal  
61.18 programs, private revenues, and general administrative functions including school board,  
61.19 superintendent, district legal counsel, finance, accountability and self-governed school  
61.20 contract oversight, facilities maintenance, districtwide special education programs, and  
61.21 other such services as agreed to by the site and school board. The administrative fee  
61.22 shall be included in the agreement.

61.23 (c) As part of the agreement, the district may provide specific services for the site  
61.24 and may specify the amount to be paid for each service and retain the revenues for that  
61.25 amount. The formula or procedures for determining the amount of revenue to be allocated  
61.26 to the site each year shall be consistent with this subdivision and incorporated in the site  
61.27 budget annually following a timeline and process that is included in the agreement with  
61.28 the school board. The site is responsible for allocating revenue for all staff at the site and  
61.29 for the other provisions of the agreement with the district board.

61.30 (d) All unspent revenue shall be carried over to following years for the sole use  
61.31 of the site.

61.32 Subd. 4. **Exemption from statutes and rules.** Except as outlined in this section,  
61.33 site-governed schools established under this section are exempt from and subject to the  
61.34 same laws and rules as are chartered schools under section 124D.10, except that the  
61.35 schools shall be subject to chapters 13, 13D, and 179A, and sections 122A.40, 122A.41,  
61.36 122A.50, and 122A.51.

62.1 Subd. 5. Performance standards. (a) The school board and the site council shall  
 62.2 include in the agreement performance standards and expectations that shall include at  
 62.3 least the following:

62.4 (1) student achievement targets on multiple indicators including either a growth  
 62.5 model or value-added growth model;

62.6 (2) the criteria and process to be followed if it is determined that the site failed  
 62.7 to comply with district oversight and accountability requirements as outlined in the  
 62.8 agreement; and

62.9 (3) other performance provisions as agreed to.

62.10 (b) All agreements shall be filed with the commissioner. The initial agreement shall  
 62.11 be for up to three years, shall be reviewed annually, and may be renewed by the district  
 62.12 board for additional terms of up to five years based on the performance of the school.

62.13 Subd. 6. Board termination of self-governed school authority. (a) The district  
 62.14 board may terminate the agreement for one or more of the following reasons:

62.15 (1) failure of the site to meet the provisions specified in the agreement in subdivision  
 62.16 5;

62.17 (2) violations of law; or

62.18 (3) other good cause shown.

62.19 (b) Site-governed schools that are terminated or not renewed for reasons other than  
 62.20 cause may request to convert to charter school status as provided for in section 124D.10  
 62.21 and, if chartered by the board, shall become the owner of all materials, supplies, and  
 62.22 equipment purchased during the period the school was a site-governed school.

62.23 Sec. 33. Minnesota Statutes 2008, section 123B.143, subdivision 1, is amended to read:

62.24 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary  
 62.25 school must employ a superintendent who shall be an ex officio nonvoting member of the  
 62.26 school board. The authority for selection and employment of a superintendent must be  
 62.27 vested in the board in all cases. An individual employed by a board as a superintendent  
 62.28 shall have an initial employment contract for a period of time no longer than three years  
 62.29 from the date of employment. Any subsequent employment contract must not exceed a  
 62.30 period of three years. A board, at its discretion, may or may not renew an employment  
 62.31 contract. A board must not, by action or inaction, extend the duration of an existing  
 62.32 employment contract. Beginning 365 days prior to the expiration date of an existing  
 62.33 employment contract, a board may negotiate and enter into a subsequent employment  
 62.34 contract to take effect upon the expiration of the existing contract. A subsequent contract  
 62.35 must be contingent upon the employee completing the terms of an existing contract. If a

63.1 contract between a board and a superintendent is terminated prior to the date specified in  
 63.2 the contract, the board may not enter into another superintendent contract with that same  
 63.3 individual that has a term that extends beyond the date specified in the terminated contract.  
 63.4 A board may terminate a superintendent during the term of an employment contract for any  
 63.5 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall  
 63.6 not rely upon an employment contract with a board to assert any other continuing contract  
 63.7 rights in the position of superintendent under section 122A.40. Notwithstanding the  
 63.8 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law  
 63.9 to the contrary, no individual shall have a right to employment as a superintendent based  
 63.10 on order of employment in any district. If two or more districts enter into an agreement for  
 63.11 the purchase or sharing of the services of a superintendent, the contracting districts have  
 63.12 the absolute right to select one of the individuals employed to serve as superintendent  
 63.13 in one of the contracting districts and no individual has a right to employment as the  
 63.14 superintendent to provide all or part of the services based on order of employment in a  
 63.15 contracting district. The superintendent of a district shall perform the following:

- 63.16 (1) visit and supervise the schools in the district, report and make recommendations  
 63.17 about their condition when advisable or on request by the board;
- 63.18 (2) recommend to the board employment and dismissal of teachers;
- 63.19 (3) superintend school grading practices and examinations for promotions;
- 63.20 (4) make reports required by the commissioner; and
- 63.21 (5) ~~by January 10, submit an annual report to the commissioner in a manner~~  
 63.22 ~~prescribed by the commissioner, in consultation with school districts, identifying the~~  
 63.23 ~~expenditures that the district requires to ensure an 80 percent student passage rate on~~  
 63.24 ~~the MCA-IIs taken in the eighth grade, identifying the highest student passage rate the~~  
 63.25 ~~district expects it will be able to attain on the MCA-IIs by grade 12, and the amount of~~  
 63.26 ~~expenditures that the district requires to attain the targeted student passage rate; and~~  
 63.27 (6) perform other duties prescribed by the board.

63.28 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 63.29 and applies to the 2009-2010 school year and later.

63.30 Sec. 34. Minnesota Statutes 2008, section 123B.51, is amended by adding a  
 63.31 subdivision to read:

63.32 Subd. 5a. **Temporary closing.** A school district that proposes to temporarily close a  
 63.33 schoolhouse or that intends to lease the facility to another entity for use as a schoolhouse  
 63.34 for three or fewer years is not subject to subdivision 5 if the school board holds a public  
 63.35 meeting and allows public comment on the schoolhouse's future.

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

64.2 Sec. 35. Minnesota Statutes 2008, section 124D.095, subdivision 2, is amended to read:

64.3 Subd. 2. **Definitions.** For purposes of this section, the following terms have the  
64.4 meanings given them.

64.5 (a) "Online learning" is an interactive course or program that delivers instruction  
64.6 from a teacher to a student by computer; is combined with other traditional delivery  
64.7 methods that include frequent student assessment and may include actual teacher contact  
64.8 time; and meets or exceeds state academic standards.

64.9 (b) "Online learning provider" is a school district, an intermediate school district, an  
64.10 organization of two or more school districts operating under a joint powers agreement, or  
64.11 a charter school located in Minnesota that provides online learning to students.

64.12 (c) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
64.13 subdivision 4, in kindergarten through grade 12.

64.14 (d) "Online learning student" is a student enrolled in an online learning course or  
64.15 program delivered by an online provider under paragraph (b).

64.16 (e) "Enrolling district" means the school district or charter school in which a student  
64.17 is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

64.18 (f) "Supplemental online learning" means an online course taken in place of a course  
64.19 period during the regular school day at a local district school.

64.20 (g) "Full-time online provider" means an enrolling school authorized by the  
64.21 department to deliver comprehensive public education at any or all of the elementary,  
64.22 middle, or high school levels.

64.23 (h) "Online course syllabus" is a written document that an online learning provider  
64.24 makes available to the enrolling district using a format prescribed by the commissioner to  
64.25 identify the state academic standards embedded in an online course, the course content  
64.26 outline, required course assessments, expectations for actual teacher contact time and  
64.27 other student-to-teacher communications, and academic support available to the online  
64.28 learning student.

64.29 Sec. 36. Minnesota Statutes 2008, section 124D.095, subdivision 3, is amended to read:

64.30 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may  
64.31 apply for full-time enrollment in an approved online learning program under section  
64.32 124D.03, 124D.08 or 124D.10, ~~or for supplemental online learning.~~ Notwithstanding  
64.33 sections 124D.03, 124D.08, and 124D.10, procedures for enrolling in supplemental online  
64.34 learning shall be as provided in this subdivision. A student age 17 or younger must

65.1 have the written consent of a parent or guardian to apply. No school district or charter  
65.2 school may prohibit a student from applying to enroll in online learning. In order that a  
65.3 student may enroll in online learning, the student and the student's parents must submit an  
65.4 application to the online learning provider and identify the reason for enrolling in online  
65.5 learning. The online learning provider that accepts a student under this section must within  
65.6 ten days notify the student and the enrolling district in writing if the enrolling district is  
65.7 not the online learning provider. The student and family must notify the online learning  
65.8 provider of their intent to enroll in online learning within ten days of acceptance, at which  
65.9 time the student and parent must sign a statement of assurance that they have reviewed the  
65.10 online course or program and understand the expectations of online learning enrollment.  
65.11 The online learning provider must notify the enrolling district of the student's ~~enrollment~~  
65.12 application to enroll in online learning in writing on a form provided by the department.

65.13 (b) Supplemental online learning notification to the enrolling district upon student  
65.14 ~~enrollment in application to the online learning program provider~~ will include the  
65.15 courses or program, credits to be awarded, and the start date of online enrollment, ~~and~~  
65.16 ~~confirmation that the courses will meet the student's graduation plan.~~ An online learning  
65.17 provider must provide the enrolling district with an online course syllabus. Within 15 days  
65.18 after the online learning provider makes the supplemental online course syllabus available  
65.19 to the enrolling district, the enrolling district must notify the online provider whether or  
65.20 not the student, parent or guardian, and enrolling district agree that the course meets  
65.21 the enrolling district's graduation requirements. A student may enroll in supplemental  
65.22 online learning courses up to the midpoint of the enrolling district's term. The enrolling  
65.23 district may waive this requirement for special circumstances and upon acceptance by the  
65.24 online provider. An online learning course or program that meets or exceeds a graduation  
65.25 standard or grade progression requirements at the enrolling district as demonstrated on  
65.26 the online provider's syllabus must be considered to meet the corresponding graduation  
65.27 requirements of the student in the enrolling district. If the enrolling district decides that  
65.28 the course does not meet its graduation requirements, then:

65.29 (1) the district shall provide a written explanation of its decision upon request by the  
65.30 student, parent or guardian, or online provider;

65.31 (2) the district shall allow the online provider the opportunity to respond in writing  
65.32 to the district's written explanation of its decision for the purpose of describing how the  
65.33 course may meet the district's graduation requirement; and

65.34 (3) the student, parent or guardian, or online provider may request that the  
65.35 Department of Education review the district's decision to determine whether it is consistent  
65.36 with this section.

66.1 (c) An online learning provider must notify the commissioner that it is delivering  
66.2 online learning and report the number of online learning students it is accepting and the  
66.3 online learning courses and programs it is delivering.

66.4 (d) An online learning provider may limit enrollment if the provider's school board  
66.5 or board of directors adopts by resolution specific standards for accepting and rejecting  
66.6 students' applications.

66.7 (e) An enrolling district may reduce an online learning student's regular classroom  
66.8 instructional membership in proportion to the student's membership in online learning  
66.9 courses.

66.10 (f) The online provider must report or provide access to information on an individual  
66.11 student's progress and accumulated credit to the student, parent or guardian, and enrolling  
66.12 district in a manner specified by the commissioner unless another manner is agreed upon  
66.13 by the enrolling district and the online provider and submitted to the commissioner. The  
66.14 enrolling district must designate a contact person to assist in facilitating and monitoring  
66.15 the student's progress and accumulated credit towards graduation.

66.16 Sec. 37. Minnesota Statutes 2008, section 124D.095, subdivision 4, is amended to read:

66.17 Subd. 4. **Online learning parameters.** (a) An online learning student must receive  
66.18 academic credit for completing the requirements of an online learning course or program.  
66.19 Secondary credits granted to an online learning student must be counted toward the  
66.20 graduation and credit requirements of the enrolling district. ~~An online learning provider~~  
66.21 ~~must make available to the enrolling district the course syllabus, standard alignment,~~  
66.22 ~~content outline, assessment requirements, and contact information for supplemental online~~  
66.23 ~~courses taken by students in the enrolling district.~~ The enrolling district must apply the  
66.24 same graduation requirements to all students, including online learning students, and  
66.25 must continue to provide nonacademic services to online learning students. If a student  
66.26 completes an online learning course or program that meets or exceeds a graduation  
66.27 standard or grade progression requirement at the enrolling district, that standard or  
66.28 requirement is met. The enrolling district must use the same criteria for accepting online  
66.29 learning credits or courses as it does for accepting credits or courses for transfer students  
66.30 under section 124D.03, subdivision 9. The enrolling district may reduce the course  
66.31 schedule of an online learning student in proportion to the number of online learning  
66.32 courses the student takes from an online learning provider that is not the enrolling district.

66.33 (b) An online learning student may:

66.34 (1) enroll in supplemental online learning courses during a single school year to a  
66.35 maximum of 50 percent of the student's full schedule of courses per term. A student may

67.1 exceed the supplemental online learning registration limit if the enrolling district grants  
67.2 permission for supplemental online learning enrollment above the limit, or if an agreement  
67.3 is made between the enrolling district and the online learning provider for instructional  
67.4 services;

67.5 (2) complete course work at a grade level that is different from the student's current  
67.6 grade level; and

67.7 (3) enroll in additional courses with the online learning provider under a separate  
67.8 agreement that includes terms for payment of any tuition or course fees.

67.9 (c) An online learning student has the same access to the computer hardware and  
67.10 education software available in a school as all other students in the enrolling district. An  
67.11 online learning provider must assist an online learning student whose family qualifies  
67.12 for the education tax credit under section 290.0674 to acquire computer hardware and  
67.13 educational software for online learning purposes.

67.14 (d) An enrolling district may offer online learning to its enrolled students. Such  
67.15 online learning does not generate online learning funds under this section. An enrolling  
67.16 district that offers online learning only to its enrolled students is not subject to the  
67.17 reporting requirements or review criteria under subdivision 7, unless the enrolling district  
67.18 is a full-time online provider. A teacher with a Minnesota license must assemble and  
67.19 deliver instruction to enrolled students receiving online learning from an enrolling district.  
67.20 The delivery of instruction occurs when the student interacts with the computer or the  
67.21 teacher and receives ongoing assistance and assessment of learning. The instruction may  
67.22 include curriculum developed by persons other than a teacher with a Minnesota license.

67.23 (e) ~~An Both full-time and supplemental online learning provider that is not the~~  
67.24 ~~enrolling district is~~ providers are subject to the reporting requirements and review criteria  
67.25 under subdivision 7. A teacher with a Minnesota license must assemble and deliver  
67.26 instruction to online learning students. The delivery of instruction occurs when the student  
67.27 interacts with the computer or the teacher and receives ongoing assistance and assessment  
67.28 of learning. The instruction may include curriculum developed by persons other than a  
67.29 teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher  
67.30 providing online learning instruction must not instruct more than 40 students in any one  
67.31 online learning course or program.

67.32 (f) To enroll in more than 50 percent of the student's full schedule of courses per term  
67.33 in online learning, the student must qualify to exceed the supplemental online learning  
67.34 registration limit under paragraph (b) or apply for enrollment to an approved full-time  
67.35 online learning program following appropriate procedures in subdivision 3, paragraph (a).

68.1 Full-time online learning students may enroll in classes at a local school per contract for  
68.2 instructional services between the online learning provider and the school district.

68.3 Sec. 38. Minnesota Statutes 2008, section 124D.095, subdivision 7, is amended to read:

68.4 Subd. 7. **Department of Education.** (a) The department must review and  
68.5 certify online learning providers. The online learning courses and programs must be  
68.6 rigorous, aligned with state academic standards, and contribute to grade progression  
68.7 in a single subject. ~~Online learning providers must demonstrate to the commissioner~~  
68.8 ~~that online learning courses have equivalent standards or instruction, curriculum, and~~  
68.9 ~~assessment requirements as other courses offered to enrolled students. The online~~  
68.10 ~~learning provider must also demonstrate expectations for actual teacher contact time~~  
68.11 ~~or other student-to-teacher communication.~~ The online provider must provide a written  
68.12 statement that: (1) all courses meet state academic standards; and (2) the online learning  
68.13 curriculum, instruction, and assessment, expectations for actual teacher-contact time or  
68.14 other student-to-teacher communication, and academic support meet nationally recognized  
68.15 professional standards and are demonstrated as such in a syllabus provided according to  
68.16 the commissioner's requirements. Once an online learning provider is approved under  
68.17 this paragraph, all of its online learning course offerings are eligible for payment under  
68.18 this section unless a course is successfully challenged by an enrolling district or the  
68.19 department under paragraph (b).

68.20 (b) An enrolling district may challenge the validity of a course offered by an online  
68.21 learning provider. The department must review such challenges based on the certification  
68.22 procedures under paragraph (a). The department may initiate its own review of the validity  
68.23 of an online learning course offered by an online learning provider.

68.24 (c) The department may collect a fee not to exceed \$250 for certifying online  
68.25 learning providers or \$50 per course for reviewing a challenge by an enrolling district.

68.26 (d) The department must develop, publish, and maintain a list of approved online  
68.27 learning providers and online learning courses and programs that it has reviewed and  
68.28 certified.

68.29 Sec. 39. Minnesota Statutes 2008, section 124D.095, subdivision 10, is amended to  
68.30 read:

68.31 Subd. 10. **Online Learning Advisory Council.** (a) An Online Learning Advisory  
68.32 Council is established ~~under section 15.059, except that,~~ The term for each council  
68.33 member shall be three years. The advisory council is composed of 12 members from  
68.34 throughout the state who have demonstrated experience with or interest in online learning.



69.1 The members of the council shall be appointed by the commissioner. The advisory council  
 69.2 shall bring to the attention of the commissioner any matters related to online learning and  
 69.3 provide input to the department in matters related, but not restricted, to:

- 69.4 (1) quality assurance;
- 69.5 (2) teacher qualifications;
- 69.6 (3) program approval;
- 69.7 (4) special education;
- 69.8 (5) attendance;
- 69.9 (6) program design and requirements; and
- 69.10 (7) fair and equal access to programs.

69.11 (b) The Online Learning Advisory Council under this subdivision expires June  
 69.12 30, ~~2008~~ 2013.

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

69.14 Sec. 40. Minnesota Statutes 2008, section 124D.10, is amended to read:

69.15 **124D.10 CHARTER SCHOOLS.**

69.16 Subdivision 1. **Purposes.** (a) The purpose of this section is to:

- 69.17 (1) improve pupil learning and achievement;
- 69.18 (2) increase learning opportunities for pupils;
- 69.19 (3) encourage the use of different and innovative teaching methods;
- 69.20 (4) ~~require the measurement of~~ measure learning outcomes ~~and create through the~~  
 69.21 creation and use of different and innovative forms of measuring outcomes;
- 69.22 (5) establish new forms of accountability for schools; or
- 69.23 (6) create new professional opportunities for teachers, including the opportunity to  
 69.24 be responsible for the learning program at the school site.

69.25 (b) This section does not provide a means to keep open a school that otherwise  
 69.26 would be closed. Applicants in these circumstances bear the burden of proving that  
 69.27 conversion to a charter school fulfills a purpose specified in this subdivision, independent  
 69.28 of the school's closing.

69.29 Subd. 2. **Applicability.** This section applies only to charter schools formed and  
 69.30 operated under this section.

69.31 ~~Subd. 2a. **Charter School Advisory Council.** (a) A Charter School Advisory~~  
 69.32 ~~Council is established under section 15.059 except that the term for each council member~~  
 69.33 ~~shall be three years. The advisory council is composed of seven members from throughout~~  
 69.34 ~~the state who have demonstrated experience with or interest in charter schools. The~~

70.1 ~~members of the council shall be appointed by the commissioner. The advisory council~~  
 70.2 ~~shall bring to the attention of the commissioner any matters related to charter schools~~  
 70.3 ~~that the council deems necessary and shall:~~

70.4 ~~(1) encourage school boards to make full use of charter school opportunities;~~  
 70.5 ~~(2) encourage the creation of innovative schools;~~  
 70.6 ~~(3) provide leadership and support for charter school sponsors to increase the~~  
 70.7 ~~innovation in and the effectiveness, accountability, and fiscal soundness of charter schools;~~  
 70.8 ~~(4) serve an ombudsman function in facilitating the operations of new and existing~~  
 70.9 ~~charter schools;~~

70.10 ~~(5) promote timely financial management training for newly elected members of~~  
 70.11 ~~a charter school board of directors and ongoing training for other members of a charter~~  
 70.12 ~~school board of directors; and~~

70.13 ~~(6) facilitate compliance with auditing and other reporting requirements. The~~  
 70.14 ~~advisory council shall refer all its proposals to the commissioner who shall provide time~~  
 70.15 ~~for reports from the council.~~

70.16 ~~(b) The Charter School Advisory Council under this subdivision expires June 30,~~  
 70.17 ~~2007.~~

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

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

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

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

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

70.33 (1) a school board; intermediate school district school board; education district  
 70.34 organized under sections 123A.15 to 123A.19;

70.35 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code  
 70.36 of 1986, excluding a nonpublic sectarian or religious institution, any person other than a

71.1 natural person that directly or indirectly, through one or more intermediaries, controls,  
 71.2 is controlled by, or is under common control with the nonpublic sectarian or religious  
 71.3 institution, and any other charitable organization under this clause that in the federal IRS  
 71.4 Form 1023, Part IV, describes activities indicating a religious purpose, that:

71.5 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on  
 71.6 Foundations;

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

71.8 (iii) reports an end-of-year fund balance of at least \$2,000,000; and

71.9 (iv) is incorporated in the state of Minnesota;

71.10 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or  
 71.11 four-year degrees and is registered with the Minnesota Office of Higher Education under  
 71.12 chapter 136A; community college, state university, or technical college; governed by the  
 71.13 Board of Trustees of the Minnesota State Colleges and Universities; or the University of  
 71.14 Minnesota ~~may sponsor one or more charter schools;~~ or

71.15 ~~(b)~~ (4) a nonprofit corporation subject to chapter 317A, described in section  
 71.16 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal  
 71.17 Revenue Code of 1986, may ~~sponsor~~ authorize one or more charter schools if the charter  
 71.18 school has operated for at least three years under a different ~~sponsor~~ authorizer and if the  
 71.19 nonprofit corporation has existed for at least 25 years.

71.20 (c) An eligible authorizer under this subdivision must apply to the commissioner for  
 71.21 approval as an authorizer before submitting any affidavit to the commissioner to charter  
 71.22 a school. The application for approval as a charter school authorizer must demonstrate  
 71.23 the applicant's ability to implement the procedures and satisfy the criteria for chartering a  
 71.24 school under this section. The commissioner must approve or disapprove an application  
 71.25 within 60 business days of the application deadline. If the commissioner disapproves  
 71.26 the application, the commissioner must notify the applicant of the deficiencies and the  
 71.27 applicant then has 20 business days to address the deficiencies to the commissioner's  
 71.28 satisfaction. Failing to address the deficiencies to the commissioner's satisfaction makes  
 71.29 an applicant ineligible to be an authorizer. The commissioner, in establishing criteria for  
 71.30 approval, must consider the applicant's:

71.31 (1) capacity and infrastructure;

71.32 (2) application criteria and process;

71.33 (3) contracting process;

71.34 (4) ongoing oversight and evaluation processes; and

71.35 (5) renewal criteria and processes.

72.1 A disapproved applicant under this paragraph may resubmit an application during a  
 72.2 future application period.

72.3 (d) The authorizer must participate in ongoing department-approved training.

72.4 (e) An authorizer that chartered a school before August 1, 2009, must apply by  
 72.5 June 30, 2012, to the commissioner for approval under paragraph (c) to continue as an  
 72.6 authorizer under this section. For purposes of this paragraph, an authorizer that fails to  
 72.7 submit a timely application is ineligible to charter a school.

72.8 (f) The commissioner shall review an authorizer's performance at least once every  
 72.9 five years in a manner and form determined by the commissioner, and may review an  
 72.10 authorizer's performance more frequently at the commissioner's own initiative or at the  
 72.11 request of a charter school developer, operator, board member, or other interested party.  
 72.12 The commissioner, after completing the review, shall transmit a report with findings to the  
 72.13 authorizer. If, consistent with this section, the commissioner finds that an authorizer has  
 72.14 not performed satisfactorily, the commissioner may subject the authorizer to corrective  
 72.15 action, which may include terminating the contract with the board of a school it chartered.  
 72.16 The commissioner must notify the authorizer in writing of any findings that may subject  
 72.17 the authorizer to corrective action and the authorizer then has 15 business days to request  
 72.18 an informal hearing before the commissioner takes corrective action.

72.19 (g) The commissioner may take corrective action against an authorizer, including  
 72.20 terminating an authorizer's eligibility to charter a school for:

72.21 (1) failing to satisfy the criteria under which the commissioner approved the  
 72.22 authorizer;

72.23 (2) failing to perform satisfactorily as an approved authorizer; or

72.24 (3) violating a term of the chartering contract between the authorizer and charter  
 72.25 school board.

72.26 **Subd. 4. Formation of school.** (a) ~~A sponsor~~ An authorizer, after receiving an  
 72.27 application from a school developer, may authorize charter a licensed teacher under  
 72.28 section 122A.18, subdivision 1, or a group of individuals that includes one or more  
 72.29 licensed teachers under section 122A.18, subdivision 1, to operate a ~~charter~~ school subject  
 72.30 to the commissioner's approval ~~by the commissioner~~ of the authorizer's affidavit under  
 72.31 paragraph (b). ~~A board must vote on charter school application for sponsorship no later~~  
 72.32 ~~than 90 days after receiving the application.~~ The school must be organized and operated  
 72.33 as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and  
 72.34 the provisions under the applicable chapter shall apply to the school except as provided  
 72.35 in this section.

73.1 Notwithstanding sections 465.717 and 465.719, a school district, subject to this  
 73.2 section and section 124D.11, may create a corporation for the purpose of ~~creating~~  
 73.3 establishing a charter school.

73.4 (b) Before the operators may ~~form~~ establish and operate a school, the ~~sponsor~~  
 73.5 authorizer must file an affidavit with the commissioner stating its intent to ~~authorize a~~  
 73.6 charter a school. An authorizer must file a separate affidavit for each school it intends  
 73.7 to charter. The affidavit must state the terms and conditions under which the ~~sponsor~~  
 73.8 authorizer would ~~authorize a~~ charter a school and how the ~~sponsor~~ authorizer intends  
 73.9 to oversee the fiscal and student performance of the charter school and to comply with  
 73.10 the terms of the written contract between the ~~sponsor~~ authorizer and the charter school  
 73.11 board of directors under subdivision 6. The commissioner must approve or disapprove  
 73.12 the ~~sponsor's proposed authorization~~ authorizer's affidavit within ~~90~~ 60 business days of  
 73.13 receipt of the affidavit. If the commissioner disapproves the affidavit, the commissioner  
 73.14 shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20  
 73.15 business days to address the deficiencies. If the authorizer does not address deficiencies to  
 73.16 the commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain  
 73.17 commissioner approval precludes ~~a sponsor~~ an authorizer from ~~authorizing~~ chartering the  
 73.18 ~~charter~~ school that ~~was~~ is the subject of ~~the~~ this affidavit.

73.19 (c) The authorizer may prevent an approved charter school from opening for  
 73.20 operation if, among other grounds, the charter school violates this section or does not meet  
 73.21 the ready-to-open standards that are part of the authorizer's oversight and evaluation  
 73.22 process or are stipulated in the charter school contract.

73.23 (d) The operators authorized to organize and operate a school, before entering into  
 73.24 a contract or other agreement for professional or other services, goods, or facilities,  
 73.25 must incorporate as a cooperative under chapter 308A or as a nonprofit corporation  
 73.26 under chapter 317A and must establish a board of directors composed of at least five  
 73.27 members who are not related parties until a timely election for members of the ongoing  
 73.28 charter school board of directors is held according to the school's articles and bylaws  
 73.29 under paragraph (f). A charter school board of directors must be composed of at least  
 73.30 five members who are not related parties. ~~Any~~ Staff members ~~who are~~ employed at the  
 73.31 school, including teachers providing instruction under a contract with a cooperative, and  
 73.32 all parents or legal guardians of children enrolled in the school ~~may participate in the~~  
 73.33 ~~election for~~ are the voters eligible to elect the members of the school's board of directors.  
 73.34 ~~Licensed teachers employed at the school, including teachers providing instruction under~~  
 73.35 ~~a contract with a cooperative, must be a majority of the members of the board of directors~~  
 73.36 ~~before the school completes its third year of operation, unless the commissioner waives~~

74.1 ~~the requirement for a majority of licensed teachers on the board.~~ A charter school must  
74.2 notify eligible voters of the school board election dates at least 30 days before the election.  
74.3 Board of director meetings must comply with chapter 13D.

74.4 ~~(d)~~ (e) Upon the request of an individual, the charter school must make available  
74.5 in a timely fashion the minutes of meetings of the board of directors, and of members  
74.6 and committees having any board-delegated authority; financial statements showing all  
74.7 operations and transactions affecting income, surplus, and deficit during the school's last  
74.8 annual accounting period; and a balance sheet summarizing assets and liabilities on the  
74.9 closing date of the accounting period. A charter school also must post on its official Web  
74.10 site information identifying its authorizer and indicate how to contact that authorizer and  
74.11 include that same information about its authorizer in other school materials that it makes  
74.12 available to the public.

74.13 (f) Every charter school board member shall attend department-approved training  
74.14 on board governance, the board's role and responsibilities, employment policies and  
74.15 practices, and financial management. A board member who does not complete the  
74.16 required training within 12 months of being seated on the board is ineligible to continue to  
74.17 serve as a board member.

74.18 (g) The ongoing board must be elected before the school completes its third year of  
74.19 operation. The board of directors shall be (i) a teacher majority board made up of licensed  
74.20 teachers employed at the school or (ii) a board having at least 20 percent of its members  
74.21 as licensed teachers employed at the school and must include charter school parents or  
74.22 guardians and interested community members. Licensed teachers employed by the school,  
74.23 or those providing instruction under a contract with a cooperative, may be members of the  
74.24 board of directors. The chief financial officer and chief administrator are nonvoting board  
74.25 members. Board bylaws shall outline the internal process and procedures for changing  
74.26 the board's governance model. A board may change between the governance models  
74.27 established in this paragraph only with approval from the authorizer and a voting majority  
74.28 of the board of directors and the licensed teachers employed at the school, including  
74.29 teachers providing instruction under a contract with a cooperative.

74.30 (h) The granting or renewal of a charter by a ~~sponsoring entity~~ an authorizer must  
74.31 not be conditioned upon the bargaining unit status of the employees of the school.

74.32 ~~(e) A sponsor~~ (i) The granting or renewal of a charter school by an authorizer must  
74.33 not be contingent on the charter school being required to contract, lease, or purchase  
74.34 services from the authorizer. Any potential contract, lease, or purchase of service from  
74.35 an authorizer must be disclosed to the commissioner, accepted through an open bidding  
74.36 process, and be a separate contract from the charter contract. The school must document

75.1 the open bidding process. An authorizer must not enter into a contract to provide  
 75.2 management and financial services for a school that it authorizes, unless the school  
 75.3 documents that it received at least two competitive bids.

75.4 (j) The charter school shall not offer any services or goods of value to students,  
 75.5 parents, or guardians as an inducement, term, or condition of enrolling a student in a  
 75.6 charter school.

75.7 (k) An authorizer may authorize permit the operators board of directors of a charter  
 75.8 school to expand the operation of the charter school to additional sites or to add additional  
 75.9 grades at the school beyond those described in the sponsor's application authorizer's  
 75.10 original affidavit as approved by the commissioner only after submitting a supplemental  
 75.11 application affidavit for approval to the commissioner in a form and manner prescribed by  
 75.12 the commissioner. The supplemental application affidavit must provide evidence show  
 75.13 that:

75.14 (1) the expansion of proposed by the charter school is supported by need and  
 75.15 projected enrollment;

75.16 (2) the charter school expansion is warranted, at a minimum, by longitudinal data  
 75.17 demonstrating students' improved academic performance and growth on statewide  
 75.18 assessments under chapter 120B;

75.19 ~~(2)~~ (3) the charter school is fiscally sound and has the financial capacity to implement  
 75.20 the proposed expansion; and

75.21 ~~(3)~~ (4) the sponsor supports the authorizer finds that the charter school has the  
 75.22 management capacity to carry out its expansion; and.

75.23 ~~(4) the building of the additional site meets all health and safety requirements to~~  
 75.24 ~~be eligible for lease aid.~~

75.25 ~~(f) The commissioner annually must provide timely financial management training~~  
 75.26 ~~to newly elected members of a charter school board of directors and ongoing training to~~  
 75.27 ~~other members of a charter school board of directors. Training must address ways to:~~

75.28 ~~(1) proactively assess opportunities for a charter school to maximize all available~~  
 75.29 ~~revenue sources;~~

75.30 ~~(2) establish and maintain complete, auditable records for the charter school;~~

75.31 ~~(3) establish proper filing techniques;~~

75.32 ~~(4) document formal actions of the charter school, including meetings of the charter~~  
 75.33 ~~school board of directors;~~

75.34 ~~(5) properly manage and retain charter school and student records;~~

75.35 ~~(6) comply with state and federal payroll record-keeping requirements; and~~

76.1 ~~(7) address other similar factors that facilitate establishing and maintaining complete~~  
 76.2 ~~records on the charter school's operations.~~

76.3 (1) The commissioner shall have 30 business days to review and comment on the  
 76.4 supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies  
 76.5 in the supplemental affidavit and the authorizer then has 30 business days to address,  
 76.6 to the commissioner's satisfaction, any deficiencies in the supplemental affidavit. The  
 76.7 school may not expand grades or add sites until the commissioner has reviewed and  
 76.8 commented on the supplemental affidavit. The commissioner's approval or disapproval of  
 76.9 a supplemental affidavit is final.

76.10 Subd. 4a. **Conflict of interest.** ~~(a) A member of a charter school board of directors~~  
 76.11 An individual is prohibited from serving as a member of the charter school board of  
 76.12 ~~directors or as~~ if the individual, an immediate family member, or the individual's partner is  
 76.13 an owner, employee or agent of or a contractor with a for-profit or nonprofit entity with  
 76.14 whom the charter school contracts, directly or indirectly, for professional services, goods,  
 76.15 or facilities. A violation of this prohibition renders a contract voidable at the option of  
 76.16 the commissioner or the charter school board of directors. A member of a charter school  
 76.17 board of directors who violates this prohibition ~~shall be~~ is individually liable to the charter  
 76.18 school for any damage caused by the violation.

76.19 (b) No member of the board of directors, employee, officer, or agent of a charter  
 76.20 school shall participate in selecting, awarding, or administering a contract if a conflict  
 76.21 of interest exists. A conflict exists when:

- 76.22 (1) the board member, employee, officer, or agent;  
 76.23 (2) the immediate family of the board member, employee, officer, or agent;  
 76.24 (3) the partner of the board member, employee, officer, or agent; or  
 76.25 (4) an organization that employs, or is about to employ any individual in clauses  
 76.26 (1) to (3),

76.27 has a financial or other interest in the entity with which the charter school is contracting.  
 76.28 A violation of this prohibition renders the contract void.

76.29 (c) Any employee, agent, or board member of the authorizer who participates  
 76.30 in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or  
 76.31 nonrenewal process or decision is ineligible to serve on the board of directors of a school  
 76.32 chartered by that authorizer.

76.33 ~~(b)~~ (d) An individual may serve as a member of the board of directors if no conflict  
 76.34 of interest under paragraph (a) exists.

76.35 ~~(c) A member of a charter school board of directors that serves as a member of the~~  
 76.36 ~~board of directors or as an employee or agent of or a contractor with a nonprofit entity~~



77.1 ~~with whom the charter school contracts, directly or indirectly, for professional services,~~  
 77.2 ~~goods, or facilities, must disclose all potential conflicts to the commissioner.~~

77.3 ~~(d)~~ (e) The conflict of interest provisions under this subdivision do not apply to  
 77.4 compensation paid to a teacher employed by the charter school who also serves as a  
 77.5 member of the board of directors.

77.6 ~~(e)~~ (f) The conflict of interest provisions under this subdivision do not apply to a  
 77.7 teacher who provides services to a charter school through a cooperative formed under  
 77.8 chapter 308A when the teacher also serves on the charter school board of directors.

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

77.13 Subd. 6. **Charter contract.** The ~~sponsor's~~ authorization for a charter school must  
 77.14 be in the form of a written contract signed by the ~~sponsor~~ authorizer and the board of  
 77.15 directors of the charter school. The contract must be completed within ~~90~~ 45 business  
 77.16 days of the commissioner's approval of the sponsor's proposed authorization. authorizer's  
 77.17 affidavit. The authorizer shall submit to the commissioner a copy of the signed charter  
 77.18 contract within ten business days of its execution. The contract for a charter school must  
 77.19 be in writing and contain at least the following:

77.20 (1) ~~a description of a program that carries out one or more of the purposes~~  
 77.21 declaration of the purposes in subdivision 1 that the school intends to carry out and how  
 77.22 the school will report its implementation of those purposes;

77.23 (2) a description of the school program and the specific academic and nonacademic  
 77.24 outcomes that pupils are to must achieve under subdivision 10;

77.25 (3) a statement of admission policies and procedures;

77.26 (4) a governance, management, and administration of plan for the school;

77.27 (5) signed agreements from charter school board members to comply with all federal  
 77.28 and state laws governing organizational, programmatic, and financial requirements and  
 77.29 procedures for program and financial audits applicable to charter schools;

77.30 (6) ~~how the school will comply with subdivisions 8, 13, 16, and 23~~ the criteria,  
 77.31 processes, and procedures that the authorizer will use for ongoing oversight of operational,  
 77.32 financial, and academic performance;

77.33 (7) ~~assumption of liability by the charter school~~ the performance evaluation that is a  
 77.34 prerequisite for reviewing a charter contract under subdivision 15;

77.35 (8) types and amounts of insurance liability coverage to be obtained by the charter  
 77.36 school;

78.1 (9) the term of the contract, which may be up to three years for an initial contract  
 78.2 plus an additional preoperational planning year, and up to five years for a renewed contract  
 78.3 if warranted by the school's academic, financial, and operational performance;

78.4 (10) ~~if~~ how the board of directors or the operators of the charter school will provide  
 78.5 special instruction and services for children with a disability under sections 125A.03  
 78.6 to 125A.24, and 125A.65, a description of the financial parameters within which the  
 78.7 charter school will operate to provide the special instruction and services to children  
 78.8 with a disability; ~~and~~

78.9 (11) the process and criteria the ~~sponsor~~ authorizer intends to use to monitor  
 78.10 and evaluate the fiscal and student performance of the charter school, consistent with  
 78.11 subdivision 15-; and

78.12 (12) the plan for an orderly closing of the school under chapter 308A or 317A, if the  
 78.13 closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract,  
 78.14 and that includes establishing the responsibilities of the school board of directors and the  
 78.15 authorizer and notifying the commissioner, authorizer, school district in which the charter  
 78.16 school is located, and parents of enrolled students about the closure, the transfer of student  
 78.17 records to students' resident districts, and procedures for closing financial operations.

78.18 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the  
 78.19 commissioner and its authorizer by December 31 each year. The commissioner may  
 78.20 withhold the charter school's state aid if the charter school does not submit an audit by  
 78.21 January 31.

78.22 (b) The charter school, with the assistance of the auditor conducting the audit, must  
 78.23 include with the report a copy of all charter school agreements for corporate management  
 78.24 services. If the entity that provides the professional services to the charter school is  
 78.25 exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity  
 78.26 must file with the commissioner by February 15 a copy of the annual return required under  
 78.27 section 6033 of the Internal Revenue Code of 1986.

78.28 (c) If the commissioner receives as part of the an audit report a management letter  
 78.29 indicating that a material weakness exists in the financial reporting systems of a charter  
 78.30 school, the charter school must submit a written report to the commissioner explaining  
 78.31 how the material weakness will be resolved.

78.32 ~~Upon the request of an individual, the charter school must make available in a timely~~  
 78.33 ~~fashion the minutes of meetings of members, the board of directors, and committees~~  
 78.34 ~~having any of the authority of the board of directors, and statements showing the financial~~  
 78.35 ~~result of all operations and transactions affecting income and surplus during the school's~~

79.1 ~~last annual accounting period and a balance sheet containing a summary of its assets and~~  
 79.2 ~~liabilities as of the closing date of the accounting period.~~

79.3 Subd. 7. **Public status; exemption from statutes and rules.** A charter school is a  
 79.4 public school and is part of the state's system of public education. ~~Except as provided in~~  
 79.5 ~~this section, a charter school is exempt from all statutes and rules applicable to a school, a~~  
 79.6 ~~board, or a district, although it may elect to comply with one or more provisions of statutes~~  
 79.7 ~~or rules.~~ A charter school is exempt from all statutes and rules applicable to a school,  
 79.8 school board, or school district unless a statute or rule is made specifically applicable to a  
 79.9 charter school or is included in this section.

79.10 Subd. 8. **State and local requirements.** (a) A charter school shall meet all  
 79.11 ~~applicable~~ federal, state, and local health and safety requirements applicable to school  
 79.12 districts.

79.13 (b) A school must comply with statewide education accountability requirements  
 79.14 governing standards and assessments in chapter 120B and must work with the Department  
 79.15 of Education to make available to the public valid and highly reliable comparisons  
 79.16 of student academic growth and achievement across schools consistent with school  
 79.17 performance report card information under section 120B.36.

79.18 (c) A school ~~sponsored~~ authorized by a school board may be located in any district,  
 79.19 unless the school board of the district of the proposed location disapproves by written  
 79.20 resolution.

79.21 ~~(e)~~ (d) A charter school must be nonsectarian in its programs, admission policies,  
 79.22 employment practices, and all other operations. ~~A sponsor~~ An authorizer may not  
 79.23 ~~authorize a charter a school or program~~ that is affiliated with a nonpublic sectarian  
 79.24 school or a religious institution. A charter school student must be released for religious  
 79.25 instruction, consistent with section 120A.22, subdivision 12, clause (3).

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

79.28 ~~(e)~~ (f) The primary focus of a charter school must be to provide a comprehensive  
 79.29 program of instruction for at least one grade or age group from five through 18 years  
 79.30 of age. Instruction may be provided to people younger than five years and older than  
 79.31 18 years of age.

79.32 ~~(f)~~ (g) A charter school may not charge tuition to students who reside in Minnesota.

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

80.1 ~~(h)~~ (i) A charter school is subject to and must comply with the Pupil Fair Dismissal  
 80.2 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
 80.3 123B.34 to 123B.39.

80.4 ~~(i)~~ (j) A charter school is subject to the same financial audits, audit procedures, and  
 80.5 audit requirements as a district. Audits must be conducted in compliance with generally  
 80.6 accepted governmental auditing standards, the Federal Single Audit Act, if applicable,  
 80.7 and section 6.65. A charter school is subject to and must comply with sections 15.054;  
 80.8 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; ~~123B.52, subdivision 5;~~  
 80.9 471.38; 471.391; 471.392; and 471.425; ~~471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6,~~  
 80.10 ~~12, 13, and 15; 471.881; and 471.89.~~ The audit must comply with the requirements of  
 80.11 sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the  
 80.12 program at the school. Deviations must be approved by the commissioner and authorizer.  
 80.13 The Department of Education, state auditor, ~~or~~ legislative auditor, or authorizer may  
 80.14 conduct financial, program, or compliance audits. A charter school determined to be in  
 80.15 statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under  
 80.16 section 123B.81, subdivision 4.

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

80.18 ~~(k)~~ (l) A charter school must comply with chapters 13 and 13D; and sections ~~13.32;~~  
 80.19 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

80.20 ~~(l)~~ (m) A charter school is subject to the Pledge of Allegiance requirement under  
 80.21 section 121A.11, subdivision 3.

80.22 (n) A charter school is subject to chapter 181.

80.23 (o) A charter school must comply with section 120A.22, subdivision 7, governing  
 80.24 the transfer of students' educational records and sections 138.163 and 138.17 governing  
 80.25 the management of local records.

80.26 Subd. 8a. **Aid reduction.** The commissioner may reduce a charter school's state aid  
 80.27 under section 127A.42 or 127A.43 if the charter school board fails to correct a violation  
 80.28 under this section.

80.29 Subd. 8b. **Aid reduction for violations.** The commissioner may reduce a charter  
 80.30 school's state aid by an amount not to exceed 60 percent of the charter school's basic  
 80.31 revenue for the period of time that a violation of law occurs.

80.32 Subd. 9. **Admission requirements.** A charter school may limit admission to:

80.33 (1) pupils within an age group or grade level; or

80.34 (2) people who are eligible to participate in the graduation incentives program  
 80.35 under section 124D.68; ~~or.~~

81.1 ~~(3) residents of a specific geographic area where the percentage of the population~~  
81.2 ~~of non-Caucasian people of that area is greater than the percentage of the non-Caucasian~~  
81.3 ~~population in the congressional district in which the geographic area is located, and as~~  
81.4 ~~long as the school reflects the racial and ethnic diversity of the specific area.~~

81.5 A charter school shall enroll an eligible pupil who submits a timely application,  
81.6 unless the number of applications exceeds the capacity of a program, class, grade level,  
81.7 or building. In this case, pupils must be accepted by lot. ~~If a charter school is the only~~  
81.8 ~~school located in a town serving pupils within a particular grade level, then pupils that~~  
81.9 ~~are residents of the town must be given preference for enrollment before accepting pupils~~  
81.10 ~~by lot. If a pupil lives within two miles of a charter school and the next closest public~~  
81.11 ~~school is more than five miles away, the charter school must give those pupils preference~~  
81.12 ~~for enrollment before accepting other pupils by lot. The charter school must develop and~~  
81.13 ~~publish a lottery policy and process that it must use when accepting pupils by lot.~~

81.14 A charter school shall give preference for enrollment to a sibling of an enrolled pupil  
81.15 and to a foster child of that pupil's parents and may give preference for enrolling children  
81.16 of the school's employees before accepting other pupils by lot.

81.17 A charter school may not limit admission to pupils on the basis of intellectual ability,  
81.18 measures of achievement or aptitude, or athletic ability and may not establish any criteria  
81.19 or requirements for admission that are inconsistent with this subdivision.

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

81.26 Subd. 11. **Employment and other operating matters.** A charter school must  
81.27 employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1,  
81.28 who hold valid licenses to perform the particular service for which they are employed in  
81.29 the school. The charter school's state aid may be reduced under section ~~127A.42~~ 127A.43  
81.30 if the school employs a teacher who is not appropriately licensed or approved by the  
81.31 board of teaching. The school may employ necessary employees who are not required to  
81.32 hold teaching licenses to perform duties other than teaching and may contract for other  
81.33 services. The school may discharge teachers and nonlicensed employees. The charter  
81.34 school board is subject to section 181.932. When offering employment to a prospective  
81.35 employee, a charter school must give that employee a written description of the terms and  
81.36 conditions of employment and the school's personnel policies. A person, without holding

82.1 a valid administrator's license, may perform administrative, supervisory, or instructional  
82.2 leadership duties.

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

82.5 Subd. 12. **Pupils with a disability.** A charter school must comply with sections  
82.6 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils  
82.7 with a disability as though it were a district.

82.8 Subd. 13. **Length of school year.** A charter school must provide instruction  
82.9 each year for at least the number of days required by section 120A.41. It may provide  
82.10 instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

82.11 Subd. 14. **Annual public reports.** A charter school must publish an annual report at  
82.12 least annually to its sponsor and the commissioner the information required by the sponsor  
82.13 or the commissioner approved by the charter school board of directors. The annual report  
82.14 must at least include information on school enrollment, governance and management,  
82.15 staffing, finances, academic performance, operational performance, innovative practices  
82.16 and implementation, and future plans. A charter school must distribute the annual  
82.17 report by publication, mail, or electronic means to the commissioner, authorizer, school  
82.18 employees, and parents and legal guardians of students enrolled in the charter school and  
82.19 also must post the report on the charter school's official Web site. The reports are public  
82.20 data under chapter 13.

82.21 Subd. 15. **Review and comment.** (a) ~~The department must review and comment on~~  
82.22 ~~the evaluation, by the sponsor, of the performance of a charter school before the charter~~  
82.23 ~~school's contract is renewed for another contract term. The sponsor must submit to~~  
82.24 ~~the commissioner timely information for the review and comment. The commissioner~~  
82.25 must review and comment on the authorizer's performance evaluation process at the  
82.26 time the authorizer submits its application for approval as an authorizer and each time  
82.27 the authorizer undergoes its five-year review under subdivision 3, paragraph (f). Before  
82.28 renewing a charter contract, the authorizer shall provide the commissioner with a formal,  
82.29 written evaluation of the school's performance.

82.30 (b) ~~A sponsor~~ An authorizer shall monitor and evaluate the fiscal and student  
82.31 performance of the school, and may for this purpose annually assess a charter school: ~~(1)~~  
82.32 ~~in its first, second, or third year of operation up to \$30 per student up to a maximum of~~  
82.33 ~~\$10,000; and (2) in its fourth or a subsequent year of operation up to \$10 per student up to~~  
82.34 ~~a maximum of \$3,500~~ a fee according to paragraph (c).

82.35 (c) The minimum fee that each charter school pays to an authorizer is the basic  
82.36 formula allowance for that year. Beginning in fiscal year 2013, the maximum fee is four

83.1 times the formula allowance for that year. Beginning in fiscal year 2013, each charter  
83.2 school's fee, subject to the minimum and maximum fees, equals the product of .015, the  
83.3 formula allowance for that year, and the charter school's adjusted marginal cost pupil  
83.4 units for that year.

83.5 (d) Notwithstanding paragraph (c), the following charter school fees apply, subject  
83.6 to the minimum and maximum fee in paragraph (c):

83.7 (1) for fiscal year 2010 only, each charter school's fee equals the product of .01, the  
83.8 formula allowance for that year, and the charter school's adjusted marginal cost pupil units  
83.9 for that year and the maximum fee is two times the basic formula allowance for that year;

83.10 (2) for fiscal year 2011 only, each charter school's fee equals the product of .01, the  
83.11 formula allowance for that year, and the charter school's adjusted marginal cost pupil  
83.12 units for that year and the maximum fee is three times the basic formula allowance for  
83.13 that year; and

83.14 (3) for fiscal year 2012 only, each charter school's fee equals the product of .013, the  
83.15 formula allowance for that year, and the charter school's adjusted marginal cost pupil units  
83.16 for that year and the maximum fee is four times the basic formula allowance for that year.

83.17 (e) For the preoperational planning period, the authorizer may assess a charter school  
83.18 the formula allowance for one pupil unit.

83.19 (f) Each year by September 30, an authorizer shall submit to the commissioner a  
83.20 statement of expenditures related to authorizing activities during the previous school year  
83.21 ending on June 30. The authorizer must transmit a copy of the statement to all schools  
83.22 chartered by the authorizer.

83.23 Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation  
83.24 by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of  
83.25 operation must notify the district in which the school is located and the Department of  
83.26 Education if it will provide its own transportation or use the transportation services of the  
83.27 district in which it is located for the fiscal year.

83.28 (b) If a charter school elects to provide transportation for pupils, the transportation  
83.29 must be provided by the charter school within the district in which the charter school is  
83.30 located. The state must pay transportation aid to the charter school according to section  
83.31 124D.11, subdivision 2.

83.32 For pupils who reside outside the district in which the charter school is located, the  
83.33 charter school is not required to provide or pay for transportation between the pupil's  
83.34 residence and the border of the district in which the charter school is located. A parent  
83.35 may be reimbursed by the charter school for costs of transportation from the pupil's  
83.36 residence to the border of the district in which the charter school is located if the pupil is

84.1 from a family whose income is at or below the poverty level, as determined by the federal  
 84.2 government. The reimbursement may not exceed the pupil's actual cost of transportation  
 84.3 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for  
 84.4 more than 250 miles per week.

84.5 At the time a pupil enrolls in a charter school, the charter school must provide the  
 84.6 parent or guardian with information regarding the transportation.

84.7 (c) If a charter school does not elect to provide transportation, transportation for  
 84.8 pupils enrolled at the school must be provided by the district in which the school is  
 84.9 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a  
 84.10 pupil residing in the same district in which the charter school is located. Transportation  
 84.11 may be provided by the district in which the school is located, according to sections  
 84.12 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different  
 84.13 district. If the district provides the transportation, the scheduling of routes, manner and  
 84.14 method of transportation, control and discipline of the pupils, and any other matter relating  
 84.15 to the transportation of pupils under this paragraph shall be within the sole discretion,  
 84.16 control, and management of the district.

84.17 Subd. 17. **Leased space.** (a) A charter school may lease space from a an  
 84.18 independent or special school board eligible to be a sponsor or an authorizer, other public  
 84.19 or organization, private, nonprofit nonsectarian organization, private property owner,  
 84.20 or a sectarian organization if the leased space is constructed as a school facility. The  
 84.21 department must review and approve or disapprove leases in a timely manner. If a charter  
 84.22 school is unable to lease appropriate space from an eligible board or other public or private  
 84.23 nonprofit nonsectarian organization, the school may lease space from another nonsectarian  
 84.24 organization if the Department of Education, in consultation with the Department of  
 84.25 Administration, approves the lease. If the school is unable to lease appropriate space from  
 84.26 public or private nonsectarian organizations, the school may lease space from a sectarian  
 84.27 organization if the leased space is constructed as a school facility and the Department of  
 84.28 Education, in consultation with the Department of Administration, approves the lease.  
 84.29 The lease aid payments for charter schools that lease a facility from a school district or  
 84.30 other government entity is limited to the same level of lease aid as defined in Minnesota  
 84.31 Statutes 2008, section 124D.11, subdivision 4.

84.32 (b) Upon approval of the authorizer, a charter school that has operated at least five  
 84.33 consecutive years may form a separate affiliated nonprofit building company to provide a  
 84.34 school facility. The authorizer shall submit a supplemental affidavit to the commissioner  
 84.35 stating that the authorizer has reviewed:

84.36 (1) the school's feasibility study on facility options;



85.1 (2) documents showing the school's need and projected enrollment for such a  
85.2 facility; and

85.3 (3) the school's financial plan and financial status.

85.4 The school is prohibited from organizing the nonprofit building company until the  
85.5 authorizer files a supplementary affidavit with the commissioner and receives approval  
85.6 from the commissioner.

85.7 (c) A charter school that leases a facility from a building company under paragraph  
85.8 (b) must include in its lease agreement a clause that recognizes the reductions in lease aid  
85.9 applicable under section 124D.11, subdivision 4, when the bonds or mortgage to cover the  
85.10 original purchase and renovation or construction of the facility have been retired.

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

85.16 Subd. 19. **Disseminate information.** (a) The sponsor authorizer, the operators, and  
85.17 the Department of Education department must disseminate information to the public  
85.18 on how to form and operate a charter school and. Charter schools must disseminate  
85.19 information about how to utilize use the offerings of a charter school. Particular Targeted  
85.20 groups to be targeted include low-income families and communities, and students of  
85.21 color, and students who are at risk of academic failure.

85.22 (b) Authorizers, operators, and the department also may disseminate information  
85.23 about the successful best practices in teaching and learning demonstrated by charter  
85.24 schools.

85.25 Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district  
85.26 makes a written request for an extended leave of absence to teach at a charter school,  
85.27 the district must grant the leave. The district must grant a leave not to exceed a total of  
85.28 five years. Any request to extend the leave shall be granted only at the discretion of the  
85.29 school board. The district may require that the request for a leave or extension of leave  
85.30 be made up to 90 days before the teacher would otherwise have to report for duty before  
85.31 February 1 in the school year preceding the school year in which the teacher intends  
85.32 to leave, or February 1 of the calendar year in which the teacher's leave is scheduled  
85.33 to terminate. Except as otherwise provided in this subdivision and except for section  
85.34 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but not  
85.35 limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

86.1 During a leave, the teacher may continue to aggregate benefits and credits in the  
 86.2 Teachers' Retirement Association account ~~by paying both the employer and employee~~  
 86.3 ~~contributions based upon the annual salary of the teacher for the last full pay period before~~  
 86.4 ~~the leave began. The retirement association may impose reasonable requirements to~~  
 86.5 ~~efficiently administer this subdivision~~ under chapters 354 and 354A, consistent with  
 86.6 subdivision 22.

86.7 Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter  
 86.8 school may, if otherwise eligible, organize under chapter 179A and comply with its  
 86.9 provisions. The board of directors of a charter school is a public employer, for the  
 86.10 purposes of chapter 179A, upon formation of one or more bargaining units at the school.  
 86.11 Bargaining units at the school must be separate from any other units within ~~the sponsoring~~  
 86.12 an authorizing district, except that bargaining units may remain part of the appropriate  
 86.13 unit within ~~the sponsoring~~ an authorizing district, if the employees of the school, the  
 86.14 board of directors of the school, the exclusive representative of the appropriate unit in the  
 86.15 ~~sponsoring~~ authorizing district, and the board of the ~~sponsoring~~ authorizing district agree  
 86.16 to include the employees in the appropriate unit of the ~~sponsoring~~ authorizing district.

86.17 Subd. 22. **Teacher and other employee retirement.** (a) Teachers in a charter  
 86.18 school must be public school teachers for the purposes of chapters 354 and 354a.

86.19 (b) Except for teachers under paragraph (a), employees in a charter school must be  
 86.20 public employees for the purposes of chapter 353.

86.21 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)  
 86.22 The duration of the contract with a ~~sponsor~~ authorizer must be for the term contained in  
 86.23 the contract according to subdivision 6. The ~~sponsor~~ authorizer may or may not renew a  
 86.24 contract at the end of the term for any ground listed in paragraph (b). A ~~sponsor~~ authorizer  
 86.25 may unilaterally terminate a contract during the term of the contract for any ground  
 86.26 listed in paragraph (b). At least 60 days before not renewing or terminating a contract,  
 86.27 the ~~sponsor~~ authorizer shall notify the board of directors of the charter school of the  
 86.28 proposed action in writing. The notice shall state the grounds for the proposed action in  
 86.29 reasonable detail and that the charter school's board of directors may request in writing an  
 86.30 informal hearing before the ~~sponsor~~ authorizer within ~~14~~ 15 business days of receiving  
 86.31 notice of nonrenewal or termination of the contract. Failure by the board of directors to  
 86.32 make a written request for a hearing within the ~~14-day~~ 15-business-day period shall be  
 86.33 treated as acquiescence to the proposed action. Upon receiving a timely written request  
 86.34 for a hearing, the ~~sponsor~~ authorizer shall give ~~reasonable~~ ten business days' notice to  
 86.35 the charter school's board of directors of the hearing date. The ~~sponsor~~ authorizer shall  
 86.36 conduct an informal hearing before taking final action. The ~~sponsor~~ authorizer shall take

87.1 final action to renew or not renew a contract ~~by the last day of classes in the school year.~~  
 87.2 ~~If the sponsor is a local board, the school's board of directors may appeal the sponsor's~~  
 87.3 ~~decision to the commissioner~~ no later than 20 business days before the proposed date for  
 87.4 terminating the contract or the end date of the contract.

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

87.6 (1) failure to meet the requirements for pupil performance contained in the contract;

87.7 (2) failure to meet generally accepted standards of fiscal management;

87.8 (3) violations of law; or

87.9 (4) other good cause shown.

87.10 If a contract is terminated or not renewed under this paragraph, the school must be  
 87.11 dissolved according to the applicable provisions of chapter 308A or 317A, ~~except when~~  
 87.12 ~~the commissioner approves the decision of a different eligible sponsor to authorize the~~  
 87.13 ~~charter school.~~

87.14 (c) ~~If at the end of a contract term, either the sponsor or authorizer and the charter~~  
 87.15 ~~school board of directors wants~~ mutually agree to voluntarily terminate or not renew  
 87.16 the contract, a change in sponsors authorizers is allowed if the commissioner approves  
 87.17 the ~~decision of transfer to a different eligible sponsor~~ approved authorizer to authorize  
 87.18 charter the charter school. ~~The party intending to terminate the contract must notify the~~  
 87.19 ~~other party and the commissioner of its intent at least 90 days before the date on which the~~  
 87.20 ~~contract ends.~~ Both parties jointly must submit their intent in writing to the commissioner  
 87.21 to mutually terminate the contract. The sponsor authorizer that is a party to the existing  
 87.22 contract ~~at least~~ must inform the approved ~~different eligible sponsor~~ new authorizer about  
 87.23 the fiscal and operational status, and student performance of the school. If no ~~different~~  
 87.24 ~~eligible sponsor~~ transfer of authorizer is approved, the school must be dissolved according  
 87.25 to applicable law and the terms of the contract.

87.26 (d) The commissioner, after providing reasonable notice to the board of directors of  
 87.27 a charter school and the existing sponsor authorizer, and after providing an opportunity for  
 87.28 a public hearing, may terminate the existing ~~sponsorial relationship~~ contract between the  
 87.29 authorizer and the charter school board if the charter school has a history of:

87.30 (1) failure to meet pupil performance requirements contained in the contract;

87.31 (2) financial mismanagement or failure to meet generally accepted standards of  
 87.32 fiscal management; or

87.33 ~~(2)~~ (3) repeated or major violations of the law.

87.34 (e) If the commissioner terminates a charter school contract because the authorizer  
 87.35 fails to comply with subdivision 3, paragraph (g), the commissioner shall provide the  
 87.36 charter school with information about other eligible authorizers.

88.1 Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from  
 88.2 entering a lease of real property with a related party ~~as defined in subdivision 26~~, unless  
 88.3 the lessor is a nonprofit corporation under chapter 317A or a cooperative under chapter  
 88.4 308A, and the lease cost is reasonable under section 124D.11, subdivision 4, clause (1).

88.5 (b) For purposes of this section and section 124D.11:

88.6 (1) "related party" means an affiliate or immediate relative of the other party in  
 88.7 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

88.8 (2) "affiliate" means a person that directly or indirectly, through one or more  
 88.9 intermediaries, controls, is controlled by, or is under common control with another person;

88.10 (3) "immediate family" means an individual whose relationship by blood, marriage,  
 88.11 adoption, or partnering is no more remote than first cousin;

88.12 (4) "person" means an individual or entity of any kind; and

88.13 (5) "control" means the ability to affect the management, operations, or policy  
 88.14 actions or decisions of a person, whether through ownership of voting securities, by  
 88.15 contract, or otherwise.

88.16 (c) A lease of real property to be used for a charter school, not excluded in paragraph  
 88.17 (a), must contain the following statement: "This lease is subject to Minnesota Statutes,  
 88.18 section 124D.10, subdivision 23a."

88.19 ~~(c)~~ (d) If a charter school enters into as lessee a lease with a related party and the  
 88.20 charter school subsequently closes, the commissioner has the right to recover from the  
 88.21 lessor any lease payments in excess of those that are reasonable under section 124D.11,  
 88.22 subdivision 4, clause (1).

88.23 Subd. 24. **Pupil enrollment upon nonrenewal or termination of charter school**  
 88.24 **contract.** If a contract is not renewed or is terminated according to subdivision 23, a  
 88.25 pupil who attended the school, siblings of the pupil, or another pupil who resides in the  
 88.26 same place as the pupil may enroll in the resident district or may submit an application  
 88.27 to a nonresident district according to section 124D.03 at any time. Applications and  
 88.28 notices required by section 124D.03 must be processed and provided in a prompt manner.  
 88.29 The application and notice deadlines in section 124D.03 do not apply under these  
 88.30 circumstances. The closed charter school must transfer the student's educational records  
 88.31 within ten business days of closure to the student's school district of residence where the  
 88.32 records must be retained or transferred under section 120A.22, subdivision 7.

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

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

89.1 (c) The commissioner, ~~a sponsor~~ an authorizer, members of the board of ~~a sponsor~~  
 89.2 an authorizer in ~~their~~ official capacity, and employees of ~~a sponsor~~ an authorizer are  
 89.3 immune from civil or criminal liability with respect to all activities related to a charter  
 89.4 school they approve or ~~sponsor~~ authorize. The board of directors shall obtain at least  
 89.5 the amount of and types of insurance ~~required by the contract, according to subdivision~~  
 89.6 ~~6:~~ up to the applicable tort liability limits under chapter 466. The charter school board  
 89.7 must submit a copy of the insurance policy to its authorizer before starting operations.  
 89.8 The charter school board must submit changes in its insurance carrier or policy to its  
 89.9 authorizer within 20 business days of the change.

89.10 ~~Subd. 26. Definitions. For purposes of this section and section 124D.11:~~

89.11 ~~(1) A "Related party" is an affiliate or close relative of the other party in question, an~~  
 89.12 ~~affiliate of a close relative, or a close relative of an affiliate.~~

89.13 ~~(2) "Affiliate" means a person that directly, or indirectly through one or more~~  
 89.14 ~~intermediaries, controls, or is controlled by, or is under common control with, another~~  
 89.15 ~~person.~~

89.16 ~~(3) "Close relative" means an individual whose relationship by blood, marriage, or~~  
 89.17 ~~adoption to another individual is no more remote than first cousin.~~

89.18 ~~(4) "Person" means an individual or entity of any kind.~~

89.19 ~~(5) "Control" includes the terms "controlling," "controlled by," and "under common~~  
 89.20 ~~control with" and means the possession, direct or indirect, of the power to direct or cause~~  
 89.21 ~~the direction of the management, operations, or policies of a person, whether through the~~  
 89.22 ~~ownership of voting securities, by contract, or otherwise.~~

89.23 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment  
 89.24 and applies beginning August 1, 2009, unless otherwise specified in this effective date.

89.25 (b) Subdivision 3, paragraph (b), clause (2), applies to an authorizer seeking  
 89.26 approval to charter a school after the effective date of this act. The changes in subdivision  
 89.27 3, paragraph (b), clause (2), shall not apply to a sponsor under Minnesota Statutes 2008,  
 89.28 section 124D.10, that is a party to a charter contract on the effective date of this act  
 89.29 except that subdivision 3, paragraph (b), clause (2), item (iv), applies to such sponsors  
 89.30 beginning July 1, 2012.

89.31 Sec. 41. Minnesota Statutes 2008, section 124D.11, subdivision 4, is amended to read:

89.32 Subd. 4. **Building lease aid.** (a) When a charter school finds it economically  
 89.33 advantageous to rent or lease a building or land for any instructional purposes and it  
 89.34 determines that the total operating capital revenue under section 126C.10, subdivision 13,  
 89.35 is insufficient for this purpose, it may apply to the commissioner for building lease aid

90.1 for this purpose. The commissioner must review and either approve or deny a lease aid  
90.2 application using the following criteria:

- 90.3 (1) the reasonableness of the price based on current market values;  
90.4 (2) the extent to which the lease conforms to applicable state laws and rules; and  
90.5 (3) the appropriateness of the proposed lease in the context of the space needs and  
90.6 financial circumstances of the charter school.

90.7 A charter school must not use the building lease aid it receives for custodial, maintenance  
90.8 service, utility, or other operating costs. The amount of building lease aid per pupil unit  
90.9 served for a charter school for any year shall not exceed the lesser of (a) 90 percent of  
90.10 the approved cost or (b) the product of the pupil units served for the current school year  
90.11 times the greater of the charter school's building lease aid per pupil unit served for fiscal  
90.12 year 2003, excluding the adjustment under Laws 2002, chapter 392, article 6, section 4,  
90.13 or \$1,200.

90.14 (b) A charter school using lease aid to make payments to a building corporation,  
90.15 school district, or other governmental entity for the purpose of retiring the debt on that  
90.16 building is eligible for the amount of lease aid calculated under paragraph (a) until  
90.17 such time as the bonds or mortgage to cover the original purchase and renovation or  
90.18 construction are retired. For each subsequent year, the charter school is eligible for lease  
90.19 aid equal to 50 percent of the maximum lease aid amount in paragraph (a) unless the  
90.20 commissioner approves an expansion of the charter school facility, in which case the  
90.21 charter school is eligible for the full amount of lease aid under paragraph (a) until the  
90.22 additional debt is retired.

90.23 **EFFECTIVE DATE.** This section is effective the day following final enactment  
90.24 and applies beginning August 1, 2009.

90.25 Sec. 42. Minnesota Statutes 2008, section 124D.11, subdivision 9, is amended to read:

90.26 Subd. 9. **Payment of aids to charter schools.** (a) Notwithstanding section  
90.27 127A.45, subdivision 3, aid payments for the current fiscal year to a charter school ~~not in~~  
90.28 ~~its first year of operation~~ shall be of an equal amount on each of the ~~23~~ 24 payment dates.  
90.29 ~~A charter school in its first year of operation shall receive, on its first payment date, ten~~  
90.30 ~~percent of its cumulative amount guaranteed for the year and 22 payments of an equal~~  
90.31 ~~amount thereafter the sum of which shall equal the current year aid payment percentage~~  
90.32 ~~multiplied by the cumulative amount guaranteed.~~

90.33 (b) Notwithstanding paragraph (a) and section 127A.45, for a charter school ceasing  
90.34 operation on or prior to the end of a school year, the current year aid payment percentage

91.1 ~~multiplied by the amount due for the school year may be paid to the school after audit~~  
91.2 ~~of prior fiscal year and current fiscal year pupil counts.~~ June 30 of a school year, for the  
91.3 payment periods occurring after the school ceases serving students, the commissioner shall  
91.4 withhold the estimated state aid owed the school. The charter school board of directors  
91.5 and authorizer must submit to the commissioner a closure plan under chapter 308A or  
91.6 317A, and financial information about the school's liabilities and assets. After receiving  
91.7 the closure plan, financial information, an audit of pupil counts, documentation of lease  
91.8 expenditures, and monitoring of special education expenditures, the commissioner may  
91.9 release cash withheld and may continue regular payments up to the current year payment  
91.10 percentages if further amounts are owed. If, based on audits and monitoring, the school  
91.11 received state aid in excess of the amount owed, the commissioner shall retain aid withheld  
91.12 sufficient to eliminate the aid overpayment. For a charter school ceasing operations  
91.13 prior to, or at the end of, a school year, notwithstanding section 127A.45, subdivision  
91.14 3, preliminary final payments may be made after receiving the closure plan, audit of  
91.15 pupil counts, monitoring of special education expenditures, and documentation of lease  
91.16 expenditures, and school submission of Uniform Financial Accounting and Reporting  
91.17 Standards (UFARS) financial data for the final year of operation. Final payment may be  
91.18 made upon receipt of audited financial statements under section 123B.77, subdivision 3.

91.19 (c) If a charter school fails to comply with the commissioner's directive to return,  
91.20 for cause, federal or state funds administered by the department, the commissioner may  
91.21 withhold an amount of state aid sufficient to satisfy the directive.

91.22 (d) If, within the timeline under section 471.425, a charter school fails to pay the state  
91.23 of Minnesota, a school district, intermediate school district, or service cooperative after  
91.24 receiving an undisputed invoice for goods and services, the commissioner may withhold  
91.25 an amount of state aid sufficient to satisfy the claim and shall distribute the withheld  
91.26 aid to the interested state agency, school district, intermediate school district, or service  
91.27 cooperative. An interested state agency, school district, intermediate school district, or  
91.28 education cooperative shall notify the commissioner when a charter school fails to pay an  
91.29 undisputed invoice within 75 business days of when it received the original invoice.

91.30 (e) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent  
91.31 of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day  
91.32 of student attendance for that school year.

91.33 ~~(d)~~ (f) In order to receive state aid payments under this subdivision, a charter school  
91.34 in its first three years of operation must submit a school calendar in the form and manner  
91.35 requested by the department and a quarterly report to the Department of Education. The  
91.36 report must list each student by grade, show the student's start and end dates, if any,

92.1 with the charter school, and for any student participating in a learning year program,  
92.2 the report must list the hours and times of learning year activities. The report must be  
92.3 submitted not more than two weeks after the end of the calendar quarter to the department.  
92.4 The department must develop a Web-based reporting form for charter schools to use  
92.5 when submitting enrollment reports. A charter school in its fourth and subsequent year of  
92.6 operation must submit a school calendar and enrollment information to the department in  
92.7 the form and manner requested by the department.

92.8 ~~(e)~~ (g) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter  
92.9 school and satisfaction of creditors, cash and investment balances remaining shall be  
92.10 returned to the state.

92.11 Sec. 43. Minnesota Statutes 2008, section 124D.128, subdivision 2, is amended to read:

92.12 Subd. 2. **Commissioner designation.** (a) ~~An area learning center~~ A state-approved  
92.13 alternative program designated by the state must be a site. ~~An area learning center~~ A  
92.14 state-approved alternative program must provide services to students who meet the criteria  
92.15 in section 124D.68 and who are enrolled in:

92.16 (1) a district that is served by the ~~center~~ state-approved alternative program; or

92.17 (2) a charter school located within the geographic boundaries of a district that is  
92.18 served by the ~~center~~ state-approved alternative program.

92.19 (b) A school district or charter school may be approved biennially by the state to  
92.20 provide additional instructional programming that results in grade level acceleration. The  
92.21 program must be designed so that students make grade progress during the school year  
92.22 and graduate prior to the students' peers.

92.23 (c) To be designated, a district, charter school, or ~~center~~ state-approved alternative  
92.24 program must demonstrate to the commissioner that it will:

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

92.27 (2) develop and maintain a separate record system that, for purposes of section  
92.28 126C.05, permits identification of membership attributable to pupils participating in the  
92.29 program. The record system and identification must ensure that the program will not have  
92.30 the effect of increasing the total average daily membership attributable to an individual  
92.31 pupil as a result of a learning year program. The record system must include the date the  
92.32 pupil originally enrolled in a learning year program, the pupil's grade level, the date of  
92.33 each grade promotion, the average daily membership generated in each grade level, the  
92.34 number of credits or standards earned, and the number needed to graduate.



93.1 (d) A student who has not completed a school district's graduation requirements  
 93.2 may continue to enroll in courses the student must complete in order to graduate until  
 93.3 the student satisfies the district's graduation requirements or the student is 21 years old,  
 93.4 whichever comes first.

93.5 Sec. 44. Minnesota Statutes 2008, section 124D.128, subdivision 3, is amended to read:

93.6 Subd. 3. **Student planning.** A district, charter school, or ~~area learning center~~  
 93.7 state-approved alternative program must inform all pupils and their parents about the  
 93.8 learning year program and that participation in the program is optional. A continual  
 93.9 learning plan must be developed at least annually for each pupil with the participation  
 93.10 of the pupil, parent or guardian, teachers, and other staff; each participant must sign and  
 93.11 date the plan. The plan must specify the learning experiences that must occur during the  
 93.12 entire fiscal year and are necessary for grade progression or, for secondary students,  
 93.13 graduation. The plan must include:

93.14 (1) the pupil's learning objectives and experiences, including courses or credits the  
 93.15 pupil plans to complete each year and, for a secondary pupil, the graduation requirements  
 93.16 the student must complete;

93.17 (2) the assessment measurements used to evaluate a pupil's objectives;

93.18 (3) requirements for grade level or other appropriate progression; and

93.19 (4) for pupils generating more than one average daily membership in a given grade,  
 93.20 an indication of which objectives were unmet.

93.21 The plan may be modified to conform to district schedule changes. The district may  
 93.22 not modify the plan if the modification would result in delaying the student's time of  
 93.23 graduation.

93.24 Sec. 45. Minnesota Statutes 2008, section 124D.42, subdivision 6, is amended to read:

93.25 Subd. 6. **Program training.** The commission must, within available resources:

93.26 (1) orient each grantee organization in the nature, philosophy, and purpose of the  
 93.27 program; and

93.28 (2) build an ethic of community service through general community service training;  
 93.29 and.

93.30 ~~(3) provide additional training as it determines necessary, which may include~~  
 93.31 ~~training in evaluating early literacy skills and teaching reading to preschool children~~  
 93.32 ~~through the St. Croix River Education District under Laws 2001, First Special Session~~  
 93.33 ~~chapter 6, article 2, section 70, to assist local Head Start organizations in establishing and~~  
 93.34 ~~evaluating Head Start programs for developing children's early literacy skills.~~

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

94.2 Sec. 46. Minnesota Statutes 2008, section 124D.42, is amended by adding a  
94.3 subdivision to read:

94.4 **Subd. 6a. Minnesota reading corps program.** (a) A Minnesota reading corps  
94.5 program is established to provide Americorps members with a data-based problem-solving  
94.6 model of literacy instruction to use in helping to train local Head Start program providers,  
94.7 other prekindergarten program providers, and staff in schools with students in kindergarten  
94.8 through grade 3 to evaluate and teach early literacy skills to children age 3 to grade 3.

94.9 (b) Literacy programs under this subdivision must comply with the provisions  
94.10 governing literacy program goals and data use under section 119A.50, subdivision 3,  
94.11 paragraph (b).

94.12 Sec. 47. Minnesota Statutes 2008, section 124D.68, subdivision 2, is amended to read:

94.13 **Subd. 2. Eligible pupils.** A pupil under the age of 21 or who meets the requirements  
94.14 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation  
94.15 incentives program, if the pupil:

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

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

94.20 (3) is pregnant or is a parent;

94.21 (4) has been assessed as chemically dependent;

94.22 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

94.23 (6) has been referred by a school district for enrollment in an eligible program or  
94.24 a program pursuant to section 124D.69;

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

94.26 (8) has experienced mental health problems;

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

94.29 (10) speaks English as a second language or has limited English proficiency; or

94.30 (11) has withdrawn from school or has been chronically truant; or

94.31 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or  
94.32 other life threatening illness or is the sibling of an eligible pupil who is being currently  
94.33 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary  
94.34 of the seven-county metropolitan area.

95.1 Sec. 48. Minnesota Statutes 2008, section 124D.68, subdivision 3, is amended to read:

95.2 Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2  
95.3 may enroll in ~~area learning centers~~ a state-approved alternative program under sections  
95.4 123A.05 to 123A.08.

95.5 (b) A pupil who is eligible according to subdivision 2 and who is ~~between the ages~~  
95.6 ~~of 16 and 21~~ a high school junior or senior may enroll in postsecondary courses under  
95.7 section 124D.09.

95.8 (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary  
95.9 or secondary education program.

95.10 (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic,  
95.11 nonsectarian school that has contracted with the serving school district to provide  
95.12 educational services. However, notwithstanding other provisions of this section, only a  
95.13 pupil who is eligible under subdivision 2, clause (12), may enroll in a contract alternative  
95.14 school that is specifically structured to provide educational services to such a pupil.

95.15 (e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic  
95.16 education programs approved under section 124D.52 and operated under the community  
95.17 education program contained in section 124D.19.

95.18 Sec. 49. Minnesota Statutes 2008, section 124D.68, subdivision 4, is amended to read:

95.19 Subd. 4. **Additional eligible program.** A pupil who is at least 16 years of age,  
95.20 who is eligible under subdivision 2, ~~clause (a)~~, and who has been enrolled only in a  
95.21 public school, if the pupil has been enrolled in any school, during the year immediately  
95.22 before transferring under this subdivision, may transfer to any nonpublic school that has  
95.23 contracted with the serving school district to provide nonsectarian educational services.  
95.24 The school must enroll every eligible pupil who seeks to transfer to the school under  
95.25 this program subject to available space.

95.26 Sec. 50. Minnesota Statutes 2008, section 124D.68, subdivision 5, is amended to read:

95.27 Subd. 5. **Pupil enrollment.** (a) Any eligible pupil may apply to enroll in an eligible  
95.28 program. Approval of the resident district is not required for:

95.29 (1) an eligible pupil to enroll in any eligible program in a nonresident district  
95.30 under subdivision 3 or 4 or ~~an area learning center~~ a state-approved alternative program  
95.31 established under section 123A.05; or

95.32 (2) an eligible pupil under subdivision 2, to enroll in an adult basic education  
95.33 program approved under section 124D.52.

96.1 (b) Notwithstanding paragraph (a), a nonresident district must first approve the  
 96.2 enrollment application of any eligible pupil who was expelled under section 121A.45 for a  
 96.3 reason stated in section 124D.03, subdivision 1, paragraph (b).

96.4 **EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and  
 96.5 later.

96.6 Sec. 51. Minnesota Statutes 2008, section 124D.83, subdivision 4, is amended to read:

96.7 Subd. 4. **Early childhood family education revenue.** A school receiving aid  
 96.8 under this section ~~is eligible~~ may apply annually to the commissioner to receive an early  
 96.9 childhood family education ~~revenue grant~~ grant to provide early childhood family education  
 96.10 programs for parents and children who are enrolled or eligible for enrollment in a federally  
 96.11 recognized tribe. ~~The revenue equals 1.5 times the statewide average expenditure per~~  
 96.12 ~~participant under section 124D.135, times the number of children and parents participating~~  
 96.13 ~~full time in the program.~~ The program must grant must be used for programs and services  
 96.14 that comply with section 124D.13, except that the school is not required to provide a  
 96.15 community education program or establish a community education advisory council. The  
 96.16 program must be designed to improve the skills of parents and promote American Indian  
 96.17 history, language, and culture. The school must make affirmative efforts to encourage  
 96.18 participation by fathers. Admission may not be limited to those enrolled in or eligible for  
 96.19 enrollment in a federally recognized tribe.

96.20 Sec. 52. Minnesota Statutes 2008, section 124D.86, subdivision 1, is amended to read:

96.21 Subdivision 1. **Use of revenue.** (a) An adjoining district that develops a plan under  
 96.22 Minnesota Rules, parts 3535.0160 and 3535.0170, is not required to implement the plan.

96.23 (b) Districts must use integration revenue under this section ~~must be used~~ for  
 96.24 programs established under a desegregation plan filed with the Department of Education  
 96.25 according to Minnesota Rules, parts 3535.0100 to 3535.0180, or under court order. The  
 96.26 revenue must be used ~~to create or enhance learning opportunities which are designed to~~  
 96.27 ~~provide opportunities~~ for students to have increased and sustained interracial contacts  
 96.28 and improved educational opportunities and outcomes designed to close the academic  
 96.29 achievement gap between white students and protected students as defined in Minnesota  
 96.30 Rules, part 3535.0110, subpart 4, through classroom experiences, staff initiatives, and  
 96.31 other educationally related programs, consistent with subdivision 1b.

96.32 **EFFECTIVE DATE.** This section is effective for the 2010-2011 school year and  
 96.33 later.

97.1 Sec. 53. Minnesota Statutes 2008, section 124D.86, subdivision 1a, is amended to read:

97.2 Subd. 1a. **Budget approval process.** Each year before a district receives any  
 97.3 revenue under subdivision 3, ~~clause (4), (5), or (6)~~, the district by April 1 must submit to  
 97.4 the Department of Education, for its review and approval by April 30 a budget detailing the  
 97.5 costs of the desegregation/integration plan filed under Minnesota Rules, parts 3535.0100  
 97.6 to 3535.0180. Notwithstanding chapter 14, the department may develop criteria for  
 97.7 budget approval, consistent with subdivision 1b. The department shall consult with the  
 97.8 Desegregation Advisory Board in developing these criteria. The criteria developed by the  
 97.9 department ~~should~~ must address, at a minimum, the following:

97.10 (1) budget items cannot be approved unless they are part of any overall desegregation  
 97.11 plan approved by the district for isolated sites or by the Multidistrict Collaboration  
 97.12 Council and ~~participation~~ participating individual members;

97.13 (2) the budget must indicate how revenue expenditures will be used specifically to  
 97.14 support increased ~~opportunities for~~ and sustained interracial ~~contact~~ contacts and improved  
 97.15 educational opportunities and outcomes designed to close the academic achievement  
 97.16 gap between white students and protected students as defined in Minnesota Rules, part  
 97.17 3535.0110, subpart 4, consistent with subdivision 1b;

97.18 (3) components of the budget to be considered by the department, including staffing,  
 97.19 curriculum, transportation, facilities, materials, and equipment and reasonable planning  
 97.20 costs, as determined by the department; and

97.21 (4) if plans are proposed to enhance existing programs, the total budget being  
 97.22 appropriated to the program must be included, indicating what part is to be funded using  
 97.23 integration revenue and what part is to be funded using other revenues.

97.24 **EFFECTIVE DATE.** This section is effective for the 2010-2011 school year and  
 97.25 later.

97.26 Sec. 54. Minnesota Statutes 2008, section 124D.86, subdivision 1b, is amended to read:

97.27 Subd. 1b. **Plan components.** Each year a district's board must approve the plans  
 97.28 submitted by each district under Minnesota Rules, parts 3535.0160 and 3535.0170,  
 97.29 ~~must be approved by the district's board each year~~ before integration revenue ~~will be is~~  
 97.30 awarded. If a district is applying for revenue for a plan that is part of a multidistrict  
 97.31 council, the individual district shall not receive revenue unless it ratifies the plan adopted  
 97.32 by its multidistrict council or approves a modified plan with a written explanation of  
 97.33 any modifications. Each plan shall ~~contain:~~

97.34 (1) ~~an identification of~~ identify the integration issues at the sites or districts covered  
 97.35 by Minnesota Rules, parts 3535.0100 to 3535.0180;

98.1 (2) ~~a description of~~ describe the community outreach that preceded the integration  
98.2 plan, such that the commissioner can determine whether the membership of the planning  
98.3 councils complied with the requirements of Minnesota Rules, parts 3535.0100 to  
98.4 3535.0180; ~~and~~

98.5 (3) ~~the~~ identify specific goals of the integration plan that is premised on valid and  
98.6 reliable measures, effective and efficient use of resources, and continuous adaptation of  
98.7 best practices;

98.8 (4) provide for implementing innovative and practical strategies and programs such  
98.9 as magnet schools, transportation, research-based programs to improve the performance of  
98.10 protected students with lower measured achievement on state or local assessments, staff  
98.11 development for teachers in cultural competency, formative assessments, and increased  
98.12 numbers of teachers of color that enable the district to achieve annual progress in realizing  
98.13 the goals in its plan; and

98.14 (5) establish valid and reliable longitudinal measures for the district to use in  
98.15 demonstrating to the commissioner the amount of progress it has achieved in realizing  
98.16 the goals in its plan.

98.17 By June 30 of the subsequent fiscal year, each district shall report to the commissioner in  
98.18 writing about the extent to which the integration goals identified in the plan were met.

98.19 **EFFECTIVE DATE.** This section is effective for the 2010-2011 school year and  
98.20 later.

98.21 Sec. 55. Minnesota Statutes 2008, section 126C.05, subdivision 15, is amended to read:

98.22 Subd. 15. **Learning year pupil units.** (a) When a pupil is enrolled in a learning  
98.23 year program under section 124D.128, an area learning center or an alternative learning  
98.24 program approved by the commissioner under sections 123A.05 and 123A.06, ~~an~~  
98.25 ~~alternative program approved by the commissioner,~~ or a contract alternative program  
98.26 under section 124D.68, subdivision 3, paragraph (d), or subdivision 3a, for more than  
98.27 1,020 hours in a school year for a secondary student, more than 935 hours in a school year  
98.28 for an elementary student, or more than 425 hours in a school year for a kindergarten  
98.29 student without a disability, that pupil may be counted as more than one pupil in average  
98.30 daily membership for purposes of section 126C.10, subdivision 2a. The amount in excess  
98.31 of one pupil must be determined by the ratio of the number of hours of instruction  
98.32 provided to that pupil in excess of: (i) the greater of 1,020 hours or the number of hours  
98.33 required for a full-time secondary pupil in the district to 1,020 for a secondary pupil; (ii)  
98.34 the greater of 935 hours or the number of hours required for a full-time elementary pupil

99.1 in the district to 935 for an elementary pupil in grades 1 through 6; and (iii) the greater of  
 99.2 425 hours or the number of hours required for a full-time kindergarten student without a  
 99.3 disability in the district to 425 for a kindergarten student without a disability. Hours that  
 99.4 occur after the close of the instructional year in June shall be attributable to the following  
 99.5 fiscal year. A kindergarten student must not be counted as more than 1.2 pupils in average  
 99.6 daily membership under this subdivision. A student in grades 1 through 12 must not be  
 99.7 counted as more than 1.2 pupils in average daily membership under this subdivision.

99.8 (b)(i) To receive general education revenue for a pupil in an area learning center  
 99.9 or alternative learning program that has an independent study component, a district  
 99.10 must meet the requirements in this paragraph. The district must develop, for the pupil,  
 99.11 a continual learning plan consistent with section 124D.128, subdivision 3. Each school  
 99.12 district that has ~~a state-approved public~~ an area learning center or alternative learning  
 99.13 program must reserve revenue in an amount equal to at least 90 percent of the district  
 99.14 average general education revenue per pupil unit ~~less compensatory revenue per pupil~~  
 99.15 ~~unit~~, minus an amount equal to the product of the formula allowance according to section  
 99.16 126C.10, subdivision 2, times .0485, calculated without basic skills and transportation  
 99.17 sparsity revenue, times the number of pupil units generated by students attending a  
 99.18 ~~state-approved public~~ an area learning center or alternative learning program. The amount  
 99.19 of reserved revenue available under this subdivision may only be spent for program costs  
 99.20 associated with the ~~state-approved public~~ area learning center or alternative learning  
 99.21 program. ~~Compensatory revenue must be allocated according to section 126C.15,~~  
 99.22 ~~subdivision 2.~~ Basic skills revenue generated according to section 126C.10, subdivision 4,  
 99.23 by pupils attending the eligible program must be allocated to the program.

99.24 (ii) General education revenue for a pupil in ~~an approved~~ a state-approved  
 99.25 alternative program without an independent study component must be prorated for a  
 99.26 pupil participating for less than a full year, or its equivalent. The district must develop a  
 99.27 continual learning plan for the pupil, consistent with section 124D.128, subdivision 3.  
 99.28 Each school district that has ~~a state-approved public~~ an area learning center or alternative  
 99.29 learning program must reserve revenue in an amount equal to at least 90 percent of the  
 99.30 district average general education revenue per pupil unit ~~less compensatory revenue per~~  
 99.31 ~~pupil unit~~, minus an amount equal to the product of the formula allowance according  
 99.32 to section 126C.10, subdivision 2, times .0485, calculated without basic skills and  
 99.33 transportation sparsity revenue, times the number of pupil units generated by students  
 99.34 attending ~~a state-approved public~~ an area learning center or alternative learning program.  
 99.35 The amount of reserved revenue available under this subdivision may only be spent for  
 99.36 program costs associated with the ~~state-approved public~~ area learning center or alternative

100.1 learning program. ~~Compensatory revenue must be allocated according to section 126C.15,~~  
 100.2 ~~subdivision 2.~~ Basic skills revenue generated according to section 126C.10, subdivision 4,  
 100.3 by pupils attending the eligible program must be allocated to the program.

100.4 (iii) General education revenue for a pupil in ~~an approved~~ a state-approved  
 100.5 alternative program that has an independent study component must be paid for each hour  
 100.6 of teacher contact time and each hour of independent study time completed toward a  
 100.7 credit or graduation standards necessary for graduation. Average daily membership for a  
 100.8 pupil shall equal the number of hours of teacher contact time and independent study  
 100.9 time divided by 1,020.

100.10 (iv) For ~~an~~ a state-approved alternative program having an independent study  
 100.11 component, the commissioner shall require a description of the courses in the program, the  
 100.12 kinds of independent study involved, the expected learning outcomes of the courses, and  
 100.13 the means of measuring student performance against the expected outcomes.

100.14 Sec. 56. Minnesota Statutes 2008, section 126C.05, subdivision 20, is amended to read:

100.15 Subd. 20. **Project-based average daily membership.** (a) Project-based is an  
 100.16 instructional program where students complete coursework for credit at an individual pace  
 100.17 that is primarily student-led and may be completed on site, in the community, or online. A  
 100.18 project-based program may be made available to all or designated students and grades  
 100.19 in a school. To receive general education revenue for a pupil enrolled in a public school  
 100.20 with a project-based program, a school must meet the requirements in this paragraph.  
 100.21 The school must:

100.22 (1) ~~register with the commissioner as a project-based program by May 30 of the~~  
 100.23 ~~preceding fiscal year~~ apply and receive approval from the commissioner as a project-based  
 100.24 program at least 90 days prior to starting the program;

100.25 (2) provide a minimum teacher contact of no less than one hour per week per  
 100.26 project-based credit for each pupil;

100.27 (3) ensure that the program will not increase the total average daily membership  
 100.28 generated by the student and that there will be the expectation that the students will be  
 100.29 making typical progression towards high school graduation;

100.30 ~~(3)~~ (4) maintain a record system that shows when each credit or portion thereof was  
 100.31 reported for membership for each pupil; and

100.32 ~~(4)~~ (5) report pupil membership consistent with paragraph (b).

100.33 (b) The commissioner must develop a formula for reporting pupil membership to  
 100.34 compute average daily membership for each ~~registered~~ approved project-based ~~school~~



101.1 program. Average daily membership for a pupil in ~~a registered~~ an approved project-based  
101.2 program is the lesser of:

101.3 (1) 1.0; or

101.4 (2) the ratio of (i) the number of membership hours generated by project-based  
101.5 credits completed during the school year plus membership hours generated by credits  
101.6 completed in a seat-based setting to (ii) the annual required instructional hours at that  
101.7 grade level. Membership hours for a partially completed project-based credit must be  
101.8 prorated. General education revenue for a pupil in a project-based program must be  
101.9 prorated for a pupil participating for less than a full year, or its equivalent.

101.10 (c) For a program that has not been approved by the commissioner for project-based  
101.11 learning but an auditor or other site visit deems that any portion or credits awarded  
101.12 by the school are project-based, student membership must be computed according to  
101.13 paragraph (b).

101.14 Sec. 57. Minnesota Statutes 2008, section 126C.10, subdivision 34, is amended to read:

101.15 Subd. 34. **Basic alternative teacher compensation aid.** (a) For fiscal years  
101.16 2007 ~~and later~~, 2008, and 2009, the basic alternative teacher compensation aid for a  
101.17 school district with a plan approved under section 122A.414, subdivision 2b, equals ~~65~~  
101.18 73.1 percent of the alternative teacher compensation revenue under section 122A.415,  
101.19 subdivision 1. The basic alternative teacher compensation aid for an intermediate school  
101.20 district or charter school with a plan approved under section 122A.414, subdivisions 2a  
101.21 and 2b, if the recipient is a charter school, equals \$260 times the number of pupils enrolled  
101.22 in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal  
101.23 year for a charter school in the first year of operation, times the ratio of the sum of the  
101.24 alternative teacher compensation aid and alternative teacher compensation levy for all  
101.25 participating school districts to the maximum alternative teacher compensation revenue  
101.26 for those districts under section 122A.415, subdivision 1.

101.27 (b) For fiscal years 2010 and later, the basic alternative teacher compensation aid for  
101.28 a school with a plan approved under section 122A.414, subdivision 2b, equals 65 percent  
101.29 of the alternative teacher compensation revenue under section 122A.415, subdivision 1.  
101.30 The basic alternative teacher compensation aid for an intermediate school district or  
101.31 charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if  
101.32 the recipient is a charter school, equals \$260 times the number of pupils enrolled in the  
101.33 school on October 1 of the previous year, or on October 1 of the current year for a charter  
101.34 school in the first year of operation, times the ratio of the sum of the alternative teacher  
101.35 compensation aid and alternative teacher compensation levy for all participating school

102.1 districts to the maximum alternative teacher compensation revenue for those districts  
 102.2 under section 122A.415, subdivision 1.

102.3 ~~(b)~~ (c) Notwithstanding paragraphs (a) and (b) and section 122A.415, subdivision  
 102.4 1, the state total basic alternative teacher compensation aid entitlement must not exceed  
 102.5 \$75,636,000 for fiscal year 2007 and later. The commissioner must limit the amount  
 102.6 of alternative teacher compensation aid approved under section 122A.415 so as not to  
 102.7 exceed these limits.

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

102.9 Sec. 58. **[127A.70] MINNESOTA P-20 EDUCATION PARTNERSHIP.**

102.10 Subdivision 1. Establishment; membership. A P-20 education partnership is  
 102.11 established to create a seamless system of education that maximizes achievements of  
 102.12 all students, from early childhood through elementary, secondary, and postsecondary  
 102.13 education, while promoting the efficient use of financial and human resources. The  
 102.14 partnership shall consist of major statewide educational groups or constituencies or  
 102.15 noneducational statewide organizations with a stated interest in P-20 education. The initial  
 102.16 membership of the partnership includes the members serving on the Minnesota P-16  
 102.17 Education Partnership and four legislators appointed as follows:

102.18 (1) one senator from the majority party and one senator from the minority party,  
 102.19 appointed by the Subcommittee on Committees of the Committee on Rules and  
 102.20 Administration; and

102.21 (2) one member of the house of representatives appointed by the speaker of the  
 102.22 house and one member appointed by the minority leader of the house of representatives.

102.23 The chair of the P-16 education partnership must convene the first meeting of the  
 102.24 P-20 partnership. Prospective members may be nominated by any partnership member and  
 102.25 new members will be added with the approval of a two-thirds majority of the partnership.  
 102.26 The partnership will also seek input from nonmember organizations whose expertise can  
 102.27 help inform the partnership's work.

102.28 Partnership members shall be represented by the chief executives, presidents, or  
 102.29 other formally designated leaders of their respective organizations, or their designees. The  
 102.30 partnership shall meet at least three times during each calendar year.

102.31 Subd. 2. Powers and duties; report. The partnership shall develop  
 102.32 recommendations to the governor and the legislature designed to maximize the  
 102.33 achievement of all P-20 students while promoting the efficient use of state resources,  
 102.34 thereby helping the state realize the maximum value for its investment. These

103.1 recommendations may include, but are not limited to, strategies, policies, or other actions  
 103.2 focused on:

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

103.5 (2) improving preparation for, and transitions to, postsecondary education and  
 103.6 work; and

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

103.10 By January 15 of each year, the partnership shall submit a report to the governor  
 103.11 and to the chairs and ranking minority members of the legislative committees and  
 103.12 divisions with jurisdiction over P-20 education policy and finance that summarizes the  
 103.13 partnership's progress in meeting its goals and identifies the need for any draft legislation  
 103.14 when necessary to further the goals of the partnership to maximize student achievement  
 103.15 while promoting efficient use of resources.

103.16 Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, the partnership  
 103.17 is permanent and does not expire.

103.18 Sec. 59. Minnesota Statutes 2008, section 171.05, subdivision 2, is amended to read:

103.19 Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision  
 103.20 in subdivision 1 to the contrary, the department may issue an instruction permit to an  
 103.21 applicant who is 15, 16, or 17 years of age and who:

103.22 (1) has completed a course of driver education in another state, has a previously  
 103.23 issued valid license from another state, or is enrolled in either:

103.24 (i) a public, private, or commercial driver education program that is approved by  
 103.25 the commissioner of public safety and that includes classroom and behind-the-wheel  
 103.26 training; or

103.27 (ii) an approved behind-the-wheel driver education program when the student is  
 103.28 receiving full-time instruction in a home school within the meaning of sections 120A.22  
 103.29 and 120A.24, the student is working toward a homeschool diploma, ~~the student's status~~  
 103.30 ~~as a homeschool student has been certified by the superintendent of the school district in~~  
 103.31 ~~which the student resides, and the student is taking home-classroom driver training with~~  
 103.32 classroom materials approved by the commissioner of public safety, and the student's  
 103.33 parent or guardian has certified the student's homeschool and home-classroom driver  
 103.34 training status on the form approved by the commissioner;

103.35 (2) has completed the classroom phase of instruction in the driver education program;

- 104.1 (3) has passed a test of the applicant's eyesight;
- 104.2 (4) has passed a department-administered test of the applicant's knowledge of traffic
- 104.3 laws;
- 104.4 (5) has completed the required application, which must be approved by (i) either
- 104.5 parent when both reside in the same household as the minor applicant or, if otherwise, then
- 104.6 (ii) the parent or spouse of the parent having custody or, in the event there is no court order
- 104.7 for custody, then (iii) the parent or spouse of the parent with whom the minor is living
- 104.8 or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or,
- 104.9 in the event a person under the age of 18 has no living father, mother, or guardian, or is
- 104.10 married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close
- 104.11 family member, or adult employer; provided, that the approval required by this clause
- 104.12 contains a verification of the age of the applicant and the identity of the parent, guardian,
- 104.13 adult spouse, adult close family member, or adult employer; and
- 104.14 (6) has paid the fee required in section 171.06, subdivision 2.
- 104.15 (b) For the purposes of determining compliance with the certification of paragraph
- 104.16 (a), clause (1), item (ii), the commissioner may request verification of a student's
- 104.17 homeschool status from the superintendent of the school district in which the student
- 104.18 resides and the superintendent shall provide that verification.
- 104.19 (c) The instruction permit is valid for two years from the date of application and
- 104.20 may be renewed upon payment of a fee equal to the fee for issuance of an instruction
- 104.21 permit under section 171.06, subdivision 2.

104.22 Sec. 60. Minnesota Statutes 2008, section 171.17, subdivision 1, is amended to read:

104.23 Subdivision 1. **Offenses.** (a) The department shall immediately revoke the license

104.24 of a driver upon receiving a record of the driver's conviction of:

104.25 (1) manslaughter resulting from the operation of a motor vehicle or criminal

104.26 vehicular homicide or injury under section 609.21;

104.27 (2) a violation of section 169A.20 or 609.487;

104.28 (3) a felony in the commission of which a motor vehicle was used;

104.29 (4) failure to stop and disclose identity and render aid, as required under section

104.30 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury

104.31 of another;

104.32 (5) perjury or the making of a false affidavit or statement to the department under

104.33 any law relating to the application, ownership or operation of a motor vehicle, including

104.34 on the certification required under section 171.05, subdivision 2, clause (1), item (ii), to

104.35 issue an instruction permit to a homeschool student;

105.1 (6) except as this section otherwise provides, three charges of violating within a  
105.2 period of 12 months any of the provisions of chapter 169 or of the rules or municipal  
105.3 ordinances enacted in conformance with chapter 169, for which the accused may be  
105.4 punished upon conviction by imprisonment;

105.5 (7) two or more violations, within five years, of the misdemeanor offense described  
105.6 in section 169.444, subdivision 2, paragraph (a);

105.7 (8) the gross misdemeanor offense described in section 169.444, subdivision 2,  
105.8 paragraph (b);

105.9 (9) an offense in another state that, if committed in this state, would be grounds for  
105.10 revoking the driver's license; or

105.11 (10) a violation of an applicable speed limit by a person driving in excess of 100  
105.12 miles per hour. The person's license must be revoked for six months for a violation of  
105.13 this clause, or for a longer minimum period of time applicable under section 169A.53,  
105.14 169A.54, or 171.174.

105.15 (b) The department shall immediately revoke the school bus endorsement of a driver  
105.16 upon receiving a record of the driver's conviction of the misdemeanor offense described in  
105.17 section 169.443, subdivision 7.

105.18 Sec. 61. Minnesota Statutes 2008, section 171.22, subdivision 1, is amended to read:

105.19 Subdivision 1. **Violations.** With regard to any driver's license, including a  
105.20 commercial driver's license, it shall be unlawful for any person:

105.21 (1) to display, cause or permit to be displayed, or have in possession, any fictitious  
105.22 or fraudulently altered driver's license or Minnesota identification card;

105.23 (2) to lend the person's driver's license or Minnesota identification card to any other  
105.24 person or knowingly permit the use thereof by another;

105.25 (3) to display or represent as one's own any driver's license or Minnesota  
105.26 identification card not issued to that person;

105.27 (4) to use a fictitious name or date of birth to any police officer or in any application  
105.28 for a driver's license or Minnesota identification card, or to knowingly make a false  
105.29 statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any  
105.30 such application;

105.31 (5) to alter any driver's license or Minnesota identification card;

105.32 (6) to take any part of the driver's license examination for another or to permit  
105.33 another to take the examination for that person;

105.34 (7) to make a counterfeit driver's license or Minnesota identification card;

106.1 (8) to use the name and date of birth of another person to any police officer for the  
106.2 purpose of falsely identifying oneself to the police officer; ~~or~~  
106.3 (9) to display as a valid driver's license any canceled, revoked, or suspended driver's  
106.4 license. A person whose driving privileges have been withdrawn may display a driver's  
106.5 license only for identification purposes; or  
106.6 (10) to submit a false affidavit or statement to the department on the certification  
106.7 required under section 171.05, subdivision 2, clause (1), item (ii), to issue an instruction  
106.8 permit to a homeschool student.

106.9 Sec. 62. Minnesota Statutes 2008, section 181A.05, subdivision 1, is amended to read:

106.10 Subdivision 1. **When issued.** Any minor 14 or 15 years of age who wishes to work  
106.11 on school days during school hours shall first secure an employment certificate. The  
106.12 certificate shall be issued only by the school district superintendent, the superintendent's  
106.13 agent, ~~or~~ some other person designated by the Board of Education, or by the person in  
106.14 charge of providing instruction for students enrolled in nonpublic schools as defined in  
106.15 section 120A.22, subdivision 4. The employment certificate shall be issued only for  
106.16 a specific position with a designated employer and shall be issued only in the following  
106.17 circumstances:

106.18 (1) if a minor is to be employed in an occupation not prohibited by rules promulgated  
106.19 under section 181A.09 and as evidence thereof presents a signed statement from the  
106.20 prospective employer; and

106.21 (2) if the parent or guardian of the minor consents to the employment; and

106.22 (3) if the issuing officer believes the minor is physically capable of handling the job  
106.23 in question and further believes the best interests of the minor will be served by permitting  
106.24 the minor to work.

106.25 Sec. 63. Minnesota Statutes 2008, section 471.975, is amended to read:

106.26 **471.975 MAY PAY DIFFERENTIAL OF RESERVE ON ACTIVE DUTY.**

106.27 (a) Except as provided in paragraph (b), a statutory or home rule charter city, county,  
106.28 town, or other political subdivision may pay to each eligible member of the National  
106.29 Guard or other reserve component of the armed forces of the United States an amount  
106.30 equal to the difference between the member's ~~basic~~ base active duty military salary and the  
106.31 salary the member would be paid as an active political subdivision employee, including  
106.32 any adjustments the member would have received if not on leave of absence. This  
106.33 payment may be made only to a person whose ~~basic~~ base active duty military salary is less  
106.34 than the salary the person would be paid as an active political subdivision employee. Back

107.1 pay authorized by this section may be paid in a lump sum. Payment under this section  
107.2 must not extend beyond four years from the date the employee reported for active service,  
107.3 plus any additional time the employee may be legally required to serve.

107.4 (b) Subject to the limits under paragraph (g), each school district shall pay to each  
107.5 eligible member of the National Guard or other reserve component of the armed forces of  
107.6 the United States an amount equal to the difference between the member's ~~basic~~ base active  
107.7 duty military salary and the salary the member would be paid as an active school district  
107.8 employee, including any adjustments the member would have received if not on leave of  
107.9 absence. The pay differential must be based on a comparison between the member's daily  
107.10 base rate of active duty pay, calculated by dividing the member's base military monthly  
107.11 salary by the number of paid days in the month, and the member's daily rate of pay for the  
107.12 member's school district salary, calculated by dividing the member's total school district  
107.13 salary by the number of contract days. The member's salary as a school district employee  
107.14 must include the member's basic salary and any additional salary the member earns from  
107.15 the school district for cocurricular and extracurricular activities. The differential payment  
107.16 under this paragraph must be the difference between the daily base rates of military pay  
107.17 times the number of school district contract days the member misses because of military  
107.18 active duty. This payment may be made only to a person whose ~~basic active duty military~~  
107.19 ~~salary~~ daily base rate of active duty pay is less than the ~~salary the person would be paid~~  
107.20 person's daily rate of pay as an active school district employee. Payments may be made at  
107.21 the intervals at which the member received pay as a school district employee. Payment  
107.22 under this section must not extend beyond four years from the date the employee reported  
107.23 for active service, plus any additional time the employee may be legally required to serve.

107.24 (c) An eligible member of the reserve components of the armed forces of the United  
107.25 States is a reservist or National Guard member who was an employee of a political  
107.26 subdivision at the time the member reported for active service on or after May 29, 2003,  
107.27 or who is on active service on May 29, 2003.

107.28 (d) Except as provided in paragraph (e) and elsewhere in Minnesota Statutes, a  
107.29 statutory or home rule charter city, county, town, or other political subdivision has total  
107.30 discretion regarding employee benefit continuation for a member who reports for active  
107.31 service and the terms and conditions of any benefit.

107.32 (e) A school district must continue the employee's enrollment in health and dental  
107.33 coverage, and the employer contribution toward that coverage, until the employee is  
107.34 covered by health and dental coverage provided by the armed forces. If the employee had  
107.35 elected dependent coverage for health or dental coverage as of the time that the employee  
107.36 reported for active service, a school district must offer the employee the option to continue

108.1 the dependent coverage at the employee's own expense. A school district must permit  
108.2 the employee to continue participating in any pretax account in which the employee  
108.3 participated when the employee reported for active service, to the extent of employee pay  
108.4 available for that purpose.

108.5 (f) For purposes of this section, "active service" has the meaning given in section  
108.6 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

108.7 (1) basic combat training, advanced individual training, annual training, and periodic  
108.8 inactive duty training;

108.9 (2) special training periodically made available to reserve members; and

108.10 (3) service performed in accordance with section 190.08, subdivision 3.

108.11 (g) A school district making payments under paragraph (b) shall place a sum equal  
108.12 to any difference between the amount of salary that would have been paid to the employee  
108.13 who is receiving the payments and the amount of salary being paid to substitutes for  
108.14 that employee into a special fund that must be used to pay or partially pay the deployed  
108.15 employee's payments under paragraph (b). A school district is required to pay only this  
108.16 amount to the deployed school district employee.

108.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
108.18 and applies to members of the National Guard and other reserve components of the United  
108.19 States armed forces serving in active military service on or after that date.

108.20 Sec. 64. **IMPLEMENTING RIGOROUS COURSEWORK MEASURES**  
108.21 **RELATED TO STUDENT PERFORMANCE.**

108.22 To implement the requirements of Minnesota Statutes, section 120B.35, subdivision  
108.23 3, paragraph (c), clauses (1) and (2), and to help parents and members of the public better  
108.24 understand the reported data, the commissioner of education must convene a group  
108.25 of recognized and qualified experts and interested stakeholders, including parents and  
108.26 teachers among other stakeholders, to develop a model projecting anticipated performance  
108.27 of each high school on preparation and rigorous coursework measures that compares the  
108.28 school with similar schools. The model must use information about entering high school  
108.29 students based on particular background characteristics that are predictive of differing  
108.30 rates of college readiness. These characteristics include grade 8 achievement levels, high  
108.31 school student mobility, high school student attendance, and the size of each entering ninth  
108.32 grade class. The group of experts and stakeholders may examine other characteristics not  
108.33 part of the prediction model including the nine student categories identified under the  
108.34 federal 2001 No Child Left Behind Act, and two student gender categories of male and  
108.35 female, respectively. The commissioner annually must use the predicted level of entering



109.1 students' performance to provide a context for interpreting graduating students' actual  
109.2 performance. The group convened under this section expires June 30, 2011.

109.3 **EFFECTIVE DATE.** This section is effective the day following final enactment  
109.4 and applies to school report cards beginning July 1, 2011.

109.5 Sec. 65. **IMPLEMENTING MEASURES FOR ASSESSING SCHOOL SAFETY**  
109.6 **AND STUDENTS' ENGAGEMENT AND CONNECTION AT SCHOOL .**

109.7 (a) To implement the requirements of Minnesota Statutes, section 120B.35,  
109.8 subdivision 3, paragraph (d), the commissioner of education, in consultation with  
109.9 interested stakeholders, including parents and teachers among other stakeholders,  
109.10 must convene a group of recognized and qualified experts on student engagement and  
109.11 connection and classroom teachers currently teaching in Minnesota schools to:

109.12 (1) identify highly reliable variables of student engagement and connection that  
109.13 may include student attendance, home support for learning, and student participation in  
109.14 out-of-school activities, among other variables; and

109.15 (2) determine how to report "safety" in order to comply with federal law.

109.16 (b) The commissioner must submit a written report and all the group's working  
109.17 papers to the education committees of the house of representatives and senate by February  
109.18 15, 2010, presenting the group's responses to paragraph (a), clauses (1) and (2). The  
109.19 commissioner must submit a second, related report to the education committees of the  
109.20 legislature by February 15, 2013, indicating the content and analysis of and the format  
109.21 for reporting the data collected in the 2010-2011 and 2011-2012 school years under  
109.22 Minnesota Statutes, section 120B.35, subdivision 3, paragraph (d). The group convened  
109.23 under this section expires December 31, 2013.

109.24 **EFFECTIVE DATE.** This section is effective the day following final enactment  
109.25 and applies to school report cards beginning July 1, 2013.

109.26 Sec. 66. **EXAMINING THE CHARACTERISTICS AND IMPACT OF HIGH**  
109.27 **STAKES MATH AND SCIENCE TESTS IN THE CONTEXT OF AWARDING**  
109.28 **HIGH SCHOOL DIPLOMAS.**

109.29 (a) To carefully and responsibly determine the state policy of administering high  
109.30 stakes math and science tests in the context of awarding high school diplomas, the  
109.31 Independent Office of Educational Accountability under Minnesota Statutes, section  
109.32 120B.31, subdivision 3, must convene and facilitate an advisory group that includes  
109.33 measurement experts selected by the State Council on Measurement in Education,

110.1 three regionally diverse school district research and evaluation directors selected by the  
110.2 Minnesota Assessment Group, one school superintendent selected by the Minnesota  
110.3 Association of School Administrators, one high school principal selected by the Minnesota  
110.4 Board of School Administrators, one University of Minnesota faculty member selected  
110.5 by the dean of the College of Education and Human Development, one licensed math  
110.6 teacher and one licensed science teacher selected by Education Minnesota, the director of  
110.7 evaluation and testing at the Minnesota Department of Education, two parents of currently  
110.8 enrolled high school students selected by the Minnesota Parent Teacher Association,  
110.9 one representative of the business community selected by the Minnesota Chamber of  
110.10 Commerce, one representative of the business community selected by the Minnesota  
110.11 Business Partnership, one representative of Minnesota's two-year postsecondary  
110.12 institutions selected by Minnesota State Colleges and Universities, one representative of  
110.13 Minnesota's four-year postsecondary institutions selected by the University of Minnesota,  
110.14 an interested member of the public, and mathematicians, scientists, and workforce  
110.15 development experts that the Office of Educational Accountability selects to consider and  
110.16 recommend how best to motivate students and improve students' academic achievement in  
110.17 the context of high stakes math and science exams required for high school graduation.  
110.18 The advisory group at least must evaluate and make recommendations on:  
110.19 (1) particular kinds of math and science exams that Minnesota might use as high  
110.20 stakes exams to award or deny students a high school diploma;  
110.21 (2) appropriate levels of high school math and science proficiency and the  
110.22 educational support to help students achieve those proficiency levels;  
110.23 (3) the relationship between math and science proficiency levels and state definitions  
110.24 of college and career readiness;  
110.25 (4) the interrelationship between requiring students to demonstrate math and science  
110.26 proficiency and college or career readiness, and awarding or denying students a high  
110.27 school diploma;  
110.28 (5) the interrelationship between high stakes testing and other coursework and  
110.29 credits required for graduation or college and career readiness; and  
110.30 (6) appropriate accommodations for students with individualized education plans  
110.31 and students with limited English proficiency in some circumstances.  
110.32 (b) The advisory group under paragraph (a) is not subject to Minnesota Statutes,  
110.33 section 15.059. The Office of Educational Accountability must present the advisory  
110.34 group's evaluation and recommendations under paragraph (a) to the education policy  
110.35 and finance committees of the legislature by February 15, 2010. The advisory group  
110.36 expires on June 1, 2010.

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

111.2 Sec. 67. **LEGISLATIVE REPORT ON DISTRICTS' USE OF AND NEED FOR**  
 111.3 **INTEGRATION REVENUE.**

111.4 The commissioner must analyze the substance of school district integration plans  
 111.5 under Minnesota Statutes, section 124D.86, subdivision 1b, to identify the elements of  
 111.6 and trends in district strategies and programs, the amount of success districts achieved  
 111.7 in realizing the specific goals contained in their plans, and the estimated funds districts  
 111.8 need to fully implement those plans. The commissioner must include in the analysis the  
 111.9 impact of demographic changes experienced at school sites and school districts involving  
 111.10 students of color, students with limited English proficiency, and students who are homeless  
 111.11 or highly mobile, as well as changes in immigration patterns and housing patterns  
 111.12 experienced by schools and districts, and the availability of and districts' participation in  
 111.13 interdistrict integration opportunities. The commissioner must submit a report on the  
 111.14 substance of the analysis and any resulting recommendations to the K-12 education policy  
 111.15 and finance committees of the legislature by February 1, 2011.

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

111.17 Sec. 68. **APPROPRIATIONS.**

111.18 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 111.19 appropriated from the general fund to the Department of Education for the fiscal years  
 111.20 designated.

111.21 Subd. 2. **Charter school building lease aid.** For building lease aid under Minnesota  
 111.22 Statutes, section 124D.11, subdivision 4:

111.23 \$ 33,512,000 ..... 2010

111.24 \$ 44,030,000 ..... 2011

111.25 The 2010 appropriation includes \$3,704,000 for 2009 and \$29,808,000 for 2010.

111.26 The 2011 appropriation includes \$11,024,000 for 2010 and \$33,006,000 for 2011.

111.27 Subd. 3. **Charter school startup aid.** For charter school startup cost aid under  
 111.28 Minnesota Statutes, section 124D.11:

111.29 \$ 1,245,000 ..... 2010

111.30 \$ 1,133,000 ..... 2011

111.31 The 2010 appropriation includes \$202,000 for 2009 and \$1,043,000 for 2010.

111.32 The 2011 appropriation includes \$385,000 for 2010 and \$748,000 for 2011.

112.1 Subd. 4. **Integration aid.** For integration aid under Minnesota Statutes, section  
 112.2 124D.86, subdivision 5:

112.3 \$ 54,167,000 ..... 2010

112.4 \$ 65,549,000 ..... 2011

112.5 The 2010 appropriation includes \$6,110,000 for 2009 and \$48,057,000 for 2010.

112.6 The 2011 appropriation includes \$17,774,000 for 2010 and \$47,775,000 for 2011.

112.7 Subd. 5. **Magnet school grants.** For magnet school and program grants under  
 112.8 Minnesota Statutes, section 124D.88:

112.9 \$ 750,000 ..... 2010

112.10 \$ 750,000 ..... 2011

112.11 Subd. 6. **Interdistrict desegregation or integration transportation grants.** For  
 112.12 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 112.13 section 124D.87:

112.14 \$ 14,468,000 ..... 2010

112.15 \$ 17,582,000 ..... 2011

112.16 Subd. 7. **Success for the future.** For American Indian success for the future grants  
 112.17 under Minnesota Statutes, section 124D.81:

112.18 \$ 1,774,000 ..... 2010

112.19 \$ 2,137,000 ..... 2011

112.20 The 2010 appropriation includes \$213,000 for 2009 and \$1,561,000 for 2010.

112.21 The 2011 appropriation includes \$576,000 for 2010 and \$1,561,000 for 2011.

112.22 Subd. 8. **American Indian teacher preparation grants.** For joint grants to assist  
 112.23 American Indian people to become teachers under Minnesota Statutes, section 122A.63:

112.24 \$ 190,000 ..... 2010

112.25 \$ 190,000 ..... 2011

112.26 Subd. 9. **Tribal contract schools.** For tribal contract school aid under Minnesota  
 112.27 Statutes, section 124D.83:

112.28 \$ 1,683,000 ..... 2010

112.29 \$ 2,179,000 ..... 2011

112.30 The 2010 appropriation includes \$191,000 for 2009 and \$1,492,000 for 2010.

112.31 The 2011 appropriation includes \$551,000 for 2010 and \$1,628,000 for 2011.

113.1 Subd. 10. Early childhood programs at tribal schools. For early childhood  
 113.2 family education programs at tribal contract schools under Minnesota Statutes, section  
 113.3 124D.83, subdivision 4:

113.4 \$ 68,000 ..... 2010

113.5 \$ 68,000 ..... 2011

113.6 Subd. 11. Statewide testing and reporting system. For the statewide testing and  
 113.7 reporting system under Minnesota Statutes, section 120B.30:

113.8 \$ 15,150,000 ..... 2010

113.9 \$ 15,150,000 ..... 2011

113.10 \$1,150,000 each year is for the value-added index assessment model.

113.11 Any balance in the first year does not cancel but is available in the second year.

113.12 Subd. 12. Examination fees; teacher training and support programs. (a) For  
 113.13 students' advanced placement and international baccalaureate examination fees under  
 113.14 Minnesota Statutes, section 120B.13, subdivision 3, and the training and related costs  
 113.15 for teachers and other interested educators under Minnesota Statutes, section 120B.13,  
 113.16 subdivision 1:

113.17 \$ 4,500,000 ..... 2010

113.18 \$ 4,500,000 ..... 2011

113.19 (b) The advanced placement program shall receive 75 percent of the appropriation  
 113.20 each year and the international baccalaureate program shall receive 25 percent of the  
 113.21 appropriation each year. The department, in consultation with representatives of the  
 113.22 advanced placement and international baccalaureate programs selected by the Advanced  
 113.23 Placement Advisory Council and IBMN, respectively, shall determine the amounts of  
 113.24 the expenditures each year for examination fees and training and support programs for  
 113.25 each program.

113.26 (c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least  
 113.27 \$500,000 each year is for teachers to attend subject matter summer training programs  
 113.28 and follow-up support workshops approved by the advanced placement or international  
 113.29 baccalaureate programs. The commissioner shall determine the payment process and  
 113.30 the amount of the subsidy.

113.31 (d) The commissioner shall pay all examination fees for all students of low-income  
 113.32 families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent  
 113.33 of available appropriations shall also pay examination fees for students sitting for an  
 113.34 advanced placement examination, international baccalaureate examination, or both.

113.35 Any balance in the first year does not cancel but is available in the second year.

114.1 Subd. 13. Concurrent enrollment programs. For concurrent enrollment programs  
 114.2 under Minnesota Statutes, section 120B.132, and concurrent enrollment teacher training  
 114.3 under Minnesota Statutes, section 120B.13, subdivision 1:

114.4 \$ 2,000,000 ..... 2010

114.5 \$ 2,000,000 ..... 2011

114.6 Any balance in the first year does not cancel but is available in the second year.

114.7 Subd. 14. Collaborative urban educator. For the collaborative urban educator  
 114.8 grant program:

114.9 \$ 528,000 ..... 2010

114.10 \$ 528,000 ..... 2011

114.11 Any balance in the first year does not cancel but is available in the second year.

114.12 Subd. 15. Youth works program. For funding youth works programs under  
 114.13 Minnesota Statutes, sections 124D.37 to 124D.45:

114.14 \$ 900,000 ..... 2010

114.15 \$ 900,000 ..... 2011

114.16 A grantee organization may provide health and child care coverage to the dependents  
 114.17 of each participant enrolled in a full-time youth works program to the extent such coverage  
 114.18 is not otherwise available.

114.19 Subd. 16. Student organizations. For student organizations:

114.20 \$ 725,000 ..... 2010

114.21 \$ 725,000 ..... 2011

114.22 \$40,000 each year is for student organizations serving health occupations.

114.23 \$38,000 each year is for student organizations serving service occupations.

114.24 \$88,000 each year is for student organizations serving trade and industry occupations.

114.25 \$84,000 each year is for student organizations serving business occupations.

114.26 \$131,000 each year is for student organizations serving agriculture occupations.

114.27 \$125,000 each year is for student organizations serving family and consumer science  
 114.28 occupations.

114.29 \$95,000 each year is for student organizations serving marketing occupations.

114.30 Any balance in the first year does not cancel but is available in the second year.

114.31 Subd. 17. Education Planning and Assessment System (EPAS) program. For  
 114.32 the Educational Planning and Assessment System (EPAS) program under Minnesota  
 114.33 Statutes, section 120B.128:

115.1           \$           829,000    ..... 2010

115.2           \$           829,000    ..... 2011

115.3           Any balance in the first year does not cancel but is available in the second year.

115.4           Subd. 18. **Early childhood literacy programs.** For early childhood literacy

115.5 programs under Minnesota Statutes, section 124D.42:

115.6           \$           1,000,000   ..... 2010

115.7           \$           1,000,000   ..... 2011

115.8           \$1,000,000 each year is for leveraging federal and private funding to support

115.9 AmeriCorps members serving in the Minnesota Reading Corps program established by

115.10 Serve Minnesota, including costs associated with the training and teaching of early literacy

115.11 skills to children age three to grade 3 and the evaluation of the impact of the program

115.12 under Minnesota Statutes, sections 124D.38, subdivision 2, and 124D.42.

115.13           Any balance in the first year does not cancel but is available in the second year.

115.14        Sec. 69. **REPEALER.**

115.15           Minnesota Statutes 2008, sections 120B.362; 120B.39; 122A.628; 122A.75; and

115.16 124D.091, are repealed.

### ARTICLE 3

#### SPECIAL PROGRAMS

115.19        Section 1. Minnesota Statutes 2008, section 121A.41, subdivision 7, is amended to

115.20 read:

115.21        Subd. 7. **Pupil.** (a) "Pupil" means any student:

115.22           (1) without a disability under 21 years ~~of age~~ old; or

115.23           (2) with a disability ~~until September 1 after the child with a disability becomes 22~~

115.24 ~~years of age~~ under 21 years old who has not received a regular high school diploma or

115.25 for a child with a disability who becomes 21 years old during the school year but has not

115.26 received a regular high school diploma, until the end of that school year;

115.27           (3) and who remains eligible to attend a public elementary or secondary school.

115.28           (b) A "student with a disability" or a "pupil with a disability" has the same meaning

115.29 as a "child with a disability" under section 125A.02.

115.30        Sec. 2. Minnesota Statutes 2008, section 121A.41, subdivision 10, is amended to read:

115.31           Subd. 10. **Suspension.** "Suspension" means an action by the school administration,

115.32 under rules promulgated by the school board, prohibiting a pupil from attending school

116.1 for a period of no more than ten school days. If a suspension is longer than five days,  
116.2 the suspending administrator must provide the superintendent with a reason for the  
116.3 longer suspension. This definition does not apply to dismissal from school for one school  
116.4 day or less, except as provided in federal law for a student with a disability. Each  
116.5 suspension action may include a readmission plan. The readmission plan shall include,  
116.6 where appropriate, a provision for implementing alternative educational services upon  
116.7 readmission and may not be used to extend the current suspension. Consistent with section  
116.8 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a  
116.9 sympathomimetic medication for the parent's child as a condition of readmission. The  
116.10 school administration may not impose consecutive suspensions against the same pupil  
116.11 for the same course of conduct, or incident of misconduct, except where the pupil will  
116.12 create an immediate and substantial danger to self or to surrounding persons or property,  
116.13 or where the district is in the process of initiating an expulsion, in which case the school  
116.14 administration may extend the suspension to a total of 15 school days. ~~In the case~~  
116.15 ~~of a student with a disability, the student's individual education plan team must meet~~  
116.16 ~~immediately but not more than ten school days after the date on which the decision to~~  
116.17 ~~remove the student from the student's current education placement is made. The individual~~  
116.18 ~~education plan team and other qualified personnel shall at that meeting: conduct a review~~  
116.19 ~~of the relationship between the child's disability and the behavior subject to disciplinary~~  
116.20 ~~action; and determine the appropriateness of the child's education plan.~~

116.21 ~~The requirements of the individual education plan team meeting apply when:~~

116.22 ~~(1) the parent requests a meeting;~~

116.23 ~~(2) the student is removed from the student's current placement for five or more~~  
116.24 ~~consecutive days; or~~

116.25 ~~(3) the student's total days of removal from the student's placement during the~~  
116.26 ~~school year exceed ten cumulative days in a school year. The school administration shall~~  
116.27 ~~implement alternative educational services when the suspension exceeds five days. A~~  
116.28 ~~separate administrative conference is required for each period of suspension.~~

116.29 Sec. 3. Minnesota Statutes 2008, section 121A.43, is amended to read:

116.30 **121A.43 EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY.**

116.31 (a) Consistent with federal law governing days of removal and section 121A.46,  
116.32 school personnel may suspend a child with a disability. When a child with a disability  
116.33 has been suspended for more than five consecutive school days or ten cumulative school  
116.34 days in the same school year, and that suspension does not involve a recommendation  
116.35 for expulsion or exclusion or other change of placement under federal law, relevant



117.1 members of the child's individualized education program team, including at least one of  
 117.2 the child's teachers, shall meet and determine the extent the child needs services in order  
 117.3 to continue to participate in the general education curriculum, although in another setting,  
 117.4 and to progress toward meeting the goals in the child's individualized education program.  
 117.5 That meeting must occur as soon as possible, but no more than ten days after the sixth  
 117.6 consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

117.7 (b) A dismissal for one school day or less is a day of suspension if the child with a  
 117.8 disability does not receive regular or special education instruction during that dismissal  
 117.9 period. The notice requirements under section 121A.46 do not apply to a dismissal  
 117.10 of one day or less.

117.11 (c) A child with a disability shall be provided alternative educational services to the  
 117.12 extent a suspension exceeds five consecutive school days.

117.13 (d) Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56,  
 117.14 the district, relevant members of the child's individualized education program team,  
 117.15 and the child's parent shall, consistent with federal law, determine whether the child's  
 117.16 behavior was caused by or had a direct and substantial relationship to the child's disability  
 117.17 and whether the child's conduct was a direct result of a failure to implement the child's  
 117.18 individualized education program. When a pupil child with a disability who has an  
 117.19 individual individualized education plan program is excluded or expelled under sections  
 117.20 121A.40 to 121A.56 for misbehavior that is not a manifestation of the pupil's child's  
 117.21 disability, the district shall continue to provide special education and related services after  
 117.22 a period of suspension, if suspension is imposed. The district shall initiate a review of  
 117.23 the pupil's individual education plan and conduct a review of the relationship between  
 117.24 the pupil's disability and the behavior subject to disciplinary action and determine  
 117.25 the appropriateness of the pupil's education plan before commencing an expulsion or  
 117.26 exclusion during the exclusion or expulsion.

117.27 Sec. 4. Minnesota Statutes 2008, section 122A.31, subdivision 4, is amended to read:

117.28 Subd. 4. **Reimbursement.** (a) For purposes of revenue under section ~~125A.78~~  
 117.29 125A.76, the Department of Education must only reimburse school districts for the  
 117.30 services of those interpreters/transliterators who satisfy the standards of competency  
 117.31 under this section.

117.32 (b) Notwithstanding paragraph (a), a district shall be reimbursed for the services  
 117.33 of interpreters with a nonrenewable provisional certificate, interpreters/transliterators  
 117.34 employed to mentor the provisional certified interpreters, and persons for whom a

118.1 time-limited extension has been granted under subdivision 1, paragraph (d), or subdivision  
 118.2 2, paragraph (c).

118.3 Sec. 5. Minnesota Statutes 2008, section 125A.02, is amended to read:

118.4 **125A.02 CHILD WITH A DISABILITY DEFINED.**

118.5 Subdivision 1. **Child with a disability.** ~~Every child who has~~ "Child with a  
 118.6 disability" means a child identified under federal and state special education law as  
 118.7 having a hearing impairment, blindness, visual disability, speech or language impairment,  
 118.8 physical disability, other health impairment, mental disability, emotional/behavioral  
 118.9 disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or  
 118.10 deaf/blind disability ~~and who~~ needs special instruction and education and related services,  
 118.11 as determined by the ~~standards~~ rules of the commissioner, is a child with a disability. A  
 118.12 licensed physician, an advanced practice nurse, or a licensed psychologist is qualified  
 118.13 to make a diagnosis and determination of attention deficit disorder or attention deficit  
 118.14 hyperactivity disorder for purposes of identifying a child with a disability.

118.15 Subd. 1a. **Children ages three through seven experiencing developmental**  
 118.16 **delays.** In addition, every child under age three, and at local district discretion from age  
 118.17 three to age seven, who needs special instruction and services, as determined by the  
 118.18 ~~standards~~ rules of the commissioner, because the child has a substantial delay or has  
 118.19 an identifiable physical or mental condition known to hinder normal development is  
 118.20 a child with a disability.

118.21 Subd. 2. **Not a child with a disability.** A child with a short-term or temporary  
 118.22 physical or emotional illness or disability, as determined by the ~~standards~~ rules of the  
 118.23 commissioner, is not a child with a disability.

118.24 Sec. 6. **[125A.031] GENERAL SCHOOL DISTRICT OBLIGATIONS TO**  
 118.25 **CHILDREN WITH DISABILITIES.**

118.26 (a) Except as specifically provided in other law, the following requirements  
 118.27 governing school district obligations to children with disabilities apply.

118.28 (b) A resident school district must identify, locate, and evaluate every child with  
 118.29 a disability who is in need of special education and related services, including a child  
 118.30 from birth to age 3.

118.31 (c) A resident school district must make available a free appropriate public education  
 118.32 to:

118.33 (1) a child with a disability under 21 years old who has not received a regular high  
 118.34 school diploma; and

119.1 (2) for the duration of the school year, a child with a disability who becomes 21  
 119.2 years old during that school year but has not received a regular high school diploma.

119.3 (d) The resident school district must ensure that a child with a disability who is  
 119.4 enrolled in a nonpublic school or facility receives special education and related services,  
 119.5 consistent with the child's individualized education program, at no cost to the child's parent  
 119.6 if the district places the child in the nonpublic school or facility to meet the requirements  
 119.7 of this section or applicable federal law.

119.8 (e) Consistent with the number of children with disabilities who are enrolled by their  
 119.9 parents in a nonpublic school or facility located within a district, the district in which the  
 119.10 nonpublic school or facility is located must ensure that those children have an opportunity  
 119.11 to participate in special education and related services and that the amount the district  
 119.12 spends to provide such services must be at least equal to the proportionate amount of  
 119.13 federal funds made available under this chapter.

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

119.15 Sec. 7. Minnesota Statutes 2008, section 125A.07, is amended to read:

119.16 **125A.07 RULES OF COMMISSIONER RULEMAKING.**

119.17 (a) ~~As defined in~~ Consistent with this ~~paragraph~~ section, the commissioner ~~must~~  
 119.18 shall adopt new rules and amend existing rules ~~relative to qualifications of essential~~  
 119.19 ~~personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms,~~  
 119.20 ~~equipment, supervision, parent consultation, and other necessary rules for instruction of~~  
 119.21 ~~children with a disability. These rules must provide standards and procedures appropriate~~  
 119.22 ~~for the implementation of and within the limitations of sections 125A.08 and 125A.091.~~  
 119.23 ~~These rules must also provide standards for the discipline, control, management, and~~  
 119.24 ~~protection of children with a disability. The commissioner must not adopt rules for pupils~~  
 119.25 ~~served primarily in the regular classroom establishing either case loads or the maximum~~  
 119.26 ~~number of pupils that may be assigned to special education teachers. The commissioner, in~~  
 119.27 ~~consultation with the Departments of Health and Human Services, must adopt permanent~~  
 119.28 ~~rules for instruction and services for children under age five and their families. These~~  
 119.29 ~~rules are binding on state and local education, health, and human services agencies. The~~  
 119.30 ~~commissioner must adopt rules to determine eligibility for special education services. The~~  
 119.31 ~~rules must include procedures and standards by which to grant variances for experimental~~  
 119.32 ~~eligibility criteria. The commissioner must, according to section 14.05, subdivision 4,~~  
 119.33 ~~notify a district applying for a variance from the rules within 45 calendar days of receiving~~  
 119.34 ~~the request whether the request for the variance has been granted or denied. If a request is~~

120.1 ~~denied, the commissioner must specify the program standards used to evaluate the request~~  
 120.2 ~~and the reasons for denying the request~~ related to children with disabilities only under  
 120.3 specific authority and consistent with the requirements of chapter 14 and paragraph (c).

120.4 (b) As provided in this paragraph, the state's regulatory scheme should support  
 120.5 schools by assuring that all state special education rules adopted by the commissioner  
 120.6 result in one or more of the following outcomes:

120.7 (1) increased time available to teachers and, where appropriate, to support staff  
 120.8 including school nurses for educating students through direct and indirect instruction;

120.9 (2) consistent and uniform access to effective education programs for students with  
 120.10 disabilities throughout the state;

120.11 (3) reduced inequalities and conflict, appropriate due process hearing procedures  
 120.12 and reduced court actions related to the delivery of special education instruction and  
 120.13 services for students with disabilities;

120.14 (4) clear expectations for service providers and for students with disabilities;

120.15 (5) increased accountability for all individuals and agencies that provide instruction  
 120.16 and other services to students with disabilities;

120.17 (6) greater focus for the state and local resources dedicated to educating students  
 120.18 with disabilities; and

120.19 (7) clearer standards for evaluating the effectiveness of education and support  
 120.20 services for students with disabilities.

120.21 (c) Subject to chapter 14, the commissioner may adopt, amend, or rescind a rule  
 120.22 related to children with disabilities if such action is specifically required by federal law.

120.23 Sec. 8. Minnesota Statutes 2008, section 125A.08, is amended to read:

120.24 **125A.08 SCHOOL DISTRICT OBLIGATIONS INDIVIDUALIZED**  
 120.25 **EDUCATION PROGRAMS.**

120.26 (a) At the beginning of each school year, each school district shall have in effect, for  
 120.27 each child with a disability, an individualized education program.

120.28 (b) As defined in this section, every district must ensure the following:

120.29 (1) all students with disabilities are provided the special instruction and services  
 120.30 which are appropriate to their needs. Where the individual education plan team has  
 120.31 determined appropriate goals and objectives based on the student's needs, including the  
 120.32 extent to which the student can be included in the least restrictive environment, and where  
 120.33 there are essentially equivalent and effective instruction, related services, or assistive  
 120.34 technology devices available to meet the student's needs, cost to the district may be among  
 120.35 the factors considered by the team in choosing how to provide the appropriate services,

121.1 instruction, or devices that are to be made part of the student's individual education plan.

121.2 The individual education plan team shall consider and may authorize services covered  
121.3 by medical assistance according to section 256B.0625, subdivision 26. The student's  
121.4 needs and the special education instruction and services to be provided must be agreed  
121.5 upon through the development of an individual education plan. The plan must address  
121.6 the student's need to develop skills to live and work as independently as possible within  
121.7 the community. The individual education plan team must consider positive behavioral  
121.8 interventions, strategies, and supports that address behavior for children with attention  
121.9 deficit disorder or attention deficit hyperactivity disorder. ~~By~~ During grade 9 ~~or age 14~~,  
121.10 the plan must address the student's needs for transition from secondary services to  
121.11 postsecondary education and training, employment, community participation, recreation,  
121.12 and leisure and home living. In developing the plan, districts must inform parents of the  
121.13 full range of transitional goals and related services that should be considered. The plan  
121.14 must include a statement of the needed transition services, including a statement of the  
121.15 interagency responsibilities or linkages or both before secondary services are concluded;

121.16 (2) children with a disability under age five and their families are provided special  
121.17 instruction and services appropriate to the child's level of functioning and needs;

121.18 (3) children with a disability and their parents or guardians are guaranteed procedural  
121.19 safeguards and the right to participate in decisions involving identification, assessment  
121.20 including assistive technology assessment, and educational placement of children with a  
121.21 disability;

121.22 (4) eligibility and needs of children with a disability are determined by an initial  
121.23 assessment or reassessment, which may be completed using existing data under United  
121.24 States Code, title 20, section 33, et seq.;

121.25 (5) to the maximum extent appropriate, children with a disability, including those  
121.26 in public or private institutions or other care facilities, are educated with children who  
121.27 are not disabled, and that special classes, separate schooling, or other removal of children  
121.28 with a disability from the regular educational environment occurs only when and to the  
121.29 extent that the nature or severity of the disability is such that education in regular classes  
121.30 with the use of supplementary services cannot be achieved satisfactorily;

121.31 (6) in accordance with recognized professional standards, testing and evaluation  
121.32 materials, and procedures used for the purposes of classification and placement of children  
121.33 with a disability are selected and administered so as not to be racially or culturally  
121.34 discriminatory; and

121.35 (7) the rights of the child are protected when the parents or guardians are not known  
121.36 or not available, or the child is a ward of the state.

122.1 ~~(b)~~ (c) For paraprofessionals employed to work in programs for students with  
 122.2 disabilities, the school board in each district shall ensure that:

122.3 (1) before or immediately upon employment, each paraprofessional develops  
 122.4 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
 122.5 responsibilities, confidentiality, vulnerability, and reportability, among other things, to  
 122.6 begin meeting the needs of the students with whom the paraprofessional works;

122.7 (2) annual training opportunities are available to enable the paraprofessional to  
 122.8 continue to further develop the knowledge and skills that are specific to the students with  
 122.9 whom the paraprofessional works, including understanding disabilities, following lesson  
 122.10 plans, and implementing follow-up instructional procedures and activities; and

122.11 (3) a districtwide process obligates each paraprofessional to work under the ongoing  
 122.12 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
 122.13 school nurse.

122.14 Sec. 9. Minnesota Statutes 2008, section 125A.091, is amended to read:

122.15 **125A.091 ALTERNATIVE DISPUTE RESOLUTION AND DUE PROCESS**  
 122.16 **HEARINGS.**

122.17 ~~Subdivision 1. **District obligation.** A school district must use the procedures in~~  
 122.18 ~~federal law and state law and rule to reach decisions about the identification, evaluation,~~  
 122.19 ~~educational placement, manifestation determination, interim alternative educational~~  
 122.20 ~~placement, or the provision of a free appropriate public education to a child with a~~  
 122.21 ~~disability.~~

122.22 ~~Subd. 2. **Prior written notice.** A parent must receive prior written notice~~  
 122.23 ~~a reasonable time before the district proposes or refuses to initiate or change the~~  
 122.24 ~~identification, evaluation, educational placement, or the provision of a free appropriate~~  
 122.25 ~~public education to a child with a disability.~~

122.26 ~~Subd. 3. **Content of notice.** The notice under subdivision 2 must:~~

122.27 ~~(1) describe the action the district proposes or refuses;~~

122.28 ~~(2) explain why the district proposes or refuses to take the action;~~

122.29 ~~(3) describe any other option the district considered and the reason why it rejected~~  
 122.30 ~~the option;~~

122.31 ~~(4) describe each evaluation procedure, test, record, or report the district used as a~~  
 122.32 ~~basis for the proposed or refused action;~~

122.33 ~~(5) describe any other factor affecting the proposal or refusal of the district to take~~  
 122.34 ~~the action;~~

123.1 ~~(6) state that the parent of a child with a disability is protected by procedural~~  
 123.2 ~~safeguards and, if this notice is not an initial referral for evaluation, how a parent can get a~~  
 123.3 ~~description of the procedural safeguards; and~~

123.4 ~~(7) identify where a parent can get help in understanding this law.~~

123.5 Subd. 3a. **Additional requirements for prior written notice.** In addition to federal  
 123.6 law requirements, a prior written notice shall:

123.7 (1) inform the parent that except for the initial placement of a child in special  
 123.8 education, the school district will proceed with its proposal for the child's placement or  
 123.9 for providing special education services unless the child's parent notifies the district of  
 123.10 an objection within 14 days of when the district sends the prior written notice to the  
 123.11 parent; and

123.12 (2) state that a parent who objects to a proposal or refusal in the prior written notice  
 123.13 may request a conciliation conference under subdivision 7 or another alternative dispute  
 123.14 resolution procedure under subdivision 8 or 9.

123.15 ~~Subd. 4. **Understandable notice.** (a) The written notice under subdivision 2 must~~  
 123.16 ~~be understandable to the general public and available in the parent's native language or by~~  
 123.17 ~~another communication form, unless it is clearly not feasible to do so.~~

123.18 ~~(b) If the parent's native language or other communication form is not written,~~  
 123.19 ~~the district must take steps to ensure that:~~

123.20 ~~(1) the notice is translated orally or by other means to the parent in the parent's~~  
 123.21 ~~native language or other communication form;~~

123.22 ~~(2) the parent understands the notice; and~~

123.23 ~~(3) written evidence indicates the requirements in subdivision 2 are met.~~

123.24 **Subd. 5. Initial action; parent consent.** (a) The district must not proceed with the  
 123.25 initial evaluation of a child, the initial placement of a child in a special education program,  
 123.26 or the initial provision of special education services for a child without the prior written  
 123.27 consent of the child's parent. A district may not override the written refusal of a parent to  
 123.28 consent to an initial evaluation or reevaluation.

123.29 (b) A parent, after consulting with health care, education, or other professional  
 123.30 providers, may agree or disagree to provide the parent's child with sympathomimetic  
 123.31 medications unless section 144.344 applies.

123.32 **Subd. 6. Dispute resolution processes; generally.** Parties are encouraged to  
 123.33 resolve disputes over the identification, evaluation, educational placement, manifestation  
 123.34 determination, interim alternative educational placement, or the provision of a free  
 123.35 appropriate public education to a child with a disability through conciliation, mediation,  
 123.36 facilitated team meetings, or other alternative process. All dispute resolution options are

124.1 voluntary on the part of the parent and must not be used to deny or delay the right to a  
124.2 due process hearing. All dispute resolution processes under this section are provided  
124.3 at no cost to the parent.

124.4 Subd. 7. **Conciliation conference.** A parent must have an opportunity to meet  
124.5 with appropriate district staff in at least one conciliation conference if the parent objects  
124.6 to any proposal of which the parent receives notice under subdivision 2 3a. ~~If the parent~~  
124.7 ~~refuses district efforts to conciliate the dispute, the conciliation requirement is satisfied.~~  
124.8 ~~Following a conciliation conference~~ A district must hold a conciliation conference within  
124.9 ten calendar days from the date the district receives a parent's objection to a proposal or  
124.10 refusal in the prior written notice. Except as provided in this section, all discussions held  
124.11 during a conciliation conference are confidential and are not admissible in a due process  
124.12 hearing. Within five school days after the final conciliation conference, the district must  
124.13 prepare and provide to the parent a conciliation conference memorandum that describes  
124.14 the district's final proposed offer of service. This memorandum is admissible in evidence  
124.15 in any subsequent proceeding.

124.16 Subd. 8. **Voluntary dispute resolution options.** In addition to offering at least  
124.17 one conciliation conference, a district must inform a parent of other dispute resolution  
124.18 processes, including at least mediation and facilitated team meetings. The fact that  
124.19 an alternative dispute resolution process was used is admissible in evidence at any  
124.20 subsequent proceeding. State-provided mediators and team meeting facilitators shall not  
124.21 be subpoenaed to testify at a due process hearing or civil action under federal special  
124.22 education law nor are any records of mediators or state-provided team meeting facilitators  
124.23 accessible to the parties.

124.24 Subd. 9. **Mediation.** Mediation is a dispute resolution process that involves a  
124.25 neutral party provided by the state to assist a parent and a district in resolving disputes  
124.26 over the identification, evaluation, educational placement, manifestation determination,  
124.27 interim alternative educational placement, or the provision of a free appropriate public  
124.28 education to a child with a disability. A mediation process is available as an informal  
124.29 alternative to a due process hearing but must not be used to deny or postpone the  
124.30 opportunity of a parent or district to obtain a due process hearing. Mediation is voluntary  
124.31 for all parties. All mediation discussions are confidential and inadmissible in evidence  
124.32 in any subsequent proceeding, unless the:

- 124.33 (1) parties expressly agree otherwise;
- 124.34 (2) evidence is otherwise available; or
- 124.35 (3) evidence is offered to prove bias or prejudice of a witness.



125.1 Subd. 10. **Mediated agreements.** ~~Mediated agreements are not admissible unless~~  
125.2 ~~the parties agree otherwise or a party to the agreement believes the agreement is not being~~  
125.3 ~~implemented, in which case the aggrieved party may enter the agreement into evidence at~~  
125.4 ~~a due process hearing. The parties may request another mediation to resolve a dispute over~~  
125.5 ~~implementing the mediated agreement. After a due process hearing is requested, a party~~  
125.6 ~~may request mediation and the commissioner must provide a mediator who conducts a~~  
125.7 ~~mediation session no later than the third business day after the mediation request is made~~  
125.8 ~~to the commissioner. If the parties resolve all or a portion of the dispute, or agree to use~~  
125.9 ~~another procedure to resolve the dispute, the mediator shall ensure that the resolution~~  
125.10 ~~or agreement is in writing and signed by the parties and each party is given a copy of~~  
125.11 ~~the document. The written resolution or agreement shall state that all discussions that~~  
125.12 ~~occurred during mediation are confidential and may not be used as evidence in any hearing~~  
125.13 ~~or civil proceeding. The resolution or agreement is legally binding upon the parties and is~~  
125.14 ~~enforceable in the state or federal district court. A party may request another mediation to~~  
125.15 ~~resolve a dispute over implementing the mediated agreement.~~

125.16 Subd. 11. **Facilitated team meeting.** A facilitated team meeting is an IEP, IFSP,  
125.17 or IIP team meeting led by an impartial state-provided facilitator to promote effective  
125.18 communication and assist a team in developing an individualized education plan.

125.19 Subd. 12. **Impartial due process hearing.** (a) A parent or a district is entitled to  
125.20 an impartial due process hearing conducted by the state when a dispute arises over the  
125.21 identification, evaluation, educational placement, manifestation determination, interim  
125.22 alternative educational placement, or the provision of a free appropriate public education  
125.23 to a child with a disability. The hearing must be held in the district responsible for  
125.24 ensuring that a free appropriate public education is provided according to state and federal  
125.25 law. The proceedings must be recorded and preserved, at state expense, pending ultimate  
125.26 disposition of the action. The parent and the district shall receive, at state expense, a copy  
125.27 of the hearing transcript or recording and the hearing officer's findings of fact, conclusion  
125.28 of law, and decisions.

125.29 (b) ~~The due process hearing must be conducted according to the rules of the~~  
125.30 ~~commissioner and federal law.~~

125.31 Subd. 13. **Hearing officer qualifications.** ~~The commissioner must appoint an~~  
125.32 ~~individual who is qualified under this subdivision to serve as a hearing officer. The~~  
125.33 ~~commissioner shall maintain a list of qualified hearing officers who are not employees of~~  
125.34 ~~or otherwise under contract with the department or the school district except when under~~  
125.35 ~~contract with the department as a hearing officer, and who do not have a personal or~~  
125.36 ~~professional interest that conflicts with their objectivity when serving as hearing officers~~

126.1 in hearings under this section. The list shall include a statement of the qualifications of  
 126.2 each person listed. A hearing officer must know and understand state and federal special  
 126.3 education laws, rules, and regulations, and legal interpretations by federal and state courts.  
 126.4 A hearing officer also must have the knowledge and ability to conduct hearings and render  
 126.5 and write decisions according to appropriate, standard legal practice. Upon receipt of a  
 126.6 written request for a hearing, the commissioner shall appoint a hearing officer from the  
 126.7 list. The hearing officer must:

126.8 (1) be knowledgeable and impartial;

126.9 (2) have no personal interest in or specific involvement with the student who is a  
 126.10 party to the hearing;

126.11 (3) not have been employed as an administrator by the district that is a party to  
 126.12 the hearing;

126.13 (4) not have been involved in selecting the district administrator who is a party  
 126.14 to the hearing;

126.15 (5) have no personal, economic, or professional interest in the outcome of the  
 126.16 hearing other than properly administering federal and state laws, rules, and policies;

126.17 (6) have no substantial involvement in developing state or local policies or  
 126.18 procedures challenged in the hearing;

126.19 (7) not be a current employee or board member of a Minnesota public school district,  
 126.20 education district, intermediate unit or regional education agency, or the department if  
 126.21 the department is the service provider; and

126.22 (8) not be a current employee or board member of a disability advocacy organization  
 126.23 or group.

126.24 Subd. 14. **Request for hearing.** ~~A request for a due process hearing must:~~

126.25 ~~(1) be in writing;~~

126.26 ~~(2) describe the nature of the dispute about providing special education services to~~  
 126.27 ~~the student including facts relating to the dispute; and~~

126.28 ~~(3) state, to the extent known, the relief sought.~~

126.29 ~~Any school district administrator receiving a request for a due process hearing~~  
 126.30 ~~must immediately forward the request to the commissioner. Within two business days of~~  
 126.31 ~~receiving a request for a due process hearing, the commissioner must appoint a hearing~~  
 126.32 ~~officer. The commissioner must not deny a request for hearing because the request~~  
 126.33 ~~is incomplete. A party may disqualify a hearing officer only by affirmatively showing~~  
 126.34 ~~prejudice or bias to the commissioner or to the chief administrative law judge if the hearing~~  
 126.35 ~~officer is an administrative law judge. If a party affirmatively shows prejudice against a~~  
 126.36 ~~hearing officer, the commissioner must assign another hearing officer to hear the matter. (a)~~

127.1 A parent or a school district may file a written request for a due process hearing regarding  
127.2 a proposal or refusal to initiate or change that child's evaluation, individualized education  
127.3 program, or educational placement, or to provide a free appropriate public education.

127.4 (b) The parent shall include in the hearing request the name of the child, the address  
127.5 of the child's residence, the name of the school the child attends, a description of the  
127.6 child's problem relating to the proposed or refused initiation or change, including facts  
127.7 relating to the problem, and a proposed resolution of the problem to the extent known  
127.8 and available to the parents at the time.

127.9 (c) A parent or a school district may file a written request for a hearing under United  
127.10 States Code, title 20, section 1415, paragraph (k).

127.11 (d) A parent or school district filing a request for a hearing under this subdivision  
127.12 must provide the request to the other party and a copy of the request to the department.  
127.13 Upon receiving a request for a hearing, the department shall give to the child's parent a  
127.14 copy of the procedural safeguards notice available to a parent under federal regulations.

127.15 (e)(1) If the parent of a child with a disability files a written request for a hearing,  
127.16 and the school district has not previously sent a written notice to the parent under  
127.17 subdivision 3a, regarding the subject matter of the hearing request, the school district  
127.18 shall, within ten days of receiving the hearing request, send to the child's parent a written  
127.19 explanation of why the school district proposed or refused to take the action raised in the  
127.20 hearing request, a description of other options that the individualized education program  
127.21 team considered and the reason why those options were rejected, a description of each  
127.22 evaluation procedure, assessment, record, or report that the school district used as the  
127.23 basis for the proposed or refused action, and a description of the factors that are relevant  
127.24 to the school district's proposal or refusal. A response by a school district under this  
127.25 subdivision does not preclude the school district from asserting that the parent's request  
127.26 for a hearing is insufficient under clause (2).

127.27 (2) A hearing may not occur until the party requesting the hearing files a request that  
127.28 meets the requirements of paragraph (b). The request under paragraph (b) is considered  
127.29 sufficient unless the party receiving the request notifies the hearing officer and the other  
127.30 party in writing within 15 days of receiving the request that the receiving party believes  
127.31 the request does not meet the requirements of paragraph (b). Within five days of receiving  
127.32 a notice under this subdivision, the hearing officer shall determine whether the request  
127.33 meets the requirements under paragraph (b) and notify the parties.

127.34 (f) Except as provided in paragraph (e), clause (1), the party receiving a request for a  
127.35 hearing shall send to the party requesting the hearing a written response that addresses the  
127.36 issues raised in the hearing request within ten days of receiving the request.

128.1 Subd. 15. **Prehearing conference.** A prehearing conference must be held within  
128.2 five business days of the date the commissioner appoints the hearing officer. The hearing  
128.3 officer must initiate the prehearing conference which may be conducted in person, at a  
128.4 location within the district, or by telephone. The hearing officer must create a written  
128.5 verbatim record of the prehearing conference which is available to either party upon  
128.6 request. At the prehearing conference, the hearing officer must:

128.7 (1) identify the questions that must be answered to resolve the dispute and eliminate  
128.8 claims and complaints that are without merit;

128.9 (2) set a scheduling order for the hearing and additional prehearing activities;

128.10 (3) determine if the hearing can be disposed of without an evidentiary hearing and, if  
128.11 so, establish the schedule and procedure for doing so; and

128.12 (4) establish the management, control, and location of the hearing to ensure its fair,  
128.13 efficient, and effective disposition.

128.14 Subd. 16. **Burden of proof.** The burden of proof at a due process hearing is on the  
128.15 ~~district to demonstrate, by a preponderance of the evidence, that it is complying with the~~  
128.16 ~~law and offered or provided a free appropriate public education to the child in the least~~  
128.17 ~~restrictive environment. If the district has not offered or provided a free appropriate public~~  
128.18 ~~education in the least restrictive environment and the parent wants the district to pay for a~~  
128.19 ~~private placement, the burden of proof is on the parent to demonstrate, by a preponderance~~  
128.20 ~~of the evidence, that the private placement is appropriate party seeking relief.~~

128.21 Subd. 17. **Admissible evidence.** The hearing officer may admit all evidence  
128.22 that possesses probative value, including hearsay, if it is the type of evidence on which  
128.23 reasonable, prudent persons are accustomed to rely in conducting their serious affairs. The  
128.24 hearing officer must give effect to the rules of privilege recognized by law and exclude  
128.25 evidence that is incompetent, irrelevant, immaterial, or unduly repetitious.

128.26 Subd. 18. **Hearing officer authority.** (a) A hearing officer must limit an impartial  
128.27 due process hearing to the time sufficient for each party to present its case.

128.28 (b) A hearing officer must establish and maintain control and manage the hearing.  
128.29 This authority includes, but is not limited to:

128.30 (1) requiring attorneys representing parties at the hearing, after notice and an  
128.31 opportunity to be heard, to pay court reporting and hearing officer costs, or fines payable  
128.32 to the state, for failing to: (i) obey scheduling or prehearing orders, (ii) appear, (iii) be  
128.33 prepared, or (iv) participate in the hearing process in good faith;

128.34 (2) administering oaths and affirmations;

128.35 (3) issuing subpoenas;

129.1 (4) determining the responsible and providing districts and joining those districts, if  
 129.2 not already notified, in the proceedings;

129.3 (5) making decisions involving identification, evaluation, educational placement,  
 129.4 manifestation determination, interim alternative educational placement, or the provision of  
 129.5 a free appropriate public education to a child with a disability; ~~and~~

129.6 (6) ordering an independent educational evaluation of a child at district expense; and

129.7 (7) extending the hearing decision timeline for good cause shown.

129.8 (c) Good cause includes, but is not limited to, the time required for mediation or  
 129.9 other settlement discussions, independent educational evaluation, complexity and volume  
 129.10 of issues, or finding or changing counsel.

129.11 Subd. 19. **Expedited due process hearings.** Consistent with federal law, a parent  
 129.12 ~~has the right to~~ or a school district may file a written request for an expedited due process  
 129.13 ~~hearing when there is a dispute over a manifestation determination or a proposed or actual~~  
 129.14 ~~placement in an interim alternative educational setting. A district has the right to an~~  
 129.15 ~~expedited due process hearing when proposing or seeking to maintain placement in an~~  
 129.16 ~~interim alternative educational setting. A hearing officer must hold an expedited due~~  
 129.17 ~~process hearing~~ within 20 school days of the date the expedited due process request is  
 129.18 filed and must issue a decision within ten calendar school days of after the request for a  
 129.19 ~~hearing. A hearing officer may extend by up to five additional calendar days the time for~~  
 129.20 ~~issuing a decision in an expedited due process hearing. All policies in this section apply~~  
 129.21 ~~to expedited due process hearings to the extent they do not conflict with federal law. A~~  
 129.22 resolution meeting must occur within seven days of receiving the request for an expedited  
 129.23 due process hearing unless the parent and the school district agree in writing either to  
 129.24 waive the resolution meeting or use the mediation process. The expedited due process  
 129.25 hearing may proceed unless the matter has been resolved to the satisfaction of both parties  
 129.26 within 15 days of receiving the expedited due process hearing request.

129.27 Subd. 20. **Hearing officer's decision; time period.** (a) The hearing officer must  
 129.28 ~~issue a decision within 45 calendar days of the date on which the commissioner receives~~  
 129.29 ~~the request for a due process hearing~~ ensure that not later than 45 days after the 30-day  
 129.30 period or the adjusted time periods under federal regulations expire, the hearing officer  
 129.31 reaches a final decision in the due process hearing and transmits a copy of the decision to  
 129.32 each party. A hearing officer, at the request of either party, may grant specific extensions  
 129.33 of time beyond the 45-day period under subdivision 18. The hearing officer must conduct  
 129.34 the oral arguments in a hearing at a time and place that is reasonably convenient to the  
 129.35 parents and child involved. A hearing officer is encouraged to accelerate the time line to  
 129.36 30 days for a child under the age of three whose needs change rapidly and who requires

130.1 quick resolution of a dispute. ~~A hearing officer may not extend the time beyond the 45-day~~  
130.2 ~~period unless requested by either party for good cause shown on the record. Extensions~~  
130.3 ~~of time must not exceed a total of 30 calendar days unless both parties and the hearing~~  
130.4 ~~officer agree or time is needed to complete an independent educational evaluation. Good~~  
130.5 ~~cause includes, but is not limited to, the time required for mediation or other settlement~~  
130.6 ~~discussions, independent educational evaluation, complexity and volume of issues, or~~  
130.7 ~~finding or changing counsel.~~

130.8 ~~(b) The hearing officer's decision must:~~

130.9 ~~(1) be in writing;~~

130.10 ~~(2) state the controlling and material facts upon which the decision is made in order~~  
130.11 ~~to apprise the reader of the basis and reason for the decision; and~~

130.12 ~~(3) be based on local standards, state statute, the rules of the commissioner, and~~  
130.13 ~~federal law.~~

130.14 (b) Once the hearing officer has issued a final decision, the hearing officer lacks  
130.15 authority to amend the decision except for clerical or mathematical errors.

130.16 (c) Nothing in this subdivision precludes a hearing officer from ordering a school  
130.17 district to comply with federal procedural safeguards under the federal Individuals with  
130.18 Disabilities Education Act.

130.19 Subd. 21. **Compensatory educational services.** The hearing officer may require  
130.20 the resident or responsible district to provide compensatory educational services to the  
130.21 child if the hearing officer finds that the district has not offered or made available to  
130.22 the child a free appropriate public education in the least restrictive environment and the  
130.23 child suffered a loss of educational benefit. Such services take the form of direct and  
130.24 indirect special education and related services designed to address any loss of educational  
130.25 benefit that may have occurred. The hearing officer's finding must be based on a present  
130.26 determination of whether the child has suffered a loss of educational benefit.

130.27 ~~Subd. 22. **Child's educational placement during due process hearing.** (a) Until a~~  
130.28 ~~due process hearing under this section is completed or the district and the parent agree~~  
130.29 ~~otherwise, the child must remain in the child's current educational placement and must~~  
130.30 ~~not be denied initial admission to school.~~

130.31 ~~(b) Until an expedited due process hearing challenging an interim alternative~~  
130.32 ~~educational placement is completed, the child must remain in the interim alternative~~  
130.33 ~~educational setting until the decision of the hearing officer or the expiration of the 45 days~~  
130.34 ~~permitted for an interim alternative educational setting, whichever occurs first, unless the~~  
130.35 ~~parent and district agree otherwise.~~

131.1 ~~Subd. 23. **Implementation of hearing officer order.** (a) That portion of a hearing~~  
 131.2 ~~officer's decision granting relief requested by the parent must be implemented upon~~  
 131.3 ~~issuance.~~

131.4 ~~(b) Except as provided under paragraph (a) or the district and parent agree otherwise,~~  
 131.5 ~~following a hearing officer's decision granting relief requested by the district, the child~~  
 131.6 ~~must remain in the current educational placement until the time to request judicial review~~  
 131.7 ~~under subdivision 24 expires or, if judicial review is requested, at the time the Minnesota~~  
 131.8 ~~Court of Appeals or the federal district court issues its decision, whichever is later.~~

131.9 Subd. 24. **Review of hearing officer decisions.** The parent or district may seek  
 131.10 review of the hearing officer's decision in the Minnesota Court of Appeals or in the federal  
 131.11 district court, ~~consistent with federal law.~~ A party must appeal to the Minnesota Court  
 131.12 of Appeals within 60 days of receiving the hearing officer's decision or must appeal to  
 131.13 federal district court within 90 days of receiving the hearing officer's decision.

131.14 Subd. 25. **Enforcement of orders.** The commissioner must monitor final hearing  
 131.15 officer decisions and ensure enforcement of hearing officer ~~orders~~ decisions.

131.16 Subd. 26. **Hearing officer and person conducting alternative dispute resolution**  
 131.17 **are state employees.** A hearing officer or person conducting alternative dispute resolution  
 131.18 under this section is an employee of the state under section 3.732 for purposes of section  
 131.19 3.736 only.

131.20 Subd. 27. **Hearing officer training.** A hearing officer must participate in training  
 131.21 ~~and follow procedures established~~ offered by the commissioner.

131.22 Subd. 28. **District liability.** A district is not liable for harmless technical violations  
 131.23 of ~~this section or rules implementing this section~~ federal or state laws, rules, or regulations  
 131.24 governing special education if the school district can demonstrate ~~on a case-by-case basis~~  
 131.25 that the violations did not harm a student's educational progress or the parent's right to  
 131.26 notice, participation, or due process. This subdivision is applicable to due process hearings  
 131.27 and special education complaints filed with the department.

131.28 Sec. 10. **[125A.094] RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
 131.29 **DISABILITIES.**

131.30 The use of restrictive procedures for children with disabilities is governed by  
 131.31 sections 125A.0941 and 125A.0942.

131.32 **EFFECTIVE DATE.** This section is effective August 1, 2011.

131.33 Sec. 11. **[125A.0941] DEFINITIONS.**

131.34 (a) The following terms have the meanings given them.

132.1 (b) "Emergency" means a situation where immediate intervention is needed to protect  
132.2 a child or other individual from physical injury or to prevent serious property damage.

132.3 (c) "Physical holding" means physical intervention intended to hold a child immobile  
132.4 or limit a child's movement and where body contact is the only source of physical restraint.

132.5 The term physical holding does not mean physical contact that:

132.6 (1) helps a child respond or complete a task;

132.7 (2) assists a child without restricting the child's movement;

132.8 (3) is needed to administer an authorized health-related service or procedure; or

132.9 (4) is needed to physically escort a child when the child does not resist or the child's

132.10 resistance is minimal.

132.11 (d) "Positive behavioral interventions and supports" means interventions and  
132.12 strategies to improve the school environment and teach children the skills to behave  
132.13 appropriately.

132.14 (e) "Restrictive procedures" means the use of physical holding or seclusion in an  
132.15 emergency.

132.16 (f) "Seclusion" means confining a child alone in a room from which egress is barred.

132.17 Removing a child from an activity to a location where the child cannot participate in or

132.18 observe the activity is not seclusion.

132.19 **EFFECTIVE DATE.** This section is effective August 1, 2011.

132.20 Sec. 12. **[125A.0942] STANDARDS FOR RESTRICTIVE PROCEDURES.**

132.21 Subdivision 1. **Restrictive procedures plan.** Schools that intend to use restrictive  
132.22 procedures shall maintain and make publicly accessible a restrictive procedures plan for  
132.23 children that includes at least the following:

132.24 (1) the list of restrictive procedures the school intends to use;

132.25 (2) how the school will monitor and review the use of restrictive procedures,  
132.26 including conducting post-use debriefings and convening an oversight committee; and

132.27 (3) a written description and documentation of the training staff completed under  
132.28 subdivision 5.

132.29 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only  
132.30 by a licensed special education teacher, school social worker, school psychologist,  
132.31 behavior analyst certified by the National Behavior Analyst Certification Board, a person  
132.32 with a master's degree in behavior analysis, other licensed education professional,  
132.33 paraprofessional under section 120B.363, or mental health professional under section  
132.34 245.4871, subdivision 27, who has completed the training program under subdivision 5.



133.1 (b) A school shall make reasonable efforts to notify the parent on the same day a  
133.2 restrictive procedure is used on the child, or if the school is unable to provide same-day  
133.3 notice, notice is sent within two days by written or electronic means or as otherwise  
133.4 indicated by the child's parent under paragraph (d).

133.5 (c) When restrictive procedures are used twice in 30 days or when a pattern emerges  
133.6 and restrictive procedures are not included in a child's individualized education program or  
133.7 behavior intervention plan, the district must hold a meeting of the individualized education  
133.8 plan team, conduct or review a functional behavioral analysis, review data, consider  
133.9 developing additional or revised positive behavioral interventions and supports, consider  
133.10 actions to reduce the use of restrictive procedures, and modify the individualized education  
133.11 plan or behavior intervention plan as appropriate. At the meeting, the team must review  
133.12 any known medical or psychological limitations that contraindicate the use of a restrictive  
133.13 procedure, consider whether to prohibit that restrictive procedure, and document any  
133.14 prohibition in the individualized education program or behavior intervention plan.

133.15 (d) An individualized education plan team may plan for using restrictive procedures  
133.16 and may include these procedures in a child's individualized education program or  
133.17 behavior intervention plan; however, the restrictive procedures may be used only in  
133.18 response to behavior that constitutes an emergency, consistent with this section. The  
133.19 individualized education program or behavior intervention plan shall indicate how the  
133.20 parent wants to be notified when a restrictive procedure is used.

133.21 Subd. 3. **Physical holding or seclusion.** Physical holding or seclusion may be used  
133.22 only in an emergency. A school that uses physical holding or seclusion shall meet the  
133.23 following requirements:

133.24 (1) the physical holding or seclusion must be the least intrusive intervention that  
133.25 effectively responds to the emergency;

133.26 (2) physical holding or seclusion must end when the threat of harm ends and the  
133.27 staff determines that the child can safely return to the classroom or activity;

133.28 (3) staff must directly observe the child while physical holding or seclusion is being  
133.29 used;

133.30 (4) each time physical holding or seclusion is used, the staff person who implements  
133.31 or oversees the physical holding or seclusion shall document, as soon as possible after the  
133.32 incident concludes, the following information:

133.33 (i) a description of the incident that led to the physical holding or seclusion;

133.34 (ii) why a less restrictive measure failed or was determined by staff to be  
133.35 inappropriate or impractical;

- 134.1 (iii) the time the physical holding or seclusion began and the time the child was  
134.2 released; and
- 134.3 (iv) a brief record of the child's behavioral and physical status;  
134.4 (5) the room used for seclusion must:
- 134.5 (i) be at least six feet by five feet;  
134.6 (ii) be well lit, well ventilated, adequately heated, and clean;  
134.7 (iii) have a window that allows staff to directly observe a child in seclusion;  
134.8 (iv) have tamperproof fixtures, electrical switches located immediately outside the  
134.9 door, and secure ceilings;
- 134.10 (v) have doors that open out and are unlocked, locked with keyless locks that  
134.11 have immediate release mechanisms, or locked with locks that have immediate release  
134.12 mechanisms connected with a fire and emergency system; and
- 134.13 (vi) not contain objects that a child may use to injure the child or others; and  
134.14 (6) before using a room for seclusion, a school must:
- 134.15 (i) receive written notice from local authorities that the room and the locking  
134.16 mechanisms comply with applicable building, fire, and safety codes; and  
134.17 (ii) register the room with the commissioner, who may view that room.
- 134.18 **Subd. 4. Prohibitions.** The following actions or procedures are prohibited:
- 134.19 (1) engaging in conduct prohibited under section 121A.58;  
134.20 (2) requiring a child to assume and maintain a specified physical position, activity,  
134.21 or posture that induces physical pain;
- 134.22 (3) totally or partially restricting a child's senses as punishment;  
134.23 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,  
134.24 substance, or spray as punishment;
- 134.25 (5) denying or restricting a child's access to equipment and devices such as walkers,  
134.26 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,  
134.27 except when temporarily removing the equipment or device is needed to prevent injury  
134.28 to the child or others or serious damage to the equipment or device, in which case the  
134.29 equipment or device shall be returned to the child as soon as possible;
- 134.30 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or  
134.31 physical abuse under section 626.556;
- 134.32 (7) withholding regularly scheduled meals or water;  
134.33 (8) denying access to bathroom facilities; and  
134.34 (9) physical holding that restricts or impairs a child's ability to breathe.

- 135.1 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1,  
135.2 staff who use restrictive procedures shall complete training in the following skills and  
135.3 knowledge areas:
- 135.4 (1) positive behavioral interventions;
  - 135.5 (2) communicative intent of behaviors;
  - 135.6 (3) relationship building;
  - 135.7 (4) alternatives to restrictive procedures, including techniques to identify events and  
135.8 environmental factors that may escalate behavior;
  - 135.9 (5) de-escalation methods;
  - 135.10 (6) standards for using restrictive procedures;
  - 135.11 (7) obtaining emergency medical assistance;
  - 135.12 (8) the physiological and psychological impact of physical holding and seclusion;
  - 135.13 (9) monitoring and responding to a child's physical signs of distress when physical  
135.14 holding is being used; and
  - 135.15 (10) recognizing the symptoms of and interventions that may cause positional  
135.16 asphyxia when physical holding is used.
- 135.17 (b) The commissioner, after consulting with the commissioner of human services,  
135.18 must develop and maintain a list of training programs that satisfy the requirements of  
135.19 paragraph (a). The district shall maintain records of staff who have been trained and the  
135.20 organization or professional that conducted the training. The district may collaborate with  
135.21 children's community mental health providers to coordinate trainings.
- 135.22 Subd. 6. **Behavior supports.** School districts are encouraged to establish effective  
135.23 schoolwide systems of positive behavior interventions and supports. Nothing in this  
135.24 section or section 125A.0941 precludes the use of reasonable force under sections  
135.25 121A.582; 609.06, subdivision 1; and 609.379.

135.26 **EFFECTIVE DATE.** This section is effective August 1, 2011.

135.27 Sec. 13. Minnesota Statutes 2008, section 125A.15, is amended to read:

135.28 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

135.29 The responsibility for special instruction and services for a child with a disability  
135.30 temporarily placed in another district for care and treatment shall be determined in the  
135.31 following manner:

- 135.32 (a) The district of residence of a child shall be the district in which the child's parent  
135.33 resides, if living, or the child's guardian, or the district designated by the commissioner if  
135.34 neither parent nor guardian is living within the state.

136.1           (b) If a district other than the resident district places a pupil for care and treatment,  
136.2 the district placing the pupil must notify and give the resident district an opportunity to  
136.3 participate in the placement decision. When an immediate emergency placement of a  
136.4 pupil is necessary and time constraints foreclose a resident district from participating in  
136.5 the emergency placement decision, the district in which the pupil is temporarily placed  
136.6 must notify the resident district of the emergency placement within 15 days. The resident  
136.7 district has up to five business days after receiving notice of the emergency placement  
136.8 to request an opportunity to participate in the placement decision, which the placing  
136.9 district must then provide.

136.10           (c) When a child is temporarily placed for care and treatment in a day program  
136.11 located in another district and the child continues to live within the district of residence  
136.12 during the care and treatment, the district of residence is responsible for providing  
136.13 transportation to and from the care and treatment ~~facility~~ program and an appropriate  
136.14 educational program for the child. The resident district may establish reasonable  
136.15 restrictions on transportation, except if a Minnesota court or agency orders the child  
136.16 placed at a day care and treatment program and the resident district receives a copy of  
136.17 the order, then the resident district must provide transportation to and from the program  
136.18 unless the court or agency orders otherwise. Transportation shall only be provided by the  
136.19 resident district during regular operating hours of the resident district. The resident district  
136.20 may provide the educational program at a school within the district of residence, at the  
136.21 child's residence, or in the district in which the day treatment center is located by paying  
136.22 tuition to that district.

136.23           ~~(c)~~ (d) When a child is temporarily placed in a residential program for care and  
136.24 treatment, the nonresident district in which the child is placed is responsible for providing  
136.25 an appropriate educational program for the child and necessary transportation while the  
136.26 child is attending the educational program; and must bill the district of the child's residence  
136.27 for the actual cost of providing the program, as outlined in section 125A.11, except as  
136.28 provided in paragraph ~~(d)~~ (e). However, the board, lodging, and treatment costs incurred  
136.29 in behalf of a child with a disability placed outside of the school district of residence by  
136.30 the commissioner of human services or the commissioner of corrections or their agents,  
136.31 for reasons other than providing for the child's special educational needs must not become  
136.32 the responsibility of either the district providing the instruction or the district of the child's  
136.33 residence. For the purposes of this section, the state correctional facilities operated on a  
136.34 fee-for-service basis are considered to be residential programs for care and treatment.

136.35           ~~(d)~~ (e) A privately owned and operated residential facility may enter into a contract  
136.36 to obtain appropriate educational programs for special education children and services

137.1 with a joint powers entity. The entity with which the private facility contracts for special  
137.2 education services shall be the district responsible for providing students placed in that  
137.3 facility an appropriate educational program in place of the district in which the facility is  
137.4 located. If a privately owned and operated residential facility does not enter into a contract  
137.5 under this paragraph, then paragraph ~~(e)~~ (d) applies.

137.6 ~~(e)~~ (f) The district of residence shall pay tuition and other program costs, not  
137.7 including transportation costs, to the district providing the instruction and services.  
137.8 The district of residence may claim general education aid for the child as provided by  
137.9 law. Transportation costs must be paid by the district responsible for providing the  
137.10 transportation and the state must pay transportation aid to that district.

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

137.12 Sec. 14. Minnesota Statutes 2008, section 125A.28, is amended to read:

137.13 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

137.14 An Interagency Coordinating Council of at least 17, but not more than 25 members  
137.15 is established, in compliance with Public Law 108-446, section 641. The members  
137.16 must be appointed by the governor. Council members must elect the council chair. The  
137.17 representative of the commissioner may not serve as the chair. The council must be  
137.18 composed of at least five parents, including persons of color, of children with disabilities  
137.19 under age 12, including at least three parents of a child with a disability under age seven,  
137.20 five representatives of public or private providers of services for children with disabilities  
137.21 under age five, including a special education director, county social service director,  
137.22 local Head Start director, and a community health services or public health nursing  
137.23 administrator, one member of the senate, one member of the house of representatives, one  
137.24 representative of teacher preparation programs in early childhood-special education or  
137.25 other preparation programs in early childhood intervention, at least one representative of  
137.26 advocacy organizations for children with disabilities under age five, one physician who  
137.27 cares for young children with special health care needs, one representative each from the  
137.28 commissioners of commerce, education, health, human services, a representative from the  
137.29 state agency responsible for child care, foster care, mental health, homeless coordinator  
137.30 of education of homeless children and youth, and a representative from Indian health  
137.31 services or a tribal council. Section 15.059, subdivisions 2 to 5, apply to the council.  
137.32 The council must meet at least quarterly.

138.1 The council must address methods of implementing the state policy of developing  
138.2 and implementing comprehensive, coordinated, multidisciplinary interagency programs of  
138.3 early intervention services for children with disabilities and their families.

138.4 The duties of the council include recommending policies to ensure a comprehensive  
138.5 and coordinated system of all state and local agency services for children under age five  
138.6 with disabilities and their families. The policies must address how to incorporate each  
138.7 agency's services into a unified state and local system of multidisciplinary assessment  
138.8 practices, individual intervention plans, comprehensive systems to find children in need of  
138.9 services, methods to improve public awareness, and assistance in determining the role of  
138.10 interagency early intervention committees.

138.11 On the date that Minnesota Part C Annual Performance Report is submitted to the  
138.12 federal Office of Special Education, the council must recommend to the governor and the  
138.13 commissioners of education, health, human services, commerce, and employment and  
138.14 economic development policies for a comprehensive and coordinated system.

138.15 Notwithstanding any other law to the contrary, the State Interagency Coordinating  
138.16 Council expires on June 30, ~~2009~~ 2014.

138.17 Sec. 15. Minnesota Statutes 2008, section 125A.51, is amended to read:

138.18 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES;**  
138.19 **EDUCATION AND TRANSPORTATION.**

138.20 The responsibility for providing instruction and transportation for a pupil without a  
138.21 disability who has a short-term or temporary physical or emotional illness or disability, as  
138.22 determined by the standards of the commissioner, and who is temporarily placed for care  
138.23 and treatment for that illness or disability, must be determined as provided in this section.

138.24 (a) The school district of residence of the pupil is the district in which the pupil's  
138.25 parent or guardian resides.

138.26 (b) When parental rights have been terminated by court order, the legal residence  
138.27 of a child placed in a residential or foster facility for care and treatment is the district in  
138.28 which the child resides.

138.29 (c) Before the placement of a pupil for care and treatment, the district of residence  
138.30 must be notified and provided an opportunity to participate in the placement decision.

138.31 When an immediate emergency placement is necessary and time does not permit  
138.32 resident district participation in the placement decision, the district in which the pupil is  
138.33 temporarily placed, if different from the district of residence, must notify the district  
138.34 of residence of the emergency placement within 15 days of the placement. When a  
138.35 nonresident district makes an emergency placement without first consulting with the

139.1 resident district, the resident district has up to five business days after receiving notice  
139.2 of the emergency placement to request an opportunity to participate in the placement  
139.3 decision, which the placing district must then provide.

139.4 (d) When a pupil without a disability is temporarily placed for care and treatment  
139.5 in a day program and the pupil continues to live within the district of residence during  
139.6 the care and treatment, the district of residence must provide instruction and necessary  
139.7 transportation to and from the care and treatment facility program for the pupil. The  
139.8 resident district may establish reasonable restrictions on transportation, except if a  
139.9 Minnesota court or agency orders the child placed at a day care and treatment program  
139.10 and the resident district receives a copy of the order, then the resident district must provide  
139.11 transportation to and from the program unless the court or agency orders otherwise.  
139.12 Transportation shall only be provided by the resident district during regular operating  
139.13 hours of the resident district. The resident district may provide the instruction at a school  
139.14 within the district of residence, at the pupil's residence, or in the case of a placement  
139.15 outside of the resident district, in the district in which the day treatment program is located  
139.16 by paying tuition to that district. The district of placement may contract with a facility to  
139.17 provide instruction by teachers licensed by the state Board of Teaching.

139.18 (e) When a pupil without a disability is temporarily placed in a residential program  
139.19 for care and treatment, the district in which the pupil is placed must provide instruction  
139.20 for the pupil and necessary transportation while the pupil is receiving instruction, and in  
139.21 the case of a placement outside of the district of residence, the nonresident district must  
139.22 bill the district of residence for the actual cost of providing the instruction for the regular  
139.23 school year and for summer school, excluding transportation costs.

139.24 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
139.25 private homeless shelter, then the district that enrolls the pupil under section 127A.47,  
139.26 subdivision 2, shall provide the transportation, unless the district that enrolls the pupil  
139.27 and the district in which the pupil is temporarily placed agree that the district in which  
139.28 the pupil is temporarily placed shall provide transportation. When a pupil without a  
139.29 disability is temporarily placed in a residential program outside the district of residence,  
139.30 the administrator of the court placing the pupil must send timely written notice of the  
139.31 placement to the district of residence. The district of placement may contract with a  
139.32 residential facility to provide instruction by teachers licensed by the state Board of  
139.33 Teaching. For purposes of this section, the state correctional facilities operated on a  
139.34 fee-for-service basis are considered to be residential programs for care and treatment.

139.35 (g) The district of residence must include the pupil in its residence count of pupil  
139.36 units and pay tuition as provided in section 123A.488 to the district providing the

140.1 instruction. Transportation costs must be paid by the district providing the transportation  
140.2 and the state must pay transportation aid to that district. For purposes of computing state  
140.3 transportation aid, pupils governed by this subdivision must be included in the disabled  
140.4 transportation category if the pupils cannot be transported on a regular school bus route  
140.5 without special accommodations.

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

140.7 Sec. 16. Minnesota Statutes 2008, section 125A.56, is amended to read:

140.8 **125A.56 ALTERNATE INSTRUCTION REQUIRED BEFORE ASSESSMENT**  
140.9 **REFERRAL.**

140.10 Subdivision 1. **Requirement.** (a) Before a pupil is referred for a special education  
140.11 evaluation, the district must conduct and document at least two scientific, research-based  
140.12 instructional strategies, alternatives, or interventions ~~using a system of scientific,~~  
140.13 ~~research-based instruction and intervention~~ in academics or behavior, based on the pupil's  
140.14 needs, ~~while the pupil is in the regular classroom. The pupil's teacher must~~ and document  
140.15 the results. A special education evaluation team may waive this requirement when it  
140.16 determines the pupil's need for the evaluation is urgent. A district may not use this section  
140.17 ~~may not be used~~ to deny a pupil's right to a special education evaluation.

140.18 (b) A school district shall use alternative intervention services, including the  
140.19 assurance of mastery program under section 124D.66, the supplemental early education  
140.20 program under section 124D.081, or an early intervening services program under  
140.21 subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional  
140.22 strategies, alternatives, or interventions.

140.23 Subd. 1a. Definitions. (a) For purposes of this section, the terms defined in this  
140.24 subdivision have the meaning given them.

140.25 (b) "Benchmark assessments" means screening that is administered at least three  
140.26 times per year to pupils in kindergarten through grade 8 who are at-risk or in need of early  
140.27 intervening services and may be administered to pupils in grades 9 through 12.

140.28 (c) "Early intervening services" means providing additional academic and behavioral  
140.29 support in a general education environment to pupils who have not been identified as  
140.30 needing special education or related services.

140.31 (d) "General outcome measures" means valid and reliable measures based on  
140.32 monitoring of pupils' progress, including both general screening of all pupils and more  
140.33 frequent progress monitoring of pupil responses to specific interventions.



141.1 (e) "Incidental benefit" means the benefit received by a nondisabled pupil (i) who  
 141.2 receives academic or behavioral instruction provided by a special education teacher to  
 141.3 a small group of primarily pupils with disabilities to implement their individualized  
 141.4 education programs, (ii) who needs the support to succeed in the general education  
 141.5 environment, and (iii) for whom no special education staff are added to meet that  
 141.6 nondisabled pupil's needs.

141.7 (f) "Progress monitoring" means a standardized, scientifically based practice using  
 141.8 ongoing assessments that compare expected and actual rates of learning to measure pupils'  
 141.9 progress towards meeting a particular goal.

141.10 (g) "Scientific, research-based instructional strategies, alternatives, and  
 141.11 interventions" means instruction and intervention derived from systematically applying  
 141.12 rigorous and objective procedures to obtain valid and reliable knowledge about educational  
 141.13 activities and programs.

141.14 **Subd. 2. Early intervening services program.** ~~(a) A district may meet the~~  
 141.15 ~~requirement under subdivision 1 by establishing~~ An early intervening services program  
 141.16 ~~that~~ includes:

141.17 ~~(1) a system of valid and reliable screening and~~ general outcome measures aligned  
 141.18 to state academic standards ~~that is administered at least three times per year to pupils~~  
 141.19 ~~in kindergarten through grade 8 who need additional academic or behavioral support~~  
 141.20 ~~to succeed in the general education environment. The school must provide interim~~  
 141.21 ~~assessments that measure pupils' performance three times per year and implement that use~~  
 141.22 valid and reliable benchmark assessments;

141.23 ~~(2) progress monitoring appropriate to the pupil. For purposes of this section,~~  
 141.24 ~~"progress monitoring" means the frequent and continuous measurement of a pupil's~~  
 141.25 ~~performance that includes these three interim assessments and other pupil assessments~~  
 141.26 ~~during the school year. A school, at its discretion, may allow pupils in grades 9 through~~  
 141.27 ~~12 to participate in interim assessments~~ data that document the effectiveness of specific  
 141.28 interventions for each pupil and compare a pupil's performance against general outcome  
 141.29 measures;

141.30 ~~(2) (3) a system of scientific, research-based instruction and intervention~~  
 141.31 instructional strategies, alternatives, and interventions; and

141.32 ~~(3) (4) an organizational plan that allows teachers, paraprofessionals, and volunteers~~  
 141.33 funded through various sources to deliver instruction, work collaboratively as a grade-level  
 141.34 team or use another configuration across grades and settings ~~to deliver instruction. The~~  
 141.35 ~~team must be trained, and receive training in scientific, research-based instruction and~~  
 141.36 ~~intervention. Teachers and paraprofessionals at a site operating under this paragraph~~

142.1 ~~must work collaboratively with those pupils who need additional academic or behavioral~~  
 142.2 ~~support to succeed in a general education environment.~~

142.3 Subd. 3. **Incidental benefit.** ~~(b)~~ (a) As an intervention under ~~paragraph (a)~~  
 142.4 subdivision 2, clause (2) (3), staff generating special education aid under section 125A.76  
 142.5 may provide small group instruction to pupils who need additional academic or behavioral  
 142.6 support to succeed in the general education environment. Small group instruction that  
 142.7 includes pupils with a disability may be provided in the general education environment if:

142.8 (1) the needs of the pupils with a disability are met, consistent with their individual  
 142.9 education plans; and;

142.10 (2) all pupils in the group receive the same level of instruction and make the same  
 142.11 progress in the instruction or intervention; and

142.12 (3) during each 60-day period that a nondisabled pupil participates in small group  
 142.13 instruction under this paragraph, the pupil's progress monitoring data are examined to  
 142.14 determine whether the pupil is making progress and, if the pupil is not making progress,  
 142.15 the pupil's intervention strategies must be changed or the pupil must be referred for  
 142.16 a special education evaluation.

142.17 Teachers and paraprofessionals must ensure that the needs of pupils with a disability  
 142.18 participating in small group instruction under this paragraph remain the focus of the  
 142.19 instruction. ~~Expenditures attributable to the time special education staff spends providing~~  
 142.20 ~~instruction to nondisabled pupils in this circumstance is eligible for special education aid~~  
 142.21 ~~under section 125A.76 as an incidental benefit if:~~

142.22 ~~(1) the group consists primarily of disabled pupils;~~

142.23 ~~(2) no special education staff are added to meet nondisabled pupils' needs; and~~

142.24 ~~(3) the primary purpose of the instruction is to implement the individual education~~  
 142.25 ~~plans of pupils with a disability in this group.~~

142.26 (b) Expenditures attributable to the time special education staff spends providing  
 142.27 small group instruction to nondisabled pupils that affords more than an incidental benefit  
 142.28 to such pupils is not eligible for special education aid under section 125A.76, except  
 142.29 that such expenditures may be included in the alternative delivery initial aid adjustment  
 142.30 under section 125A.78 if the district has an approved program under section 125A.50.

142.31 ~~During each 60-day period that a nondisabled pupil participates in small group instruction~~  
 142.32 ~~under this paragraph, the pupil's progress monitoring data must be examined to determine~~  
 142.33 ~~whether the pupil is making progress and, if the pupil is not making progress, the pupil's~~  
 142.34 ~~intervention strategies must be changed or the pupil must be referred for a special~~  
 142.35 ~~education evaluation.~~

143.1 Sec. 17. Minnesota Statutes 2008, section 125A.57, subdivision 2, is amended to read:

143.2 Subd. 2. **Assistive technology device.** "Assistive technology device" means any  
143.3 item, piece of equipment, software, or product system, whether acquired commercially  
143.4 off the shelf, modified, or customized, that is used to increase, maintain, or improve  
143.5 functional capabilities of ~~children with disabilities~~ a child with a disability. The term does  
143.6 not include a surgically implanted medical device or a replacement of that device.

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

143.8 Sec. 18. Minnesota Statutes 2008, section 125A.63, subdivision 2, is amended to read:

143.9 Subd. 2. **Programs.** The resource centers must offer summer institutes ~~and like~~  
143.10 programs or other training programs throughout the state for deaf or hard of hearing, blind  
143.11 or visually impaired, and multiply disabled pupils. The resource centers must also offer  
143.12 workshops for teachers, and leadership development for teachers.

143.13 A program offered through the resource centers must promote and develop education  
143.14 programs offered by school districts or other organizations. The program must assist  
143.15 school districts or other organizations to develop innovative programs.

143.16 Sec. 19. Minnesota Statutes 2008, section 125A.63, subdivision 4, is amended to read:

143.17 Subd. 4. **Advisory committees.** The commissioner shall establish an  
143.18 advisory committee for each resource center. The advisory committees shall develop  
143.19 recommendations regarding the resource centers and submit an annual report to the  
143.20 commissioner on the form and in the manner prescribed by the commissioner. The  
143.21 advisory committee for the Resource Center for the Deaf and Hard of Hearing shall meet  
143.22 at least four times a year and submit an annual report to the commissioner, the legislature,  
143.23 and the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans.

143.24 The recommendations must include:

143.25 (1) aggregate data-based education outcomes over time for deaf and hard-of-hearing  
143.26 children, consistent with state academic standards and assessments under chapter 120B;  
143.27 and

143.28 (2) a data-based plan that includes evidence-based best practices known to improve  
143.29 the educational outcomes of deaf and hard-of-hearing children.

143.30 Sec. 20. Minnesota Statutes 2008, section 125A.76, subdivision 1, is amended to read:

143.31 Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this  
143.32 subdivision apply.

144.1 (a) "Basic revenue" has the meaning given it in section 126C.10, subdivision 2.

144.2 For the purposes of computing basic revenue pursuant to this section, each child with a  
144.3 disability shall be counted as prescribed in section 126C.05, subdivision 1.

144.4 (b) "Essential personnel" means teachers, cultural liaisons, related services, and  
144.5 support services staff providing ~~direct~~ services to students. Essential personnel may also  
144.6 include special education paraprofessionals or clericals providing support to teachers and  
144.7 students by preparing paperwork and making arrangements related to special education  
144.8 compliance requirements, including parent meetings and individual education plans.  
144.9 Essential personnel does not include administrators and supervisors.

144.10 (c) "Average daily membership" has the meaning given it in section 126C.05.

144.11 (d) "Program growth factor" means 1.046 for fiscal year 2012 and later.

144.12 Sec. 21. **APPROPRIATIONS.**

144.13 Subdivision 1. Department of Education. The sums indicated in this section are  
144.14 appropriated from the general fund to the Department of Education for the fiscal years  
144.15 designated.

144.16 Subd. 2. Special education; regular. For special education aid under Minnesota  
144.17 Statutes, section 125A.75:

144.18 \$ 609,003,000 ..... 2010

144.19 \$ 772,845,000 ..... 2011

144.20 The 2010 appropriation includes \$71,947,000 for 2009 and \$537,056,000 for 2010.

144.21 The 2011 appropriation includes \$198,637,000 for 2010 and \$574,208,000 for 2011.

144.22 Subd. 3. Special education; excess costs. For excess cost aid under Minnesota  
144.23 Statutes, section 125A.79, subdivision 7:

144.24 \$ 96,926,000 ..... 2010

144.25 \$ 110,871,000 ..... 2011

144.26 The 2010 appropriation includes \$37,046,000 for 2009 and \$59,880,000 for 2010.

144.27 The 2011 appropriation includes \$50,967,000 for 2010 and \$59,904,000 for 2011.

144.28 Subd. 4. Aid for children with disabilities. For aid under Minnesota Statutes,  
144.29 section 125A.75, subdivision 3, for children with disabilities placed in residential facilities  
144.30 within the district boundaries for whom no district of residence can be determined:

144.31 \$ 1,717,000 ..... 2010

144.32 \$ 1,895,000 ..... 2011

145.1 If the appropriation for either year is insufficient, the appropriation for the other  
 145.2 year is available.

145.3 Subd. 5. **Travel for home-based services.** For aid for teacher travel for home-based  
 145.4 services under Minnesota Statutes, section 125A.75, subdivision 1:

145.5 \$ 214,000 ..... 2010

145.6 \$ 278,000 ..... 2011

145.7 The 2010 appropriation includes \$24,000 for 2009 and \$190,000 for 2010.

145.8 The 2011 appropriation includes \$70,000 for 2010 and \$208,000 for 2011.

145.9 Subd. 6. **Court-placed special education revenue.** For reimbursing serving  
 145.10 school districts for unreimbursed eligible expenditures attributable to children placed in  
 145.11 the serving school district by court action under Minnesota Statutes, section 125A.79,  
 145.12 subdivision 4:

145.13 \$ 76,000 ..... 2010

145.14 \$ 78,000 ..... 2011

145.15 Subd. 7. **Special education out-of-state tuition.** For special education out-of-state  
 145.16 tuition according to Minnesota Statutes, section 125A.79, subdivision 8:

145.17 \$ 250,000 ..... 2010

145.18 \$ 250,000 ..... 2011

145.19 **Sec. 22. REPEALER.**

145.20 (a) Minnesota Statutes 2008, sections 125A.03; 125A.05; and 125A.18, are repealed.

145.21 (b) Minnesota Statutes 2008, sections 121A.66; and 121A.67, subdivision 1, are  
 145.22 repealed effective July 1, 2011.

145.23 (c) Minnesota Rules, parts 3525.0210, subparts 5, 6, 9, 13, 17, 29, 30, 46, and 47;  
 145.24 3525.1100, subpart 2, item F; and 3525.2900, subpart 5; are repealed effective July 1, 2011.

145.25 (d) Minnesota Rules, parts 3525.0210, subparts 34 and 43; 3525.0400; 3525.2445;  
 145.26 and 3525.4220, are repealed effective the day following final enactment.

## 145.27 **ARTICLE 4**

### 145.28 **FACILITIES AND TECHNOLOGY**

145.29 Section 1. Minnesota Statutes 2008, section 123B.02, subdivision 21, is amended to  
 145.30 read:

145.31 Subd. 21. **Wind energy conversion system.** The board, or more than one board  
 145.32 acting jointly under the authority granted by section 471.59, may construct, acquire,

146.1 own in whole or in part, operate, and sell and retain and spend the payment received  
 146.2 from selling energy from a wind energy conversion system, as defined in section  
 146.3 216C.06, subdivision 19. ~~The~~ An individual school board's share of the installed  
 146.4 capacity of the wind energy conversion systems authorized by this subdivision must not  
 146.5 exceed 3.3 megawatts of nameplate capacity, provided that if more than one board is  
 146.6 acting jointly, each board may have a separate share of no more than 3.3 megawatts of  
 146.7 nameplate capacity. A board owning, operating, or selling energy from a wind energy  
 146.8 conversion system must integrate information about wind energy conversion systems in its  
 146.9 educational programming. The board, or more than one board acting jointly under the  
 146.10 authority granted by section 471.59, may be a limited partner in a partnership, a member  
 146.11 of a limited liability company, or a shareholder in a corporation, established for the sole  
 146.12 purpose of constructing, acquiring, owning in whole or in part, financing, or operating a  
 146.13 wind energy conversion system for the benefit of the district or districts in accordance  
 146.14 with this section. A board individually, or acting jointly, or an entity of which a board is a  
 146.15 limited partner, member, or shareholder, may not sell, transmit, or distribute the electrical  
 146.16 energy at retail or provide for end use of the electrical energy at an off-site facility of the  
 146.17 board or entity. Nothing in this subdivision modifies the exclusive service territories or  
 146.18 exclusive right to serve as provided in sections 216B.37 to 216B.43.

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

146.20 Sec. 2. Minnesota Statutes 2008, section 123B.57, subdivision 1, is amended to read:

146.21 Subdivision 1. **Health and safety program.** (a) To receive health and safety  
 146.22 revenue for any fiscal year a district must submit to the commissioner an application for  
 146.23 aid and levy by the date determined by the commissioner. The application may be for  
 146.24 hazardous substance removal, fire and life safety code repairs, labor and industry regulated  
 146.25 facility and equipment violations, and health, safety, and environmental management,  
 146.26 including indoor air quality management. The application must include a health and safety  
 146.27 program adopted by the school district board. The program must include the estimated  
 146.28 cost, per building, of the program by fiscal year. Upon approval through the adoption of  
 146.29 a resolution by each of an intermediate district's member school district boards and the  
 146.30 approval of the Department of Education, a school district may include its proportionate  
 146.31 share of the costs of health and safety projects for an intermediate district in its application.

146.32 (b) Health and safety projects with an estimated cost of \$500,000 or more per site;  
 146.33 ~~approved after February 1, 2003,~~ are not eligible for health and safety revenue. Health  
 146.34 and safety projects with an estimated cost of \$500,000 or more per site, ~~approved after~~  
 146.35 ~~February 1, 2003,~~ that meet all other requirements for health and safety funding, are

147.1 eligible for alternative facilities bonding and levy revenue according to section 123B.59.  
147.2 A school board shall not separate portions of a single project into components to qualify  
147.3 for health and safety revenue, and shall not combine unrelated projects into a single project  
147.4 to qualify for alternative facilities bonding and levy revenue.

147.5 **EFFECTIVE DATE.** This section is effective July 1, 2009.

147.6 Sec. 3. Minnesota Statutes 2008, section 123B.59, subdivision 2, is amended to read:

147.7 Subd. 2. **Facility plan.** (a) A district qualifying under subdivision 1, paragraph  
147.8 (a), must have a ten-year facility plan approved by the commissioner that includes an  
147.9 inventory of projects and costs that would be eligible for:

147.10 (1) health and safety revenue, without restriction as to project size;

147.11 (2) disabled access levy; and

147.12 (3) deferred capital expenditures and maintenance projects necessary to prevent  
147.13 further erosion of facilities.

147.14 (b) A district qualifying under subdivision 1, paragraph (b), must have a five-year  
147.15 plan ~~approved by the commissioner~~ that includes an inventory of projects and costs for  
147.16 health and safety projects with an estimated cost of \$500,000 or more per site that would  
147.17 qualify for health and safety revenue except for the project size limitation in section  
147.18 123B.57, subdivision 1, paragraph (b).

147.19 (c) The school district must:

147.20 (1) annually update the plans;

147.21 (2) biennially submit a facility maintenance plan; and

147.22 (3) indicate whether the district will issue bonds to finance the plan or levy for  
147.23 the costs.

147.24 **EFFECTIVE DATE.** This section is effective July 1, 2009.

147.25 Sec. 4. Minnesota Statutes 2008, section 123B.59, subdivision 3, is amended to read:

147.26 Subd. 3. **Bond authorization.** (a) A school district may issue general obligation  
147.27 bonds under this section to finance facilities plans approved by its board and the  
147.28 commissioner. Chapter 475, except sections 475.58 and 475.59, must be complied with.  
147.29 The district may levy under subdivision 5 for the debt service revenue. The authority to  
147.30 issue bonds under this section is in addition to any bonding authority authorized by this  
147.31 chapter, or other law. The amount of bonding authority authorized under this section must  
147.32 be disregarded in calculating the bonding or net debt limits of this chapter, or any other  
147.33 law other than section 475.53, subdivision 4.

148.1 (b) At least 20 days before the earliest of solicitation of bids, the issuance of bonds,  
148.2 or the final certification of levies under subdivision 5, the district must publish notice  
148.3 of the intended projects, the amount of the bond issue, and the total amount of district  
148.4 indebtedness, ~~and the commissioner's review and comment, if applicable.~~

148.5 **EFFECTIVE DATE.** This section is effective July 1, 2009.

148.6 Sec. 5. Minnesota Statutes 2008, section 123B.59, subdivision 3a, is amended to read:

148.7 Subd. 3a. **Levy authorization.** (a) A school district may levy under this section to  
148.8 finance the portion of facilities plans approved by its board and the commissioner that are  
148.9 not financed through bond issues according to subdivision 3.

148.10 (b) At least 20 days before a final district certification of levies under subdivision  
148.11 5, the district must publish notice of the intended projects, including the total estimated  
148.12 project cost, ~~and the commissioner's review and comment, if applicable.~~

148.13 **EFFECTIVE DATE.** This section is effective July 1, 2009.

148.14 Sec. 6. Minnesota Statutes 2008, section 123B.70, subdivision 1, is amended to read:

148.15 Subdivision 1. **Commissioner approval.** (a) In determining whether to give a  
148.16 school facility a positive, negative, or unfavorable review and comment, the commissioner  
148.17 must evaluate the proposals for facilities using the information provided under section  
148.18 123B.71, subdivision 9.

148.19 (b) In the case of a proposal for a new school, the local school board retains the  
148.20 authority to determine the minimum acreage needed to accommodate the school and  
148.21 related facilities. The commissioner may evaluate the proposals but must not issue a  
148.22 negative or unfavorable review and comment under this section for a school facility solely  
148.23 based on too little acreage of the proposed school site.

148.24 (c) In the case of a proposal to renovate an existing school, the local school board  
148.25 retains the authority to determine whether to renovate an existing school or to build a new  
148.26 school regardless of the acreage of the current school site or the cost of the renovation  
148.27 relative to the cost of building a new school. The commissioner's evaluation of whether  
148.28 to replace a facility must not be solely based upon the ratio of renovation costs to  
148.29 replacement costs.

148.30 **EFFECTIVE DATE.** This section is effective for review and comments issued  
148.31 after July 1, 2009.

148.32 Sec. 7. Minnesota Statutes 2008, section 123B.71, subdivision 8, is amended to read:



149.1 Subd. 8. **Review and comment.** A school district, a special education cooperative,  
149.2 or a cooperative unit of government, as defined in section 123A.24, subdivision 2, must not  
149.3 initiate an installment contract for purchase or a lease agreement, hold a referendum for  
149.4 bonds, nor solicit bids for new construction, expansion, or remodeling of an educational  
149.5 facility that requires an expenditure in excess of \$500,000 per school site if the district has  
149.6 an outstanding capital loan or \$1,400,000 for all other school districts, special education  
149.7 cooperatives, or cooperative units of government per school site prior to review and  
149.8 comment by the commissioner. The commissioner may exempt a facility maintenance  
149.9 project funded with general education aid and levy, ~~alternative facilities bonding and levy~~  
149.10 ~~program, or health and safety revenue~~ from this provision after reviewing a written request  
149.11 from a school district describing the scope of work. A school board shall not separate  
149.12 portions of a single project into components to avoid the requirements of this subdivision.  
149.13 The commissioner must exempt a facility maintenance project funded with capital  
149.14 facilities bonding under section 123B.62, alternative facilities bonding and levy under  
149.15 section 123B.59, or health and safety revenue under section 123B.57 from this provision.

149.16 **EFFECTIVE DATE.** This section is effective July 1, 2009.

149.17 Sec. 8. Minnesota Statutes 2008, section 123B.71, subdivision 9, is amended to read:

149.18 Subd. 9. **Information required.** A school board proposing to construct a facility  
149.19 described in subdivision 8 shall submit to the commissioner a proposal containing  
149.20 information including at least the following:

149.21 (1) the geographic area and population to be served, preschool through grade 12  
149.22 student enrollments for the past five years, and student enrollment projections for the  
149.23 next five years;

149.24 (2) a list of existing facilities by year constructed, their uses, and an assessment of  
149.25 the extent to which alternate facilities are available within the school district boundaries  
149.26 and in adjacent school districts;

149.27 (3) a list of the specific deficiencies of the facility that demonstrate the need for a  
149.28 new or renovated facility to be provided, and a list of the specific benefits that the new  
149.29 or renovated facility will provide to the students, teachers, and community users served  
149.30 by the facility;

149.31 (4) the relationship of the project to any priorities established by the school district,  
149.32 educational cooperatives that provide support services, or other public bodies in the  
149.33 service area;

150.1 (5) a description of the pedestrian, bicycle, and transit connections between the  
 150.2 school and nearby residential areas that make it easier for children, teachers, and parents  
 150.3 to get to the school by walking, bicycling, and taking transit;

150.4 ~~(5)~~ (6) a specification of how the project will increase community use of the facility  
 150.5 maximizes the opportunity for cooperative use of existing park, recreation, and other  
 150.6 public facilities and whether and how the project will increase collaboration with other  
 150.7 governmental or nonprofit entities;

150.8 ~~(6)~~ (7) a description of the project, including the specification of site and outdoor  
 150.9 space acreage and square footage allocations for classrooms, laboratories, and support  
 150.10 spaces; estimated expenditures for the major portions of the project; and the dates the  
 150.11 project will begin and be completed;

150.12 ~~(7)~~ (8) a specification of the source of financing the project; the scheduled date  
 150.13 for a bond issue or school board action; a schedule of payments, including debt service  
 150.14 equalization aid; and the effect of a bond issue on local property taxes by the property  
 150.15 class and valuation;

150.16 ~~(8)~~ (9) an analysis of how the proposed new or remodeled facility will affect school  
 150.17 district operational or administrative staffing costs, and how the district's operating budget  
 150.18 will cover any increased operational or administrative staffing costs;

150.19 ~~(9)~~ (10) a description of the consultation with local or state ~~road and~~ transportation  
 150.20 officials on multimodal school site access and safety issues, and the ways that the project  
 150.21 will address those issues;

150.22 ~~(10)~~ (11) a description of how indoor air quality issues have been considered and a  
 150.23 certification that the architects and engineers designing the facility will have professional  
 150.24 liability insurance;

150.25 ~~(11)~~ (12) as required under section 123B.72, for buildings coming into service  
 150.26 after July 1, 2002, a certification that the plans and designs for the extensively renovated  
 150.27 or new facility's heating, ventilation, and air conditioning systems will meet or exceed  
 150.28 code standards; will provide for the monitoring of outdoor airflow and total airflow of  
 150.29 ventilation systems; and will provide an indoor air quality filtration system that meets  
 150.30 ASHRAE standard 52.1;

150.31 ~~(12)~~ (13) a specification of any desegregation requirements that cannot be met  
 150.32 by any other reasonable means;

150.33 ~~(13)~~ (14) a specification, if applicable, of how the facility will utilize environmentally  
 150.34 sustainable school facility design concepts; ~~and~~

150.35 ~~(14)~~ (15) a description of how the architects and engineers have considered  
 150.36 the American National Standards Institute Acoustical Performance Criteria, Design

151.1 Requirements and Guidelines for Schools of the maximum background noise level and  
 151.2 reverberation times; and  
 151.3 (16) any existing information from the relevant local unit of government about the  
 151.4 cumulative costs to provide infrastructure to serve the school, such as utilities, sewer,  
 151.5 roads, and sidewalks.

151.6 Sec. 9. Minnesota Statutes 2008, section 123B.71, subdivision 12, is amended to read:

151.7 Subd. 12. **Publication.** (a) At least 20 days but not more than 60 days before a  
 151.8 referendum for bonds or solicitation of bids for a project that has received a positive or  
 151.9 unfavorable review and comment under section 123B.70, the school board shall publish  
 151.10 the commissioner's review and comment of that project in the legal newspaper of the  
 151.11 district. Supplementary information shall be available to the public.

151.12 (b) The publication requirement in paragraph (a) does not apply to alternative  
 151.13 facilities projects approved under section 123B.59. ~~Publication for alternative facilities~~  
 151.14 ~~projects shall be as specified in section 123B.59, subdivisions 3 and 3a.~~

151.15 **EFFECTIVE DATE.** This section is effective July 1, 2009.

151.16 Sec. 10. Minnesota Statutes 2008, section 125B.26, is amended to read:

151.17 **125B.26 TELECOMMUNICATIONS/INTERNET ACCESS EQUITY AID.**

151.18 Subdivision 1. **Costs to be submitted.** (a) A district ~~or~~ charter school, or  
 151.19 intermediate school district shall submit its actual telecommunications/Internet access  
 151.20 costs for the previous fiscal year, adjusted for any e-rate revenue received, to the  
 151.21 department by August 15 of each year as prescribed by the commissioner. Costs eligible  
 151.22 for reimbursement under this program are limited to the following:

151.23 (1) ongoing or recurring telecommunications/Internet access costs associated with  
 151.24 Internet access, data lines, and video links providing:

151.25 (i) the equivalent of one data line, video link, or integrated data/video link that relies  
 151.26 on a transport medium that operates at a minimum speed of 1.544 megabytes per second  
 151.27 (T1) for each elementary school, middle school, or high school under section 120A.05,  
 151.28 subdivisions 9, 11, and 13, including the recurring telecommunications line lease costs  
 151.29 and ongoing Internet access service fees; or

151.30 (ii) the equivalent of one data line or video circuit, or integrated data/video link that  
 151.31 relies on a transport medium that operates at a minimum speed of 1.544 megabytes per  
 151.32 second (T1) for each district, including recurring telecommunications line lease costs  
 151.33 and ongoing Internet access service fees;

152.1 (2) recurring costs of contractual or vendor-provided maintenance on the school  
 152.2 district's wide area network to the point of presence at the school building up to the router,  
 152.3 codec, or other service delivery equipment located at the point of presence termination  
 152.4 at the school or school district;

152.5 (3) recurring costs of cooperative, shared arrangements for regional delivery of  
 152.6 telecommunications/Internet access between school districts, postsecondary institutions,  
 152.7 and public libraries including network gateways, peering points, regional network  
 152.8 infrastructure, Internet2 access, and network support, maintenance, and coordination; and

152.9 (4) service provider installation fees for installation of new telecommunications lines  
 152.10 or increased bandwidth.

152.11 (b) Costs not eligible for reimbursement under this program include:

152.12 (1) recurring costs of school district staff providing network infrastructure support;

152.13 (2) recurring costs associated with voice and standard telephone service;

152.14 (3) costs associated with purchase of network hardware, telephones, computers, or  
 152.15 other peripheral equipment needed to deliver telecommunications access to the school or  
 152.16 school district;

152.17 (4) costs associated with laying fiber for telecommunications access;

152.18 (5) costs associated with wiring school or school district buildings;

152.19 (6) costs associated with purchase, installation, or purchase and installation of  
 152.20 Internet filtering; and

152.21 (7) costs associated with digital content, including online learning or distance  
 152.22 learning programming, and information databases.

152.23 Subd. 2. **E-rates.** To be eligible for aid under this section, a district ~~or~~<sub>2</sub> charter  
 152.24 school, or intermediate school district is required to file an e-rate application either  
 152.25 separately or through its telecommunications access cluster and have a current technology  
 152.26 plan on file with the department. Discounts received on telecommunications expenditures  
 152.27 shall be reflected in the costs submitted to the department for aid under this section.

152.28 Subd. 3. **Reimbursement criteria.** The commissioner shall develop criteria  
 152.29 for approving costs submitted by organized school districts ~~and~~<sub>2</sub> charter schools, and  
 152.30 intermediate school districts under subdivision 1.

152.31 Subd. 4. **District aid.** For fiscal year 2006 and later, a district ~~or~~<sub>2</sub> charter school's  
 152.32 school, or intermediate school district's Internet access equity aid equals the district ~~or~~<sub>2</sub>  
 152.33 ~~charter school's~~ school, or intermediate school district's approved cost for the previous  
 152.34 fiscal year according to subdivision 1 exceeding \$15 times the district's adjusted marginal  
 152.35 cost pupil units for the previous fiscal year or no reduction if the district is part of an  
 152.36 organized telecommunications access cluster. Equity aid must be distributed to the

153.1 telecommunications access cluster for districts, charter schools, or intermediate school  
153.2 districts that are members of the cluster or to individual districts ~~and~~, charter schools, or  
153.3 intermediate school districts not part of a telecommunications access cluster.

153.4 Subd. 5. **Telecommunications/Internet access services for nonpublic schools.**

153.5 (a) Districts shall provide each year upon formal request by or on behalf of a nonpublic  
153.6 school, not including home schools, located in that district or area, ongoing or recurring  
153.7 telecommunications access services to the nonpublic school either through existing district  
153.8 providers or through separate providers.

153.9 (b) The amount of district aid for telecommunications access services for each  
153.10 nonpublic school under this subdivision equals the lesser of:

153.11 (1) 90 percent of the nonpublic school's approved cost for the previous fiscal year  
153.12 according to subdivision 1 exceeding \$10 for fiscal year 2006 and later times the number  
153.13 of weighted pupils enrolled at the nonpublic school as of October 1 of the previous  
153.14 school year; or

153.15 (2) the product of the district's aid per pupil unit according to subdivision 4 times  
153.16 the number of weighted pupils enrolled at the nonpublic school as of October 1 of the  
153.17 previous school year.

153.18 (c) For purposes of this subdivision, nonpublic school pupils shall be weighted by  
153.19 grade level using the weighting factors defined in section 126C.05, subdivision 1.

153.20 (d) Each year, a district providing services under paragraph (a) may claim up to five  
153.21 percent of the aid determined in paragraph (b) for costs of administering this subdivision.  
153.22 No district may expend an amount for these telecommunications access services which  
153.23 exceeds the amount allocated under this subdivision. The nonpublic school is responsible  
153.24 for the Internet access costs not covered by this section.

153.25 (e) At the request of a nonpublic school, districts may allocate the amount  
153.26 determined in paragraph (b) directly to the nonpublic school to pay for or offset the  
153.27 nonpublic school's costs for telecommunications access services; however, the amount  
153.28 allocated directly to the nonpublic school may not exceed the actual amount of the school's  
153.29 ongoing or recurring telecommunications access costs.

153.30 Subd. 6. **Severability.** If any portion of this section is found by a court to be  
153.31 unconstitutional, the remaining portions of the section shall remain in effect.

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

153.33 Sec. 11. **APPROPRIATIONS.**

154.1 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 154.2 appropriated from the general fund to the Department of Education for the fiscal years  
 154.3 designated.

154.4 Subd. 2. **Health and safety revenue.** For health and safety aid according to  
 154.5 Minnesota Statutes, section 123B.57, subdivision 5:

154.6 \$ 132,000 ..... 2010

154.7 \$ 162,000 ..... 2011

154.8 The 2010 appropriation includes \$10,000 for 2009 and \$122,000 for 2010.

154.9 The 2011 appropriation includes \$45,000 for 2010 and \$117,000 for 2011.

154.10 Subd. 3. **Debt service equalization.** For debt service aid according to Minnesota  
 154.11 Statutes, section 123B.53, subdivision 6:

154.12 \$ 6,608,000 ..... 2010

154.13 \$ 9,012,000 ..... 2011

154.14 The 2010 appropriation includes \$851,000 for 2009 and \$5,757,000 for 2010.

154.15 The 2011 appropriation includes \$2,128,000 for 2010 and \$6,884,000 for 2011.

154.16 Subd. 4. **Alternative facilities bonding aid.** For alternative facilities bonding aid,  
 154.17 according to Minnesota Statutes, section 123B.59, subdivision 1:

154.18 \$ 16,008,000 ..... 2010

154.19 \$ 19,287,000 ..... 2011

154.20 The 2010 appropriation includes \$1,928,000 for 2009 and \$14,080,000 for 2010.

154.21 The 2011 appropriation includes \$5,207,000 for 2010 and \$14,080,000 for 2011.

154.22 Subd. 5. **Equity in telecommunications access.** For equity in telecommunications  
 154.23 access:

154.24 \$ 3,750,000 ..... 2010

154.25 \$ 3,750,000 ..... 2011

154.26 If the appropriation amount is insufficient, the commissioner shall reduce the  
 154.27 reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the  
 154.28 revenue for fiscal years 2010 and 2011 shall be prorated.

154.29 Any balance in the first year does not cancel but is available in the second year.

154.30 Subd. 6. **Deferred maintenance aid.** For deferred maintenance aid, according to  
 154.31 Minnesota Statutes, section 123B.591, subdivision 4:

154.32 \$ 1,916,000 ..... 2010

154.33 \$ 2,110,000 ..... 2011

155.1 The 2010 appropriation includes \$260,000 for 2009 and \$1,656,000 for 2010.

155.2 The 2011 appropriation includes \$612,000 for 2010 and \$1,498,000 for 2011.

155.3 **ARTICLE 5**

155.4 **LIBRARIES, NUTRITION, AND ACCOUNTING**

155.5 Section 1. Minnesota Statutes 2008, section 123B.10, subdivision 1, is amended to read:

155.6 Subdivision 1. **Budgets; form of notification.** (a) Every board must publish revenue  
155.7 and expenditure budgets for the current year and the actual revenues, expenditures, fund  
155.8 balances for the prior year and projected fund balances for the current year in a form  
155.9 prescribed by the commissioner within one week of the acceptance of the final audit by  
155.10 the board, or November 30, whichever is earlier. The forms prescribed must be designed  
155.11 so that year to year comparisons of revenue, expenditures and fund balances can be made.

155.12 (b) A school board annually must notify the public of its revenue, expenditures, fund  
155.13 balances, and other relevant budget information. The board must ~~include the budget~~  
155.14 ~~information required by this section in the materials provided as a part of its truth in~~  
155.15 ~~taxation hearing~~, post the materials in a conspicuous place on the district's official Web  
155.16 site, including a link to the district's school report card on the Department of Education's  
155.17 Web site, and publish a summary of the information and the address of the district's  
155.18 official Web site where the information can be found in a qualified newspaper of general  
155.19 circulation in the district.

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

155.21 Sec. 2. Minnesota Statutes 2008, section 123B.14, subdivision 7, is amended to read:

155.22 Subd. 7. **Clerk records.** The clerk shall keep a record of all meetings of the  
155.23 district and the board in books provided by the district for that purpose. The clerk shall,  
155.24 within three days after an election, notify all persons elected of their election. By ~~August~~  
155.25 September 15 of each year the clerk shall file with the board a report of the revenues,  
155.26 expenditures and balances in each fund for the preceding fiscal year. The report together  
155.27 with vouchers and supporting documents shall subsequently be examined by a public  
155.28 accountant or the state auditor, either of whom shall be paid by the district, as provided  
155.29 in section 123B.77, subdivision 3. The board shall by resolution approve the report or  
155.30 require a further or amended report. By ~~August~~ September 15 of each year, the clerk shall  
155.31 make and transmit to the commissioner certified reports, showing:

155.32 (1) ~~The condition and value of school property;~~

156.1 ~~(2)~~ the revenues and expenditures in detail, and such other financial information  
 156.2 required by law, rule, or as may be called for by the commissioner;

156.3 ~~(3)~~ (2) the length of school term and the enrollment and attendance by grades; and

156.4 ~~(4)~~ (3) such other items of information as may be called for by the commissioner.

156.5 The clerk shall enter in the clerk's record book copies of all reports and of the  
 156.6 teachers' term reports, as they appear in the registers, and of the proceedings of any  
 156.7 meeting as furnished by the clerk pro tem, and keep an itemized account of all the  
 156.8 expenses of the district. The clerk shall furnish to the auditor of the proper county, by  
 156.9 ~~October 10~~ September 30 of each year, an attested copy of the clerk's record, showing  
 156.10 the amount of ~~money~~ proposed property tax voted by the district or the board for school  
 156.11 purposes; draw and sign all orders upon the treasurer for the payment of money for bills  
 156.12 allowed by the board for salaries of officers and for teachers' wages and all claims, to be  
 156.13 countersigned by the chair. Such orders must state the consideration, payee, and the  
 156.14 fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in  
 156.15 the order in which they become due, and no money applicable for teachers' wages shall  
 156.16 be used for any other purpose, nor shall teachers' wages be paid from any fund except  
 156.17 that raised or apportioned for that purpose.

156.18 Sec. 3. Minnesota Statutes 2008, section 123B.75, subdivision 5, is amended to read:

156.19 Subd. 5. **Levy recognition.** (a) "School district tax settlement revenue" means the  
 156.20 current, delinquent, and manufactured home property tax receipts collected by the county  
 156.21 and distributed to the school district.

156.22 (b) ~~For fiscal year 2004 and later years, in June of each year~~ In June of 2009, the  
 156.23 school district must recognize as revenue, in the fund for which the levy was made, the  
 156.24 lesser of:

156.25 (1) the sum of May, June, and July school district tax settlement revenue received in  
 156.26 that calendar year, plus general education aid according to section 126C.13, subdivision  
 156.27 4, received in July and August of that calendar year; or

156.28 (2) the sum of:

156.29 (i) 31 percent of the referendum levy certified according to section 126C.17, in  
 156.30 calendar year 2000; and

156.31 (ii) the entire amount of the levy certified in the prior calendar year according to  
 156.32 section 124D.86, subdivision 4, for school districts receiving revenue under sections  
 156.33 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3,  
 156.34 paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision  
 156.35 6.



157.1 (c) For fiscal year 2010 and later years, in June of each year, the school district must  
 157.2 recognize as revenue, in the fund for which the levy was made, the lesser of:

157.3 (1) the sum of May, June, and July school district tax settlement revenue received in  
 157.4 that calendar year, plus general education aid according to section 126C.13, subdivision  
 157.5 4, received in July and August of that calendar year; or

157.6 (2) the sum of:

157.7 (i) the greater of 49.1 percent of the referendum levy certified according to section  
 157.8 126C.17, in the prior calendar year or 31 percent of the referendum levy certified  
 157.9 according to section 126C.17, in calendar year 2000; plus

157.10 (ii) the entire amount of the levy certified in the prior calendar year according to  
 157.11 section 124D.86, subdivision 4, for school districts receiving revenue under sections  
 157.12 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3,  
 157.13 paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision  
 157.14 6; plus

157.15 (iii) 49.1 percent of the amount of the levy certified in the prior calendar year for the  
 157.16 school district's general and community service funds, plus or minus auditor's adjustments,  
 157.17 not including the levy portions that are assumed by the state, that remains after subtracting  
 157.18 the referendum levy certified according to section 126C.17 and the amount recognized  
 157.19 according to clause (ii).

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

157.21 Sec. 4. Minnesota Statutes 2008, section 123B.76, subdivision 3, is amended to read:

157.22 Subd. 3. **Expenditures by building.** (a) For the purposes of this section, "building"  
 157.23 means education site as defined in section 123B.04, subdivision 1.

157.24 (b) Each district shall ~~maintain separate accounts to~~ identify general fund  
 157.25 expenditures for each building to the extent provided by the uniform financial accounting  
 157.26 and reporting standards for school units. ~~All expenditures for regular instruction,~~  
 157.27 ~~secondary vocational instruction, and school administration must be reported to~~  
 157.28 ~~the department separately for each building. All expenditures for special education~~  
 157.29 ~~instruction, instructional support services, and pupil support services provided within a~~  
 157.30 ~~specific building must be reported to the department separately for each building. Salary~~  
 157.31 ~~expenditures reported by building must reflect actual salaries for staff at the building and~~  
 157.32 ~~must not be based on districtwide averages. All other General fund expenditures not~~  
 157.33 ~~available at the building level through the uniform financial accounting and reporting~~  
 157.34 ~~standards~~ may be reported by building or on a districtwide basis.

158.1 (c) The department must annually report information showing school district general  
 158.2 fund expenditures per pupil by program category for each building and estimated school  
 158.3 district general fund revenue generated by pupils attending each building on its Web  
 158.4 site. For purposes of this report:

158.5 (1) expenditures not reported by building shall be allocated among buildings on a  
 158.6 uniform per pupil basis;

158.7 (2) basic skills revenue shall be allocated according to section 126C.10, subdivision  
 158.8 4;

158.9 (3) secondary sparsity revenue and elementary sparsity revenue shall be allocated  
 158.10 according to section 126C.10, subdivisions 7 and 8;

158.11 (4) alternative teacher compensation revenue shall be allocated according to section  
 158.12 122A.415, subdivision 1;

158.13 (5) other general education revenue shall be allocated on a uniform per pupil unit  
 158.14 basis;

158.15 (6) first grade preparedness aid shall be allocated according to section 124D.081;

158.16 (7) state and federal special education aid and Title I aid shall be allocated in  
 158.17 proportion to district expenditures for these programs by building; and

158.18 (8) other general fund revenues shall be allocated on a uniform per pupil basis,  
 158.19 except that the department may allocate other revenues attributable to specific buildings  
 158.20 directly to those buildings.

158.21 **EFFECTIVE DATE.** This section is effective for fiscal years 2010 and later.

158.22 Sec. 5. Minnesota Statutes 2008, section 123B.79, subdivision 7, is amended to read:

158.23 Subd. 7. **Account transfer for ~~certain severance pay~~ designated separation**  
 158.24 **and retirement benefits.** A district may separately maintain in a reserve for certain  
 158.25 severance pay designated for separation and retirement benefit account not more than 50  
 158.26 percent of the amount necessary to meet the obligations for the portion of severance  
 158.27 pay that constitutes compensation for accumulated sick leave to be used for payment of  
 158.28 premiums for group insurance provided for former employees by the district separation  
 158.29 and retirement benefits, including compensated absences, termination benefits, pension  
 158.30 benefits, and other postemployment benefits, not accounted for elsewhere. The amount  
 158.31 necessary must be calculated according to standards established by the department.

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

158.33 Sec. 6. Minnesota Statutes 2008, section 123B.81, subdivision 3, is amended to read:

159.1 Subd. 3. **Debt verification.** The commissioner shall establish a uniform auditing or  
159.2 other verification procedure for districts to determine whether a statutory operating debt  
159.3 exists in any Minnesota school district ~~as of June 30, 1977. This procedure must identify~~  
159.4 ~~all interfund transfers made during fiscal year 1977 from a fund included in computing~~  
159.5 ~~statutory operating debt to a fund not included in computing statutory operating debt.~~ The  
159.6 standards for this uniform auditing or verification procedure must be promulgated by the  
159.7 ~~state board pursuant to chapter 14~~ commissioner. If a district applies to the commissioner  
159.8 for a statutory operating debt verification ~~or if the unaudited financial statement for the~~  
159.9 ~~school year ending June 30, 1977 reveals that a statutory operating debt might exist,~~ the  
159.10 commissioner shall require a verification of the amount of the statutory operating debt  
159.11 which actually does exist.

159.12 Sec. 7. Minnesota Statutes 2008, section 123B.81, subdivision 4, is amended to read:

159.13 Subd. 4. **Debt elimination.** If an audit or other verification procedure conducted  
159.14 pursuant to subdivision 3 determines that a statutory operating debt exists, a district  
159.15 must follow the procedures ~~set forth in this~~ section 123B.83 to eliminate this statutory  
159.16 operating debt.

159.17 Sec. 8. Minnesota Statutes 2008, section 123B.81, subdivision 5, is amended to read:

159.18 Subd. 5. **Certification of debt.** The commissioner shall certify the amount of  
159.19 statutory operating debt for each district. ~~Prior to June 30, 1979, the commissioner may,~~  
159.20 ~~on the basis of corrected figures, adjust the total amount of statutory operating debt~~  
159.21 ~~certified for any district.~~

159.22 Sec. 9. Minnesota Statutes 2008, section 124D.111, subdivision 3, is amended to read:

159.23 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision  
159.24 must be recorded as provided in this subdivision.

159.25 (b) In each district, the expenses for a school food service program for pupils must  
159.26 be attributed to a school food service fund. Under a food service program, the school  
159.27 food service may prepare or serve milk, meals, or snacks in connection with school or  
159.28 community service activities.

159.29 (c) Revenues and expenditures for food service activities must be recorded in the  
159.30 food service fund. The costs of processing applications, accounting for meals, preparing  
159.31 and serving food, providing kitchen custodial services, and other expenses involving the  
159.32 preparing of meals or the kitchen section of the lunchroom may be charged to the food  
159.33 service fund or to the general fund of the district. The costs of lunchroom supervision,

160.1 lunchroom custodial services, lunchroom utilities, and other administrative costs of the  
160.2 food service program must be charged to the general fund.

160.3 That portion of superintendent and fiscal manager costs that can be documented as  
160.4 attributable to the food service program may be charged to the food service fund provided  
160.5 that the school district does not employ or contract with a food service director or other  
160.6 individual who manages the food service program, or food service management company.  
160.7 If the cost of the superintendent or fiscal manager is charged to the food service fund,  
160.8 the charge must be at a wage rate not to exceed the statewide average for food service  
160.9 directors as determined by the department.

160.10 (d) Capital expenditures for the purchase of food service equipment must be made  
160.11 from the general fund and not the food service fund, unless two conditions apply:

160.12 (1) the unreserved balance in the food service fund at the end of the last fiscal year is  
160.13 greater than the cost of the equipment to be purchased; and

160.14 (2) the department has approved the purchase of the equipment.

160.15 (e) If the two conditions set out in paragraph (d) apply, the equipment may be  
160.16 purchased from the food service fund.

160.17 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit  
160.18 is not eliminated by revenues from food service operations in the next fiscal year, then the  
160.19 deficit must be eliminated by a permanent fund transfer from the general fund at the end of  
160.20 ~~that~~ the second fiscal year following the year in which the deficit occurred. However, if a  
160.21 district contracts with a food service management company during the period in which  
160.22 the deficit has accrued, the deficit must be ~~eliminated by a payment from~~ attributed to the  
160.23 food service management company or the district or both.

160.24 The amount of the deficit attributable to the district shall be the revenue shortfall  
160.25 caused by the difference between the contractually agreed upon prices for meals, a la  
160.26 carte, vending and catering and the actual prices charged by the district plus the amount of  
160.27 expenditures charged to the food service fund by the district in excess of the contractually  
160.28 agreed upon budget. The remaining amount of the deficit shall be attributable to the food  
160.29 service management company.

160.30 The amount of the deficit attributable to the food service management company  
160.31 must be eliminated by a payment to the district by the end of the fiscal year following the  
160.32 year in which the deficit occurred. If the payment is not made by the end of the fiscal year  
160.33 following the year in which the deficit occurred, the food service management company  
160.34 may not bid on any food service management contracts throughout the state until such  
160.35 payment has been made.

161.1 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service  
161.2 fund for up to three years without making the permanent transfer if the district submits  
161.3 to the commissioner by January 1 of the second fiscal year a plan for eliminating that  
161.4 deficit at the end of the third fiscal year.

161.5 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
161.6 successive years, a district may recode for that fiscal year the costs of lunchroom  
161.7 supervision, lunchroom custodial services, lunchroom utilities, and other administrative  
161.8 costs of the food service program charged to the general fund according to paragraph (c)  
161.9 and charge those costs to the food service fund in a total amount not to exceed the amount  
161.10 of surplus in the food service fund.

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

161.12 Sec. 10. Minnesota Statutes 2008, section 127A.441, is amended to read:

161.13 **127A.441 AID REDUCTION; LEVY REVENUE RECOGNITION CHANGE.**

161.14 Each year, the state aids payable to any school district for that fiscal year that are  
161.15 recognized as revenue in the school district's general and community service funds shall  
161.16 be adjusted by an amount equal to (1) the amount the district recognized as revenue for the  
161.17 prior fiscal year pursuant to section 123B.75, subdivision 5, paragraph (b) or (c), minus (2)  
161.18 the amount the district recognized as revenue for the current fiscal year pursuant to section  
161.19 123B.75, subdivision 5, paragraph (b) or (c). For purposes of making the aid adjustments  
161.20 under this section, the amount the district recognizes as revenue for either the prior fiscal  
161.21 year or the current fiscal year pursuant to section 123B.75, subdivision 5, paragraph (b),  
161.22 shall not include any amount levied pursuant to section 124D.86, subdivision 4, for school  
161.23 districts receiving revenue under sections 124D.86, subdivision 3, clauses (1), (2), and (3);  
161.24 126C.41, subdivisions 1, 2, and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2;  
161.25 126C.457; and 126C.48, subdivision 6. Payment from the permanent school fund shall not  
161.26 be adjusted pursuant to this section. The school district shall be notified of the amount of  
161.27 the adjustment made to each payment pursuant to this section.

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

161.29 Sec. 11. Minnesota Statutes 2008, section 127A.45, subdivision 2, is amended to read:

161.30 Subd. 2. **Definitions.** (a) ~~The term~~ "Other district receipts" means payments by  
161.31 county treasurers pursuant to section 276.10, apportionments from the school endowment  
161.32 fund pursuant to section 127A.33, apportionments by the county auditor pursuant to

162.1 section 127A.34, subdivision 2, and payments to school districts by the commissioner of  
162.2 revenue pursuant to chapter 298.

- 162.3 (b) ~~The term~~ "Cumulative amount guaranteed" means the product of
- 162.4 (1) the cumulative disbursement percentage shown in subdivision 3; times
- 162.5 (2) the sum of
- 162.6 (i) the current year aid payment percentage of the estimated aid and credit
- 162.7 entitlements paid according to subdivision 13; plus
- 162.8 (ii) 100 percent of the entitlements paid according to subdivisions 11 and 12; plus
- 162.9 (iii) the other district receipts.

162.10 (c) ~~The term~~ "Payment date" means the date on which state payments to districts  
162.11 are made by the electronic funds transfer method. If a payment date falls on a Saturday,  
162.12 a Sunday, or a weekday which is a legal holiday, the payment shall be made on the  
162.13 immediately preceding business day. The commissioner may make payments on dates  
162.14 other than those listed in subdivision 3, but only for portions of payments from any  
162.15 preceding payment dates which could not be processed by the electronic funds transfer  
162.16 method due to documented extenuating circumstances.

162.17 (d) The current year aid payment percentage equals ~~90~~ 73.

162.18 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2010  
162.19 and later.

162.20 Sec. 12. Minnesota Statutes 2008, section 127A.45, subdivision 3, is amended to read:

162.21 Subd. 3. **Payment dates and percentages.** (a) ~~For fiscal year 2004 and later,~~  
162.22 The commissioner shall pay to a district on the dates indicated an amount computed  
162.23 as follows: the cumulative amount guaranteed minus the sum of (a) the district's other  
162.24 district receipts through the current payment, and (b) the aid and credit payments through  
162.25 the immediately preceding payment. For purposes of this computation, the payment dates  
162.26 and the cumulative disbursement percentages are as follows:

	Payment date	Percentage
162.27		
162.28	Payment 1 July 15:	5.5
162.29	Payment 2 July 30:	8.0
162.30	Payment 3 August 15:	17.5
162.31	Payment 4 August 30:	20.0
162.32	Payment 5 September 15:	22.5
162.33	Payment 6 September 30:	25.0
162.34	Payment 7 October 15:	27.0
162.35	Payment 8 October 30:	30.0
162.36	Payment 9 November 15:	32.5

163.1	Payment 10	November 30:	36.5
163.2	Payment 11	December 15:	42.0
163.3	Payment 12	December 30:	45.0
163.4	Payment 13	January 15:	50.0
163.5	Payment 14	January 30:	54.0
163.6	Payment 15	February 15:	58.0
163.7	Payment 16	February 28:	63.0
163.8	Payment 17	March 15:	68.0
163.9	Payment 18	March 30:	74.0
163.10	Payment 19	April 15:	78.0
163.11	Payment 20	April 30:	85.0
163.12	Payment 21	May 15:	90.0
163.13	Payment 22	May 30:	95.0
163.14	Payment 23	June 20:	100.0

163.15 ~~(b) In addition to the amounts paid under paragraph (a), for fiscal year 2004, the~~  
 163.16 ~~commissioner shall pay to a district on the dates indicated an amount computed as follows:~~

163.17	<del>Payment 3</del>	<del>August 15: the final adjustment for the prior fiscal year for the state paid</del>	
163.18		<del>property tax credits established in section 273.1392</del>	
163.19	<del>Payment 4</del>	<del>August 30: one-third of the final adjustment for the prior fiscal year for</del>	
163.20		<del>all aid entitlements except state paid property tax credits</del>	
163.21	<del>Payment 6</del>	<del>September 30: one-third of the final adjustment for the prior fiscal year</del>	
163.22		<del>for all aid entitlements except state paid property tax credits</del>	
163.23	<del>Payment 8</del>	<del>October 30: one-third of the final adjustment for the prior fiscal year for</del>	
163.24		<del>all aid entitlements except state paid property tax credits</del>	

163.25 ~~(c) In addition to the amounts paid under paragraph (a), for fiscal year 2005 and~~  
 163.26 ~~later, the commissioner shall pay to a district on the dates indicated an amount computed~~  
 163.27 ~~as follows:~~

163.28	Payment 3	August 15: the final adjustment for the prior fiscal year for the state paid	
163.29		property tax credits established in section 273.1392	
163.30	Payment 4	August 30: 30 percent of the final adjustment for the prior fiscal year for	
163.31		all aid entitlements except state paid property tax credits	
163.32	Payment 6	September 30: 40 percent of the final adjustment for the prior fiscal year	
163.33		for all aid entitlements except state paid property tax credits	
163.34	Payment 8	October 30: 30 percent of the final adjustment for the prior fiscal year	
163.35		for all aid entitlements except state paid property tax credits	

163.36 Sec. 13. Minnesota Statutes 2008, section 127A.45, is amended by adding a  
 163.37 subdivision to read:

163.38 Subd. 7b. Advance final payment. (a) Notwithstanding subdivisions 3 and 7,  
 163.39 a school district or charter school exceeding its expenditure limitations under section  
 163.40 123B.83 as of June 30 of the prior fiscal year may receive a portion of its final payment

164.1 for the current fiscal year on June 20, if requested by the district or charter school. The  
 164.2 amount paid under this subdivision must not exceed the lesser of:

164.3 (1) the difference between 90 percent and the current year payment percentage in  
 164.4 subdivision 2, paragraph (d), in the current fiscal year times the sum of the district or  
 164.5 charter school's general education aid plus the aid adjustment in section 127A.50 for  
 164.6 the current fiscal year; or

164.7 (2) the amount by which the district's or charter school's net negative unreserved  
 164.8 general fund balance as of June 30 of the prior fiscal year exceeds 2.5 percent of the  
 164.9 district or charter school's expenditures for that fiscal year.

164.10 (b) The state total advance final payment under this subdivision for any year must  
 164.11 not exceed \$7,500,000. If the amount request exceeds \$7,500,000, the advance final  
 164.12 payment for each eligible district must be reduced proportionately.

164.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2010  
 164.14 and later.

164.15 Sec. 14. Minnesota Statutes 2008, section 127A.45, subdivision 13, is amended to read:

164.16 Subd. 13. **Aid payment percentage.** Except as provided in subdivisions 11, 12, 12a,  
 164.17 and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A,  
 164.18 120B, 121A, 122A, 123A, 123B, 124D, 125A, 125B, 126C, 134, and section 273.1392,  
 164.19 shall be paid at the current year aid payment percentage of the estimated entitlement during  
 164.20 the fiscal year of the entitlement. ~~For the purposes of this subdivision, a district's estimated~~  
 164.21 ~~entitlement for special education excess cost aid under section 125A.79 for fiscal year~~  
 164.22 ~~2005 equals 70 percent of the district's entitlement for the second prior fiscal year. For the~~  
 164.23 purposes of this subdivision, a district's estimated entitlement for special education excess  
 164.24 cost aid under section 125A.79 for fiscal year 2006 and later equals 74.0 percent of the  
 164.25 district's entitlement for the current fiscal year. The final adjustment payment, according  
 164.26 to subdivision 9, must be the amount of the actual entitlement, after adjustment for actual  
 164.27 data, minus the payments made during the fiscal year of the entitlement.

164.28 Sec. 15. Minnesota Statutes 2008, section 127A.47, subdivision 5, is amended to read:

164.29 Subd. 5. **Notification of resident district.** A district educating a pupil who is  
 164.30 a resident of another district must notify the district of residence within 60 days of the  
 164.31 date the pupil is determined by the district to be a nonresident, but not later than August  
 164.32 1 following the end of the school year in which the pupil is educated. ~~If the district of~~  
 164.33 ~~residence does not receive a notification from the providing district pursuant to this~~



165.1 ~~subdivision, it is not liable to that district for any tuition billing received after August 1~~  
165.2 ~~of the next school year.~~

165.3 Sec. 16. Minnesota Statutes 2008, section 134.31, subdivision 4a, is amended to read:

165.4 Subd. 4a. **Services to ~~the blind and physically handicapped~~ people with visual**  
165.5 **and physical disabilities.** The Minnesota Department of Education shall provide  
165.6 specialized services to ~~the blind and physically handicapped~~ people with visual and  
165.7 physical disabilities through the Minnesota Braille and Talking Book Library for the Blind  
165.8 ~~and Physically Handicapped~~ under a cooperative plan with the National Library Services  
165.9 for the Blind and Physically Handicapped of the Library of Congress.

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

165.11 Sec. 17. Minnesota Statutes 2008, section 134.31, is amended by adding a subdivision  
165.12 to read:

165.13 **Subd. 7. Telephone or electronic meetings.** (a) Notwithstanding section 13D.01,  
165.14 the Advisory Committee for the Minnesota Braille and Talking Book Library may conduct  
165.15 a meeting of its members by telephone or other electronic means so long as the following  
165.16 conditions are met:

165.17 (1) all members of the committee participating in the meeting, wherever their  
165.18 physical locations, can hear one another and can hear all discussion and testimony;

165.19 (2) members of the public present at the regular meeting location of the committee  
165.20 can hear all discussion, testimony, and votes of the members of the committee;

165.21 (3) at least one member of the committee is physically present at the regular meeting  
165.22 location; and

165.23 (4) all votes are conducted by roll call, so each member's vote on each issue can be  
165.24 identified and recorded.

165.25 (b) Each member of the committee participating in a meeting by telephone or other  
165.26 electronic means is considered present at the meeting for purposes of determining quorum  
165.27 and participating in all proceedings.

165.28 (c) If telephone or other electronic means is used to conduct a meeting, to the extent  
165.29 practical, the committee shall allow a person to monitor the meeting electronically from a  
165.30 remote location. The committee may require the person making the connection to pay  
165.31 for the documented additional costs that the committee incurs as a result of the additional  
165.32 connection.

165.33 (d) If telephone or other electronic means is used to conduct a regular, special, or  
165.34 emergency meeting, the committee shall provide notice of the regular meeting location,

166.1 the fact that some members may participate by telephone or other electronic means, and  
166.2 the provisions of paragraph (c). The timing and method of providing notice is governed  
166.3 by section 13D.04.

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

166.5 Sec. 18. Minnesota Statutes 2008, section 275.065, subdivision 3, is amended to read:

166.6 Subd. 3. **Notice of proposed property taxes.** (a) The county auditor shall prepare  
166.7 and the county treasurer shall deliver after November 10 and on or before November 24  
166.8 each year, by first class mail to each taxpayer at the address listed on the county's current  
166.9 year's assessment roll, a notice of proposed property taxes. Upon written request by  
166.10 the taxpayer, the treasurer may send the notice in electronic form or by electronic mail  
166.11 instead of on paper or by ordinary mail.

166.12 (b) The commissioner of revenue shall prescribe the form of the notice.

166.13 (c) The notice must inform taxpayers that it contains the amount of property taxes  
166.14 each taxing authority proposes to collect for taxes payable the following year. In the  
166.15 case of a town, or in the case of the state general tax, the final tax amount will be its  
166.16 proposed tax. ~~In the case of taxing authorities required to hold a public meeting under~~  
166.17 ~~subdivision 6, the notice must clearly state that each taxing authority, including regional~~  
166.18 ~~library districts established under section 134.201, and including the metropolitan taxing~~  
166.19 ~~districts as defined in paragraph (i), but excluding all other special taxing districts and~~  
166.20 ~~towns, will hold a public meeting to receive public testimony on the proposed budget and~~  
166.21 ~~proposed or final property tax levy, or, in case of a school district, on the current budget~~  
166.22 ~~and proposed property tax levy. The notice must clearly state for each city, county, school~~  
166.23 district, regional library authority established under section 134.201, and metropolitan  
166.24 taxing districts as defined in paragraph (i), the time and place of the taxing authority's  
166.25 regularly scheduled meetings in which the budget and levy will be discussed and the final  
166.26 budget and levy determined. The taxing authorities must provide the county auditor with  
166.27 the information to be included in the notice. It must clearly state the time and place of  
166.28 each taxing authority's meeting, provide a telephone number for the taxing authority that  
166.29 taxpayers may call if they have questions related to the notice; and an address where  
166.30 comments will be received by mail.

166.31 (d) The notice must state for each parcel:

166.32 (1) the market value of the property as determined under section 273.11, and used  
166.33 for computing property taxes payable in the following year and for taxes payable in the  
166.34 current year as each appears in the records of the county assessor on November 1 of the  
166.35 current year; and, in the case of residential property, whether the property is classified as

167.1 homestead or nonhomestead. The notice must clearly inform taxpayers of the years to  
167.2 which the market values apply and that the values are final values;

167.3 (2) the items listed below, shown separately by county, city or town, and state general  
167.4 tax, net of the residential and agricultural homestead credit under section 273.1384, voter  
167.5 approved school levy, other local school levy, and the sum of the special taxing districts,  
167.6 and as a total of all taxing authorities:

167.7 (i) the actual tax for taxes payable in the current year; and

167.8 (ii) the proposed tax amount.

167.9 If the county levy under clause (2) includes an amount for a lake improvement  
167.10 district as defined under sections 103B.501 to 103B.581, the amount attributable for that  
167.11 purpose must be separately stated from the remaining county levy amount.

167.12 In the case of a town or the state general tax, the final tax shall also be its proposed  
167.13 tax unless the town changes its levy at a special town meeting under section 365.52. If a  
167.14 school district has certified under section 126C.17, subdivision 9, that a referendum will  
167.15 be held in the school district at the November general election, the county auditor must  
167.16 note next to the school district's proposed amount that a referendum is pending and that, if  
167.17 approved by the voters, the tax amount may be higher than shown on the notice. In the  
167.18 case of the city of Minneapolis, the levy for Minneapolis Park and Recreation shall be  
167.19 listed separately from the remaining amount of the city's levy. In the case of the city of  
167.20 St. Paul, the levy for the St. Paul Library Agency must be listed separately from the  
167.21 remaining amount of the city's levy. In the case of Ramsey County, any amount levied  
167.22 under section 134.07 may be listed separately from the remaining amount of the county's  
167.23 levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax  
167.24 under chapter 276A or 473F applies, the proposed tax levy on the captured value or the  
167.25 proposed tax levy on the tax capacity subject to the areawide tax must each be stated  
167.26 separately and not included in the sum of the special taxing districts; and

167.27 (3) the increase or decrease between the total taxes payable in the current year and  
167.28 the total proposed taxes, expressed as a percentage.

167.29 For purposes of this section, the amount of the tax on homesteads qualifying under  
167.30 the senior citizens' property tax deferral program under chapter 290B is the total amount  
167.31 of property tax before subtraction of the deferred property tax amount.

167.32 (e) The notice must clearly state that the proposed or final taxes do not include  
167.33 the following:

167.34 (1) special assessments;

167.35 (2) levies approved by the voters after the date the proposed taxes are certified,  
167.36 including bond referenda and school district levy referenda;

168.1 (3) a levy limit increase approved by the voters by the first Tuesday after the first  
168.2 Monday in November of the levy year as provided under section 275.73;

168.3 (4) amounts necessary to pay cleanup or other costs due to a natural disaster  
168.4 occurring after the date the proposed taxes are certified;

168.5 (5) amounts necessary to pay tort judgments against the taxing authority that become  
168.6 final after the date the proposed taxes are certified; and

168.7 (6) the contamination tax imposed on properties which received market value  
168.8 reductions for contamination.

168.9 (f) Except as provided in subdivision 7, failure of the county auditor to prepare or  
168.10 the county treasurer to deliver the notice as required in this section does not invalidate the  
168.11 proposed or final tax levy or the taxes payable pursuant to the tax levy.

168.12 (g) If the notice the taxpayer receives under this section lists the property as  
168.13 nonhomestead, and satisfactory documentation is provided to the county assessor by the  
168.14 applicable deadline, and the property qualifies for the homestead classification in that  
168.15 assessment year, the assessor shall reclassify the property to homestead for taxes payable  
168.16 in the following year.

168.17 (h) In the case of class 4 residential property used as a residence for lease or rental  
168.18 periods of 30 days or more, the taxpayer must either:

168.19 (1) mail or deliver a copy of the notice of proposed property taxes to each tenant,  
168.20 renter, or lessee; or

168.21 (2) post a copy of the notice in a conspicuous place on the premises of the property.

168.22 The notice must be mailed or posted by the taxpayer by November 27 or within  
168.23 three days of receipt of the notice, whichever is later. A taxpayer may notify the county  
168.24 treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to  
168.25 which the notice must be mailed in order to fulfill the requirements of this paragraph.

168.26 (i) For purposes of this subdivision, ~~subdivisions~~ subdivision 5a and 6,  
168.27 "metropolitan special taxing districts" means the following taxing districts in the  
168.28 seven-county metropolitan area that levy a property tax for any of the specified purposes  
168.29 listed below:

168.30 (1) Metropolitan Council under section 473.132, 473.167, 473.249, 473.325,  
168.31 473.446, 473.521, 473.547, or 473.834;

168.32 (2) Metropolitan Airports Commission under section 473.667, 473.671, or 473.672;  
168.33 and

168.34 (3) Metropolitan Mosquito Control Commission under section 473.711.

168.35 For purposes of this section, any levies made by the regional rail authorities in the  
168.36 county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter

169.1 398A shall be included with the appropriate county's levy ~~and shall be discussed at that~~  
 169.2 ~~county's public hearing.~~

169.3 (j) The governing body of a county, city, or school district may, with the consent  
 169.4 of the county board, include supplemental information with the statement of proposed  
 169.5 property taxes about the impact of state aid increases or decreases on property tax  
 169.6 increases or decreases and on the level of services provided in the affected jurisdiction.  
 169.7 This supplemental information may include information for the following year, the current  
 169.8 year, and for as many consecutive preceding years as deemed appropriate by the governing  
 169.9 body of the county, city, or school district. It may include only information regarding:

- 169.10 (1) the impact of inflation as measured by the implicit price deflator for state and  
 169.11 local government purchases;  
 169.12 (2) population growth and decline;  
 169.13 (3) state or federal government action; and  
 169.14 (4) other financial factors that affect the level of property taxation and local services  
 169.15 that the governing body of the county, city, or school district may deem appropriate to  
 169.16 include.

169.17 The information may be presented using tables, written narrative, and graphic  
 169.18 representations and may contain instruction toward further sources of information or  
 169.19 opportunity for comment.

169.20 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and  
 169.21 thereafter.

169.22 Sec. 19. Minnesota Statutes 2008, section 275.065, subdivision 6, is amended to read:

169.23 Subd. 6. **Public hearing; Adoption of budget and levy.** ~~(a) For purposes of this~~  
 169.24 ~~section, the following terms shall have the meanings given:~~

169.25 ~~(1) "Initial hearing" means the first and primary hearing held to discuss the taxing~~  
 169.26 ~~authority's proposed budget and proposed property tax levy for taxes payable in the~~  
 169.27 ~~following year, or, for school districts, the current budget and the proposed property tax~~  
 169.28 ~~levy for taxes payable in the following year.~~

169.29 ~~(2) "Continuation hearing" means a hearing held to complete the initial hearing, if~~  
 169.30 ~~the initial hearing is not completed on its scheduled date.~~

169.31 ~~(3) "Subsequent hearing" means the hearing held to adopt the taxing authority's final~~  
 169.32 ~~property tax levy, and, in the case of taxing authorities other than school districts, the final~~  
 169.33 ~~budget, for taxes payable in the following year.~~

169.34 ~~(b) Between November 29 and December 20, the governing bodies of a city that has a~~  
 169.35 ~~population over 500, county, metropolitan special taxing districts as defined in subdivision~~

170.1 ~~3, paragraph (i), and regional library districts shall each hold an initial public hearing~~  
170.2 ~~to discuss and seek public comment on its final budget and property tax levy for taxes~~  
170.3 ~~payable in the following year, and the governing body of the school district shall hold an~~  
170.4 ~~initial public hearing to review its current budget and proposed property tax levy for taxes~~  
170.5 ~~payable in the following year. The metropolitan special taxing districts shall be required to~~  
170.6 ~~hold only a single joint initial public hearing, the location of which will be determined by~~  
170.7 ~~the affected metropolitan agencies. A city, county, metropolitan special taxing district as~~  
170.8 ~~defined in subdivision 3, paragraph (i), regional library district established under section~~  
170.9 ~~134.201, or school district is not required to hold a public hearing under this subdivision~~  
170.10 ~~unless its proposed property tax levy for taxes payable in the following year, as certified~~  
170.11 ~~under subdivision 1, has increased over its final property tax levy for taxes payable in the~~  
170.12 ~~current year by a percentage that is greater than the percentage increase in the implicit~~  
170.13 ~~price deflator for government consumption expenditures and gross investment for state~~  
170.14 ~~and local governments prepared by the Bureau of Economic Analysts of the United States~~  
170.15 ~~Department of Commerce for the 12-month period ending March 31 of the current year.~~

170.16 ~~(c) The initial hearing must be held after 5:00 p.m. if scheduled on a day other than~~  
170.17 ~~Saturday. No initial hearing may be held on a Sunday.~~

170.18 ~~(d) At the initial hearing under this subdivision, the percentage increase in property~~  
170.19 ~~taxes proposed by the taxing authority, if any, and the specific purposes for which property~~  
170.20 ~~tax revenues are being increased must be discussed. During the discussion, the governing~~  
170.21 ~~body shall hear comments regarding a proposed increase and explain the reasons for the~~  
170.22 ~~proposed increase. The public shall be allowed to speak and to ask questions. At the public~~  
170.23 ~~hearing, the school district must also provide and discuss information on the distribution~~  
170.24 ~~of its revenues by revenue source, and the distribution of its spending by program area.~~

170.25 ~~(e) If the initial hearing is not completed on its scheduled date, the taxing authority~~  
170.26 ~~must announce, prior to adjournment of the hearing, the date, time, and place for the~~  
170.27 ~~continuation of the hearing. The continuation hearing must be held at least five business~~  
170.28 ~~days but no more than 14 business days after the initial hearing. A continuation hearing~~  
170.29 ~~may not be held later than December 20 except as provided in paragraphs (f) and (g).~~  
170.30 ~~A continuation hearing must be held after 5:00 p.m. if scheduled on a day other than~~  
170.31 ~~Saturday. No continuation hearing may be held on a Sunday.~~

170.32 ~~(f) The governing body of a county shall hold its initial hearing on the first Thursday~~  
170.33 ~~in December each year, and may hold additional initial hearings on other dates before~~  
170.34 ~~December 20 if necessary for the convenience of county residents. If the county needs a~~  
170.35 ~~continuation of its hearing, the continuation hearing shall be held on the third Tuesday~~

171.1 ~~in December. If the third Tuesday in December falls on December 21, the county's~~  
171.2 ~~continuation hearing shall be held on Monday, December 20.~~

171.3 ~~(g) The metropolitan special taxing districts shall hold a joint initial public hearing~~  
171.4 ~~on the first Wednesday of December. A continuation hearing, if necessary, shall be held on~~  
171.5 ~~the second Wednesday of December even if that second Wednesday is after December 10.~~

171.6 ~~(h) The county auditor shall provide for the coordination of initial and continuation~~  
171.7 ~~hearing dates for all school districts and cities within the county to prevent conflicts under~~  
171.8 ~~clauses (i) and (j).~~

171.9 ~~(i) By August 10, each school board and the board of the regional library district~~  
171.10 ~~shall certify to the county auditors of the counties in which the school district or regional~~  
171.11 ~~library district is located the dates on which it elects to hold its initial hearing and any~~  
171.12 ~~continuation hearing. If a school board or regional library district does not certify these~~  
171.13 ~~dates by August 10, the auditor will assign the initial and continuation hearing dates. The~~  
171.14 ~~dates elected or assigned must not conflict with the initial and continuation hearing dates~~  
171.15 ~~of the county or the metropolitan special taxing districts.~~

171.16 ~~(j) By August 20, the county auditor shall notify the clerks of the cities within the~~  
171.17 ~~county of the dates on which school districts and regional library districts have elected to~~  
171.18 ~~hold their initial and continuation hearings. At the time a city certifies its proposed levy~~  
171.19 ~~under subdivision 1 it shall certify the dates on which it elects to hold its initial hearing and~~  
171.20 ~~any continuation hearing. Until September 15, the first and second Mondays of December~~  
171.21 ~~are reserved for the use of the cities. If a city does not certify its hearing dates by~~  
171.22 ~~September 15, the auditor shall assign the initial and continuation hearing dates. The dates~~  
171.23 ~~elected or assigned for the initial hearing must not conflict with the initial hearing dates~~  
171.24 ~~of the county, metropolitan special taxing districts, regional library districts, or school~~  
171.25 ~~districts within which the city is located. To the extent possible, the dates of the city's~~  
171.26 ~~continuation hearing should not conflict with the continuation hearing dates of the county,~~  
171.27 ~~metropolitan special taxing districts, regional library districts, or school districts within~~  
171.28 ~~which the city is located. This paragraph does not apply to cities of 500 population or less.~~

171.29 ~~(k) The county initial hearing date and the city, metropolitan special taxing district,~~  
171.30 ~~regional library district, and school district initial hearing dates must be designated on~~  
171.31 ~~the notices required under subdivision 3. The continuation hearing dates need not be~~  
171.32 ~~stated on the notices.~~

171.33 ~~(l) At a subsequent hearing, each county, school district, city over 500 population,~~  
171.34 ~~and metropolitan special taxing district may amend its proposed property tax levy~~  
171.35 ~~and must adopt a final property tax levy. Each county, city over 500 population, and~~  
171.36 ~~metropolitan special taxing district may also amend its proposed budget and must adopt a~~

172.1 ~~final budget at the subsequent hearing. The final property tax levy must be adopted prior~~  
 172.2 ~~to adopting the final budget. A school district is not required to adopt its final budget at the~~  
 172.3 ~~subsequent hearing. The subsequent hearing of a taxing authority must be held on a date~~  
 172.4 ~~subsequent to the date of the taxing authority's initial public hearing. If a continuation~~  
 172.5 ~~hearing is held, the subsequent hearing must be held either immediately following the~~  
 172.6 ~~continuation hearing or on a date subsequent to the continuation hearing. The subsequent~~  
 172.7 ~~hearing may be held at a regularly scheduled board or council meeting or at a special~~  
 172.8 ~~meeting scheduled for the purposes of the subsequent hearing. The subsequent hearing~~  
 172.9 ~~of a taxing authority does not have to be coordinated by the county auditor to prevent a~~  
 172.10 ~~conflict with an initial hearing, a continuation hearing, or a subsequent hearing of any~~  
 172.11 ~~other taxing authority. All subsequent hearings must be held prior to five working days~~  
 172.12 ~~after December 20 of the levy year. The date, time, and place of the subsequent hearing~~  
 172.13 ~~must be announced at the initial public hearing or at the continuation hearing.~~

172.14 ~~(m)~~ (a) The property tax levy certified under section 275.07 by a city of any  
 172.15 population, county, metropolitan special taxing district, regional library district, or school  
 172.16 district must not exceed the proposed levy determined under subdivision 1, except by an  
 172.17 amount up to the sum of the following amounts:

172.18 (1) the amount of a school district levy whose voters approved a referendum to  
 172.19 increase taxes under section 123B.63, subdivision 3, or 126C.17, subdivision 9, after  
 172.20 the proposed levy was certified;

172.21 (2) the amount of a city or county levy approved by the voters after the proposed  
 172.22 levy was certified;

172.23 (3) the amount of a levy to pay principal and interest on bonds approved by the  
 172.24 voters under section 475.58 after the proposed levy was certified;

172.25 (4) the amount of a levy to pay costs due to a natural disaster occurring after the  
 172.26 proposed levy was certified, if that amount is approved by the commissioner of revenue  
 172.27 under subdivision 6a;

172.28 (5) the amount of a levy to pay tort judgments against a taxing authority that become  
 172.29 final after the proposed levy was certified, if the amount is approved by the commissioner  
 172.30 of revenue under subdivision 6a;

172.31 (6) the amount of an increase in levy limits certified to the taxing authority by the  
 172.32 commissioner of education or the commissioner of revenue after the proposed levy was  
 172.33 certified; and

172.34 (7) the amount required under section 126C.55.

172.35 ~~(n)~~ (b) This subdivision does not apply to towns and special taxing districts other  
 172.36 than regional library districts and metropolitan special taxing districts.



173.1 ~~(b)~~(c) Notwithstanding the requirements of this section, the employer is required to  
173.2 meet and negotiate over employee compensation as provided for in chapter 179A.

173.3 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and  
173.4 thereafter.

173.5 Sec. 20. Laws 2008, chapter 363, article 2, section 46, subdivision 1, is amended to  
173.6 read:

173.7 Subdivision 1. **Capital account transfers.** Notwithstanding any law to the contrary,  
173.8 on June 30, of 2008, 2009, and 2010, a school district may transfer money from its  
173.9 reserved for operating capital account to its undesignated balance in the general fund. The  
173.10 amount transferred by any school district must not exceed \$51 times the district's adjusted  
173.11 marginal cost pupil units for the second preceding fiscal year ~~2007~~. This transfer annually  
173.12 may occur only after the school board has adopted a written resolution stating the amount  
173.13 of the transfer and declaring that the school district's operating capital needs are being met.

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

173.15 Sec. 21. **FUND TRANSFER; ST. ANTHONY-NEW BRIGHTON.**

173.16 Notwithstanding Minnesota Statutes, section 123B.79 or 123B.80, on June 30, 2009,  
173.17 Independent School District No. 282, St. Anthony-New Brighton, may permanently  
173.18 transfer up to \$400,000 from its reserved for operating capital account to its undesignated  
173.19 general fund balance.

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

173.21 Sec. 22. **APPROPRIATIONS.**

173.22 Subdivision 1. **Department of Education.** The sums indicated in this section are  
173.23 appropriated from the general fund to the Department of Education for the fiscal years  
173.24 designated.

173.25 Subd. 2. **School lunch.** For school lunch aid according to Minnesota Statutes,  
173.26 section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

173.27	\$	<u>12,688,000</u>	<u>.....</u>	<u>2010</u>
173.28	\$	<u>13,069,000</u>	<u>.....</u>	<u>2011</u>

173.29 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota  
173.30 Statutes, section 124D.1158:

174.1           \$        4,978,000     .....  2010

174.2           \$        5,147,000     .....  2011

174.3           Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,  
174.4 section 124D.118:

174.5           \$        1,098,000     .....  2010

174.6           \$        1,120,000     .....  2011

174.7           Subd. 5. **Summer school food service replacement aid.** For summer food service  
174.8 replacement aid under Minnesota Statutes, section 124D.119:

174.9           \$        150,000        .....  2010

174.10          \$        150,000        .....  2011

174.11          Sec. 23. **DEPARTMENT OF EDUCATION; LIBRARY APPROPRIATIONS.**

174.12          Subdivision 1. **Department of Education.** The sums indicated in this section are  
174.13 appropriated from the general fund to the Department of Education for the fiscal years  
174.14 designated.

174.15          Subd. 2. **Basic system support.** For basic system support grants under Minnesota  
174.16 Statutes, section 134.355:

174.17          \$        11,264,000     .....  2010

174.18          \$        13,570,000     .....  2011

174.19          The 2010 appropriation includes \$1,357,000 for 2009 and \$9,907,000 for 2010.

174.20          The 2011 appropriation includes \$3,663,000 for 2010 and \$9,907,000 for 2011.

174.21          Subd. 3. **Multicounty, multitype library systems.** For grants under Minnesota  
174.22 Statutes, sections 134.353 and 134.354, to multicounty, multitype library systems:

174.23          \$        1,079,000     .....  2010

174.24          \$        1,300,000     .....  2011

174.25          The 2010 appropriation includes \$130,000 for 2009 and \$949,000 for 2010.

174.26          The 2011 appropriation includes \$351,000 for 2010 and \$949,000 for 2011.

174.27          Subd. 4. **Electronic library for Minnesota.** For statewide licenses to online  
174.28 databases selected in cooperation with the Minnesota Office of Higher Education for  
174.29 school media centers, public libraries, state government agency libraries, and public  
174.30 or private college or university libraries:

174.31          \$        900,000        .....  2010

174.32          \$        900,000        .....  2011

175.1 Any balance in the first year does not cancel but is available in the second year.

175.2 Subd. 5. **Regional library telecommunications aid.** For regional library  
 175.3 telecommunications aid under Minnesota Statutes, section 134.355:

175.4 \$ 1,909,000 ..... 2010

175.5 \$ 2,300,000 ..... 2011

175.6 The 2010 appropriation includes \$230,000 for 2009 and \$1,679,000 for 2010.

175.7 The 2011 appropriation includes \$621,000 for 2010 and \$1,679,000 for 2011.

175.8 **Sec. 24. REPEALER.**

175.9 Minnesota Statutes 2008, section 275.065, subdivisions 5a, 6b, 6c, 8, 9, and 10, are  
 175.10 repealed.

175.11 **EFFECTIVE DATE.** This section is effective for taxes payable in 2010 and  
 175.12 thereafter.

## 175.13 **ARTICLE 6**

### 175.14 **SELF-SUFFICIENCY AND LIFELONG LEARNING**

175.15 Section 1. Minnesota Statutes 2008, section 299A.297, is amended to read:

175.16 **299A.297 OTHER DUTIES.**

175.17 The commissioner of public safety, in consultation with the Chemical Abuse and  
 175.18 Violence Prevention Council, shall:

175.19 (1) provide information and assistance upon request to school preassessment teams  
 175.20 established under section 121A.26 ~~and school and community advisory teams established~~  
 175.21 ~~under section 121A.27;~~

175.22 (2) provide information and assistance upon request to the State Board of Pharmacy  
 175.23 with respect to the board's enforcement of chapter 152;

175.24 (3) cooperate with and provide information and assistance upon request to the  
 175.25 Alcohol and Other Drug Abuse Section in the Department of Human Services;

175.26 (4) coordinate the policy of the office with that of the Narcotic Enforcement Unit in  
 175.27 the Bureau of Criminal Apprehension; and

175.28 (5) coordinate the activities of the regional drug task forces, provide assistance and  
 175.29 information to them upon request, and assist in the formation of task forces in areas of  
 175.30 the state in which no task force operates.

175.31 **Sec. 2. REPEALER.**

176.1 Minnesota Statutes 2008, section 121A.27, is repealed.

176.2 **ARTICLE 7**

176.3 **STATE AGENCIES**

176.4 Section 1. Minnesota Statutes 2008, section 125A.62, subdivision 8, is amended to  
176.5 read:

176.6 Subd. 8. **Grants and gifts.** The board, through the chief administrators of the  
176.7 academies, may apply for all competitive grants administered by agencies of the state and  
176.8 other government or nongovernment sources. Application may not be made for grants over  
176.9 which the board has discretion. Any funds received under this subdivision are appropriated  
176.10 and dedicated for the purpose for which it is granted. The board must annually by February  
176.11 1 report to the education policy and finance committees of the legislature the amount of  
176.12 money it received under this subdivision and the purpose for which it was granted.

176.13 Sec. 2. Minnesota Statutes 2008, section 127A.08, is amended by adding a subdivision  
176.14 to read:

176.15 Subd. 5. **Grants and gifts.** The commissioner may apply for and receive grants  
176.16 and gifts administered by agencies of the state and other government or nongovernment  
176.17 sources. Any money received is hereby appropriated and dedicated for the purpose for  
176.18 which it is granted. The commissioner annually by February 1 must report to the education  
176.19 policy and finance committees of the legislature the amount of money it received under  
176.20 this subdivision and the purpose for which it was granted.

176.21 Sec. 3. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

176.22 Subdivision 1. **Department of Education.** Unless otherwise indicated, the sums  
176.23 indicated in this section are appropriated from the general fund to the Department of  
176.24 Education for the fiscal years designated.

176.25 Subd. 2. **Department.** (a) For the Department of Education:

176.26 \$ 21,693,000 ..... 2010

176.27 \$ 21,693,000 ..... 2011

176.28 Any balance in the first year does not cancel but is available in the second year.

176.29 (b) \$41,000 each year is for the Minnesota Academy of Science.

176.30 (c) \$632,000 in fiscal year 2010 and \$632,000 in fiscal year 2011 are for the Board  
176.31 of Teaching.

177.1 (d) \$171,000 in fiscal year 2010 and \$171,000 in fiscal year 2011 are for the Board  
177.2 of School Administrators.

177.3 (e) \$40,000 each year is for an early hearing loss intervention coordinator under  
177.4 Minnesota Statutes, section 125A.63, subdivision 5. If the department expends federal  
177.5 funds to employ a hearing loss coordinator under Minnesota Statutes, section 125.63,  
177.6 subdivision 5, then the appropriation under this paragraph is reallocated for purposes of  
177.7 employing a world languages coordinator.

177.8 (f) \$260,000 each year is for the Minnesota Children's Museum.

177.9 (g) \$50,000 each year is for the Duluth Children's Museum.

177.10 (h) The expenditures of federal grants and aids as shown in the biennial budget  
177.11 document and its supplements are approved and appropriated and shall be spent as  
177.12 indicated, with the exception of state incentive grants, education technology state grants,  
177.13 teacher incentive funds, and statewide data system funds as outlined in the supplemental  
177.14 federal funds submission dated March 25, 2009.

177.15 Subd. 3. **Board of Teaching; licensure by portfolio.** For the Board of Teaching  
177.16 for licensure by portfolio:

177.17 \$ 30,000 ..... 2010

177.18 \$ 30,000 ..... 2011

177.19 This appropriation is from the educator licensure portfolio account of the special  
177.20 revenue fund.

177.21 Sec. 4. **APPROPRIATIONS; MINNESOTA STATE ACADEMIES.**

177.22 The sums indicated in this section are appropriated from the general fund to the  
177.23 Minnesota State Academies for the Deaf and the Blind for the fiscal years designated:

177.24 \$ 11,912,000 ..... 2010

177.25 \$ 11,912,000 ..... 2011

177.26 Any balance in the first year does not cancel but is available in the second year.

177.27 Sec. 5. **APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

177.28 The sums in this section are appropriated from the general fund to the Perpich  
177.29 Center for Arts Education for the fiscal years designated:

177.30 \$ 7,087,000 ..... 2010

177.31 \$ 7,087,000 ..... 2011

177.32 Any balance in the first year does not cancel but is available in the second year.

## ARTICLE 8

## PUPIL TRANSPORTATION

178.1  
178.2

178.3 Section 1. Minnesota Statutes 2008, section 123B.92, subdivision 1, is amended to read:

178.4 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the  
178.5 terms defined in this subdivision have the meanings given to them.

178.6 (a) "Actual expenditure per pupil transported in the regular and excess transportation  
178.7 categories" means the quotient obtained by dividing:

178.8 (1) the sum of:

178.9 (i) all expenditures for transportation in the regular category, as defined in paragraph  
178.10 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

178.11 (ii) an amount equal to one year's depreciation on the district's school bus fleet  
178.12 and mobile units computed on a straight line basis at the rate of 15 percent per year for  
178.13 districts operating a program under section 124D.128 for grades 1 to 12 for all students in  
178.14 the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

178.15 (iii) an amount equal to one year's depreciation on the district's type ~~three school~~  
178.16 ~~buses III vehicles~~, as defined in section 169.011, subdivision 71, ~~clause (5)~~, which must be  
178.17 used a majority of the time for pupil transportation purposes, computed on a straight line  
178.18 basis at the rate of 20 percent per year of the cost of the type three school buses by:

178.19 (2) the number of pupils eligible for transportation in the regular category, as defined  
178.20 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

178.21 (b) "Transportation category" means a category of transportation service provided to  
178.22 pupils as follows:

178.23 (1) Regular transportation is:

178.24 (i) transportation to and from school during the regular school year for resident  
178.25 elementary pupils residing one mile or more from the public or nonpublic school they  
178.26 attend, and resident secondary pupils residing two miles or more from the public  
178.27 or nonpublic school they attend, excluding desegregation transportation and noon  
178.28 kindergarten transportation; but with respect to transportation of pupils to and from  
178.29 nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

178.30 (ii) transportation of resident pupils to and from language immersion programs;

178.31 (iii) transportation of a pupil who is a custodial parent and that pupil's child between  
178.32 the pupil's home and the child care provider and between the provider and the school, if  
178.33 the home and provider are within the attendance area of the school;

178.34 (iv) transportation to and from or board and lodging in another district, of resident  
178.35 pupils of a district without a secondary school; and

179.1 (v) transportation to and from school during the regular school year required under  
179.2 subdivision 3 for nonresident elementary pupils when the distance from the attendance  
179.3 area border to the public school is one mile or more, and for nonresident secondary pupils  
179.4 when the distance from the attendance area border to the public school is two miles or  
179.5 more, excluding desegregation transportation and noon kindergarten transportation.

179.6 For the purposes of this paragraph, a district may designate a licensed day care  
179.7 facility, school day care facility, respite care facility, the residence of a relative, or the  
179.8 residence of a person chosen by the pupil's parent or guardian as the home of a pupil for  
179.9 part or all of the day, if requested by the pupil's parent or guardian, and if that facility or  
179.10 residence is within the attendance area of the school the pupil attends.

179.11 (2) Excess transportation is:

179.12 (i) transportation to and from school during the regular school year for resident  
179.13 secondary pupils residing at least one mile but less than two miles from the public or  
179.14 nonpublic school they attend, and transportation to and from school for resident pupils  
179.15 residing less than one mile from school who are transported because of extraordinary  
179.16 traffic, drug, or crime hazards; and

179.17 (ii) transportation to and from school during the regular school year required under  
179.18 subdivision 3 for nonresident secondary pupils when the distance from the attendance area  
179.19 border to the school is at least one mile but less than two miles from the public school  
179.20 they attend, and for nonresident pupils when the distance from the attendance area border  
179.21 to the school is less than one mile from the school and who are transported because of  
179.22 extraordinary traffic, drug, or crime hazards.

179.23 (3) Desegregation transportation is transportation within and outside of the district  
179.24 during the regular school year of pupils to and from schools located outside their normal  
179.25 attendance areas under a plan for desegregation mandated by the commissioner or under  
179.26 court order.

179.27 (4) "Transportation services for pupils with disabilities" is:

179.28 (i) transportation of pupils with disabilities who cannot be transported on a regular  
179.29 school bus between home or a respite care facility and school;

179.30 (ii) necessary transportation of pupils with disabilities from home or from school to  
179.31 other buildings, including centers such as developmental achievement centers, hospitals,  
179.32 and treatment centers where special instruction or services required by sections 125A.03  
179.33 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district  
179.34 where services are provided;

179.35 (iii) necessary transportation for resident pupils with disabilities required by sections  
179.36 125A.12, and 125A.26 to 125A.48;

180.1 (iv) board and lodging for pupils with disabilities in a district maintaining special  
180.2 classes;

180.3 (v) transportation from one educational facility to another within the district for  
180.4 resident pupils enrolled on a shared-time basis in educational programs, and necessary  
180.5 transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils  
180.6 with disabilities who are provided special instruction and services on a shared-time basis  
180.7 or if resident pupils are not transported, the costs of necessary travel between public  
180.8 and private schools or neutral instructional sites by essential personnel employed by the  
180.9 district's program for children with a disability;

180.10 (vi) transportation for resident pupils with disabilities to and from board and lodging  
180.11 facilities when the pupil is boarded and lodged for educational purposes; ~~and~~

180.12 (vii) transportation of pupils for a curricular field trip activity on a school bus  
180.13 equipped with a power lift when the power lift is required by a student's disability or  
180.14 section 504 plan; and

180.15 (viii) services described in clauses (i) to ~~(vi)~~ (vii), when provided for pupils with  
180.16 disabilities in conjunction with a summer instructional program that relates to the pupil's  
180.17 individual education plan or in conjunction with a learning year program established  
180.18 under section 124D.128.

180.19 For purposes of computing special education initial aid under section 125A.76,  
180.20 subdivision 2, the cost of providing transportation for children with disabilities includes  
180.21 (A) the additional cost of transporting a homeless student from a temporary nonshelter  
180.22 home in another district to the school of origin, or a formerly homeless student from a  
180.23 permanent home in another district to the school of origin but only through the end of the  
180.24 academic year; and (B) depreciation on district-owned school buses purchased after July 1,  
180.25 2005, and used primarily for transportation of pupils with disabilities, calculated according  
180.26 to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled  
180.27 transportation category must be excluded in calculating the actual expenditure per pupil  
180.28 transported in the regular and excess transportation categories according to paragraph (a).

180.29 (5) "Nonpublic nonregular transportation" is:

180.30 (i) transportation from one educational facility to another within the district for  
180.31 resident pupils enrolled on a shared-time basis in educational programs, excluding  
180.32 transportation for nonpublic pupils with disabilities under clause (4);

180.33 (ii) transportation within district boundaries between a nonpublic school and a  
180.34 public school or a neutral site for nonpublic school pupils who are provided pupil support  
180.35 services pursuant to section 123B.44; and



181.1 (iii) late transportation home from school or between schools within a district for  
181.2 nonpublic school pupils involved in after-school activities.

181.3 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for  
181.4 educational programs and services, including diagnostic testing, guidance and counseling  
181.5 services, and health services. A mobile unit located off nonpublic school premises is a  
181.6 neutral site as defined in section 123B.41, subdivision 13.

181.7 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2010.

181.8 Sec. 2. Minnesota Statutes 2008, section 123B.92, subdivision 5, is amended to read:

181.9 Subd. 5. **District reports.** (a) Each district must report data to the department as  
181.10 required by the department to account for transportation expenditures.

181.11 (b) Salaries and fringe benefits of district employees whose primary duties are  
181.12 other than transportation, including central office administrators and staff, building  
181.13 administrators and staff, teachers, social workers, school nurses, and instructional aides,  
181.14 must not be included in a district's transportation expenditures, except that a district may  
181.15 include salaries and benefits according to paragraph (c) for (1) an employee designated  
181.16 as the district transportation director, (2) an employee providing direct support to the  
181.17 transportation director, or (3) an employee providing direct transportation services such as  
181.18 a bus driver or bus aide.

181.19 (c) Salaries and fringe benefits of the district employees listed in paragraph (b),  
181.20 clauses (1), (2), and (3), who work part time in transportation and part time in other areas  
181.21 must not be included in a district's transportation expenditures unless the district maintains  
181.22 documentation of the employee's time spent on pupil transportation matters in the form  
181.23 and manner prescribed by the department.

181.24 (d) Pupil transportation expenditures, excluding expenditures for capital outlay,  
181.25 leased buses, student board and lodging, crossing guards, and aides on buses, must  
181.26 be allocated among transportation categories based on cost-per-mile, cost-per-student,  
181.27 cost-per-hour, or cost-per-route, regardless of whether the transportation services are  
181.28 provided on district-owned or contractor-owned school buses. Expenditures for school  
181.29 bus driver salaries and fringe benefits may either be directly charged to the appropriate  
181.30 transportation category or may be allocated among transportation categories based  
181.31 on cost-per-mile, cost-per-student, cost-per-hour, or cost-per-route. Expenditures  
181.32 by private contractors or individuals who provide transportation exclusively in one  
181.33 transportation category must be charged directly to the appropriate transportation category.  
181.34 Transportation services provided by contractor-owned school bus companies incorporated

182.1 under different names but owned by the same individual or group of individuals must be  
182.2 treated as the same company for cost allocation purposes.

182.3 (e) Notwithstanding paragraph (d), districts contracting for transportation services  
182.4 are exempt from the standard cost allocation method for authorized and nonauthorized  
182.5 transportation categories if the district: (1) bids its contracts separately for authorized  
182.6 and nonauthorized transportation categories and for special transportation separate from  
182.7 regular and excess transportation; (2) receives bids or quotes from more than one vendor  
182.8 for these transportation categories; and (3) the district's cost-per-mile, cost-per-hour, or  
182.9 cost-per-route does not vary more than ten percent among categories, excluding salaries  
182.10 and fringe benefits of bus aides. If the costs reported by the district for contractor-owned  
182.11 operations vary by more than ten percent among categories, the department shall require  
182.12 the district to reallocate its transportation costs, excluding salaries and fringe benefits of  
182.13 bus aides, among all categories.

182.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2010.

182.15 Sec. 3. Minnesota Statutes 2008, section 169.011, subdivision 71, is amended to read:

182.16 Subd. 71. **School bus.** (a) "School bus" means a motor vehicle used to transport  
182.17 pupils to or from a school defined in section 120A.22, or to or from school-related  
182.18 activities, by the school or a school district, or by someone under an agreement with the  
182.19 school or a school district. A school bus does not include a motor vehicle transporting  
182.20 children to or from school for which parents or guardians receive direct compensation  
182.21 from a school district, a motor coach operating under charter carrier authority, a transit  
182.22 bus providing services as defined in section 174.22, subdivision 7, ~~a multifunction school~~  
182.23 ~~activity bus as defined by federal motor vehicle safety standards~~, or a vehicle otherwise  
182.24 qualifying as a type III vehicle under ~~paragraph (5)~~ clause (6), when the vehicle is properly  
182.25 registered and insured and being driven by an employee or agent of a school district for  
182.26 nonscheduled or nonregular transportation.

182.27 (b) A school bus may be type A, type B, type C, or type D, multifunction school  
182.28 activity bus, or type III as follows: provided in paragraphs (c) to (h).

182.29 ~~(1)~~ (c) A "type A school bus" is a van conversion or bus constructed utilizing a  
182.30 cutaway front section vehicle with a left-side driver's door. ~~The entrance door is behind the~~  
182.31 front wheels. This definition includes two classifications: type A-I, with a gross vehicle  
182.32 weight rating (GVWR) less than or equal to ~~10,000~~ 14,500 pounds; and type A-II, with a  
182.33 GVWR greater than ~~10,000~~ 14,500 pounds and less than or equal to 21,500 pounds.

182.34 ~~(2)~~ (d) A "type B school bus" is constructed utilizing a stripped chassis. The  
182.35 entrance door is behind the front wheels. This definition includes two classifications: type

183.1 B-I, with a GVWR less than or equal to 10,000 pounds; and type B-II, with a GVWR  
 183.2 greater than 10,000 pounds.

183.3 ~~(3)~~ (e) A "type C school bus" is constructed utilizing a chassis with a hood and front  
 183.4 fender assembly. The entrance door is behind the front wheels. A "type C school bus" also  
 183.5 includes a cutaway truck chassis or truck chassis with cab, with or without a left side door,  
 183.6 and with a GVWR greater than 21,500 pounds.

183.7 ~~(4)~~ (f) A "type D school bus" is constructed utilizing a stripped chassis. The entrance  
 183.8 door is ahead of the front wheels.

183.9 ~~(5)~~ (g) A "multifunction school activity bus" is a school bus that meets the definition  
 183.10 of a multifunction school activity bus in Code of Federal Regulations, title 49, section  
 183.11 571.3. A vehicle that meets the definition of a type III vehicle is not a multifunction  
 183.12 school activity bus.

183.13 (h) A "Type III ~~vehicles are~~ vehicle" is restricted to passenger cars, station wagons,  
 183.14 vans, and buses having a maximum manufacturer's rated seating capacity of ten or fewer  
 183.15 people, including the driver, and a gross vehicle weight rating of 10,000 pounds or  
 183.16 less. In this subdivision, "gross vehicle weight rating" means the value specified by the  
 183.17 manufacturer as the loaded weight of a single vehicle. A "type III vehicle" must not be  
 183.18 outwardly equipped and identified as a type A, B, C, or D school bus or type A, B, C, or D  
 183.19 Head Start bus. A van or bus converted to a seating capacity of ten or fewer and placed in  
 183.20 service on or after August 1, 1999, must have been originally manufactured to comply  
 183.21 with the passenger safety standards.

183.22 (i) In this subdivision, "gross vehicle weight rating" means the value specified by  
 183.23 the manufacturer as the loaded weight of a single vehicle.

183.24 **EFFECTIVE DATE.** This section is effective July 1, 2009.

183.25 Sec. 4. Minnesota Statutes 2008, section 169.443, subdivision 9, is amended to read:

183.26 Subd. 9. **Personal cellular phone call prohibition.** (a) As used in this subdivision,  
 183.27 "school bus" has the meaning given in section 169.011, subdivision 71. In addition, the  
 183.28 term includes type III vehicles as ~~described~~ defined in section 169.011, subdivision 71,  
 183.29 ~~clause (5)~~; when driven by employees or agents of school districts.

183.30 (b) A school bus driver may not operate a school bus while communicating over, or  
 183.31 otherwise operating, a cellular phone for personal reasons, whether handheld or hands  
 183.32 free, when the vehicle is in motion.

183.33 Sec. 5. Minnesota Statutes 2008, section 169.4501, subdivision 1, is amended to read:

184.1 Subdivision 1. **National standards adopted.** Except as provided in sections  
184.2 169.4502 and 169.4503, the construction, design, equipment, and color of types A, B, C,  
184.3 ~~D and multifunctional~~ school buses and multifunction school activity ~~bus school~~ buses  
184.4 used for the transportation of school children shall meet the requirements of the "bus  
184.5 chassis standards" and "bus body standards" in the 2005 edition of the "National School  
184.6 Transportation Specifications and Procedures" adopted by the National Congress on  
184.7 School Transportation. Except as provided in section 169.4504, the construction, design,  
184.8 and equipment of types A, B, C, ~~D and multifunctional~~ school buses and multifunction  
184.9 school activity bus school buses used for the transportation of students with disabilities  
184.10 also shall meet the requirements of the "specially equipped school bus standards" in the  
184.11 2005 National School Transportation Specifications and Procedures. The "bus chassis  
184.12 standards," "bus body standards," and "specially equipped school bus standards" sections  
184.13 of the 2005 edition of the "National School Transportation Specifications and Procedures"  
184.14 are incorporated by reference in this chapter.

184.15 Sec. 6. Minnesota Statutes 2008, section 169.4503, subdivision 20, is amended to read:

184.16 Subd. 20. **Seat and crash barriers.** (a) All restraining barriers and passenger seats  
184.17 shall be covered with a material that has fire retardant or fire block characteristics.

184.18 (b) All seats must have a minimum cushion depth of 15 inches and a seat back  
184.19 height of at least 20 inches above the seating reference point, and beginning October 21,  
184.20 2009, must also conform to the Federal Motor Vehicle Safety Standard in Code of Federal  
184.21 Regulations, title 49, section 571.222.

184.22 Sec. 7. Minnesota Statutes 2008, section 169.4503, is amended by adding a subdivision  
184.23 to read:

184.24 Subd. 27. **Tailpipe.** (a) The tailpipe must not extend more than two inches beyond  
184.25 the perimeter of the body for a side-exit pipe or beyond the bumper for a rear-exit pipe.

184.26 (b) The tailpipe must exit either in the rear of the vehicle or to the left side of the bus  
184.27 in front of or behind the rear drive axle. The tailpipe exit location on all type A-I or B-I  
184.28 buses must be in accordance with the manufacturer's standards. The tailpipe must not exit  
184.29 beneath any fuel filler location or beneath any emergency door.

184.30 **EFFECTIVE DATE.** This section is effective the day following final enactment  
184.31 retroactive to December 31, 2007.

184.32 Sec. 8. Minnesota Statutes 2008, section 169.454, subdivision 13, is amended to read:

185.1 Subd. 13. **Exemption.** When a vehicle otherwise qualifying as a type III vehicle  
185.2 under section 169.011, subdivision 71, ~~clause (5)~~; whether owned and operated by a  
185.3 school district or privately owned and operated, is used to transport school children in a  
185.4 nonscheduled situation, it shall be exempt from the vehicle requirements of this section  
185.5 and the licensing requirements of section 171.321, if the vehicle is properly registered  
185.6 and insured and operated by an employee or agent of a school district with a valid driver's  
185.7 license.

185.8 Sec. 9. Minnesota Statutes 2008, section 169A.03, subdivision 23, is amended to read:

185.9 Subd. 23. **School bus.** "School bus" has the meaning given in section 169.011,  
185.10 subdivision 71. In addition, the term includes type III vehicles as ~~described~~ defined in  
185.11 section 169.011, subdivision 71, ~~clause (5)~~; when driven by employees or agents of school  
185.12 districts.

185.13 Sec. 10. Minnesota Statutes 2008, section 171.01, subdivision 22, is amended to read:

185.14 Subd. 22. **Commercial motor vehicle.** "Commercial motor vehicle" means a motor  
185.15 vehicle or combination of motor vehicles used to transport passengers or property if  
185.16 the motor vehicle:

185.17 (1) has a gross vehicle weight of more than 26,000 pounds;

185.18 (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the  
185.19 combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

185.20 (3) is a bus;

185.21 (4) is of any size and is used in the transportation of hazardous materials that are  
185.22 required to be placarded under Code of Federal Regulations, title 49, parts 100-185; or

185.23 (5) is outwardly equipped and identified as a school bus, except for type III vehicles  
185.24 defined in section 169.011, subdivision 71, ~~clause (5)~~.

185.25 Sec. 11. Minnesota Statutes 2008, section 171.02, subdivision 2, is amended to read:

185.26 Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers'  
185.27 licenses are classified according to the types of vehicles that may be driven by the holder  
185.28 of each type or class of license. The commissioner may, as appropriate, subdivide the  
185.29 classes listed in this subdivision and issue licenses classified accordingly.

185.30 (b) Except as provided in paragraph (c), clauses (1) and (2), and subdivision 2a, no  
185.31 class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer  
185.32 or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless

186.1 so endorsed. There are four general classes of licenses as described in paragraphs (c)  
186.2 through (f).

186.3 (c) Class D drivers' licenses are valid for:

186.4 (1) operating all farm trucks if the farm truck is:

186.5 (i) controlled and operated by a farmer, including operation by an immediate family  
186.6 member or an employee of the farmer;

186.7 (ii) used to transport agricultural products, farm machinery, or farm supplies,  
186.8 including hazardous materials, to or from a farm;

186.9 (iii) not used in the operations of a common or contract motor carrier as governed by  
186.10 Code of Federal Regulations, title 49, part 365; and

186.11 (iv) used within 150 miles of the farm;

186.12 (2) notwithstanding paragraph (b), operating an authorized emergency vehicle, as  
186.13 defined in section 169.011, subdivision 3, whether or not in excess of 26,000 pounds  
186.14 gross vehicle weight;

186.15 (3) operating a recreational vehicle as defined in section 168.002, subdivision 27,  
186.16 that is operated for personal use;

186.17 (4) operating all single-unit vehicles except vehicles with a gross vehicle weight of  
186.18 more than 26,000 pounds, vehicles designed to carry more than 15 passengers including  
186.19 the driver, and vehicles that carry hazardous materials;

186.20 (5) notwithstanding paragraph (d), operating a type A school bus or a ~~multifunctional~~  
186.21 multifunction school activity bus without a school bus endorsement if:

186.22 ~~(i) the bus has a gross vehicle weight of 10,000 pounds or less;~~

186.23 ~~(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and~~

186.24 ~~(iii) the requirements of subdivision 2a are satisfied, as determined by the~~  
186.25 commissioner;

186.26 (6) operating any vehicle or combination of vehicles when operated by a licensed  
186.27 peace officer while on duty; and

186.28 (7) towing vehicles if:

186.29 (i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

186.30 (ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and  
186.31 the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.

186.32 (d) Class C drivers' licenses are valid for:

186.33 (1) operating class D motor vehicles;

186.34 (2) with a hazardous materials endorsement, operating class D vehicles to transport  
186.35 hazardous materials;

186.36 (3) with a passenger endorsement, operating buses; and

187.1 (4) with a passenger endorsement and school bus endorsement, operating school  
187.2 buses.

187.3 (e) Class B drivers' licenses are valid for:

187.4 (1) operating all class C motor vehicles, class D motor vehicles, and all other  
187.5 single-unit motor vehicles including, with a passenger endorsement, buses; and

187.6 (2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

187.7 (f) Class A drivers' licenses are valid for operating any vehicle or combination of  
187.8 vehicles.

187.9 Sec. 12. Minnesota Statutes 2008, section 171.02, subdivision 2a, is amended to read:

187.10 Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision  
187.11 2, paragraph ~~(e)~~ (b), the holder of a class D driver's license, without a school bus  
187.12 endorsement, may operate a type A school bus ~~described in subdivision 2, paragraph (b);~~  
187.13 or a multifunction school activity bus under the following conditions:

187.14 (a) The operator is an employee of the entity that owns, leases, or contracts for the  
187.15 school bus and is not solely hired to provide transportation services under this subdivision.

187.16 (b) The operator drives the school bus only from points of origin to points of  
187.17 destination, not including home-to-school trips to pick up or drop off students.

187.18 (c) The operator is prohibited from using the eight-light system. Violation of this  
187.19 paragraph is a misdemeanor.

187.20 (d) The operator's employer has adopted and implemented a policy that provides for  
187.21 annual training and certification of the operator in:

187.22 (1) safe operation of the type of school bus the operator will be driving;

187.23 (2) understanding student behavior, including issues relating to students with  
187.24 disabilities;

187.25 (3) encouraging orderly conduct of students on the bus and handling incidents of  
187.26 misconduct appropriately;

187.27 (4) knowing and understanding relevant laws, rules of the road, and local school  
187.28 bus safety policies;

187.29 (5) handling emergency situations; and

187.30 (6) safe loading and unloading of students.

187.31 (e) A background check or background investigation of the operator has been  
187.32 conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03  
187.33 for teachers; section 144.057 or chapter 245C for day care employees; or section 171.321,  
187.34 subdivision 3, for all other persons operating a ~~type A~~ school bus under this subdivision.

188.1 (f) Operators shall submit to a physical examination as required by section 171.321,  
188.2 subdivision 2.

188.3 (g) The operator's driver's license is verified annually by the entity that owns, leases,  
188.4 or contracts for the school bus.

188.5 (h) A person who sustains a conviction, as defined under section 609.02, of violating  
188.6 section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute  
188.7 or ordinance of another state is precluded from operating a school bus for five years  
188.8 from the date of conviction.

188.9 (i) A person who has ever been convicted of a disqualifying offense as defined in  
188.10 section 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this  
188.11 subdivision.

188.12 (j) A person who sustains a conviction, as defined under section 609.02, of a fourth  
188.13 moving offense in violation of chapter 169 is precluded from operating a school bus for  
188.14 one year from the date of the last conviction.

188.15 (k) Students riding the school bus must have training required under section  
188.16 123B.90, subdivision 2.

188.17 (l) An operator must be trained in the proper use of child safety restraints as set  
188.18 forth in the National Highway Traffic Safety Administration's "Guideline for the Safe  
188.19 Transportation of Pre-school Age Children in School Buses," if child safety restraints are  
188.20 used by the passengers.

188.21 (m) Annual certification of the requirements listed in this subdivision must be  
188.22 maintained under separate file at the business location for each operator licensed under  
188.23 this subdivision and subdivision 2, paragraph (b), clause (5). The business manager,  
188.24 school board, governing body of a nonpublic school, or any other entity that owns,  
188.25 leases, or contracts for the school bus operating under this subdivision is responsible  
188.26 for maintaining these files for inspection.

188.27 (n) The school bus must bear a current certificate of inspection issued under section  
188.28 169.451.

188.29 (o) If the word "School" appears on the front and rear of the bus, the word "School"  
188.30 must be covered by a sign that reads "Activities" when the bus is being operated under  
188.31 authority of this subdivision.

188.32 (p) The type A-I school bus or multifunction school activity bus is designed to  
188.33 transport 15 or fewer passengers, including the driver.

188.34 (q) The school bus has a gross vehicle weight rating of 14,500 pounds or less.

188.35 **EFFECTIVE DATE.** This section is effective July 1, 2010.



189.1 Sec. 13. Minnesota Statutes 2008, section 171.02, subdivision 2b, is amended to read:

189.2 Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision  
189.3 2, ~~paragraph (c)~~; the holder of a class A, B, C, or D driver's license, without a school bus  
189.4 endorsement, may operate a type III vehicle described in section 169.011, subdivision 71,  
189.5 clause (5), under the conditions in paragraphs (b) through ~~(n)~~ (o).

189.6 (b) The operator is an employee of the entity that owns, leases, or contracts for  
189.7 the school bus.

189.8 (c) The operator's employer has adopted and implemented a policy that provides for  
189.9 annual training and certification of the operator in:

189.10 (1) safe operation of a type III vehicle;

189.11 (2) understanding student behavior, including issues relating to students with  
189.12 disabilities;

189.13 (3) encouraging orderly conduct of students on the bus and handling incidents of  
189.14 misconduct appropriately;

189.15 (4) knowing and understanding relevant laws, rules of the road, and local school  
189.16 bus safety policies;

189.17 (5) handling emergency situations;

189.18 (6) proper use of seat belts and child safety restraints;

189.19 (7) performance of pretrip vehicle inspections; ~~and~~

189.20 (8) safe loading and unloading of students, including, but not limited to:

189.21 (i) utilizing a safe location for loading and unloading students at the curb, on the  
189.22 nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other  
189.23 areas to enable the student to avoid hazardous conditions;

189.24 (ii) refraining from loading and unloading students in a vehicular traffic lane, on the  
189.25 shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

189.26 (iii) avoiding a loading or unloading location that would require a pupil to cross a  
189.27 road, or ensuring that the driver or an aide personally escort the pupil across the road if  
189.28 it is not reasonably feasible to avoid such a location; and

189.29 (iv) placing the type III vehicle in "park" during loading and unloading; and

189.30 (9) compliance with paragraph (k), concerning reporting certain convictions to the  
189.31 employer within ten days of the date of conviction.

189.32 (d) A background check or background investigation of the operator has been  
189.33 conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03  
189.34 for school district employees; section 144.057 or chapter 245C for day care employees;  
189.35 or section 171.321, subdivision 3, for all other persons operating a type A or type III  
189.36 vehicle under this subdivision.

190.1 (e) Operators shall submit to a physical examination as required by section 171.321,  
190.2 subdivision 2.

190.3 (f) The operator's employer ~~has adopted and implemented a policy that provides for~~  
190.4 ~~mandatory~~ requires preemployment drug and alcohol testing of applicants for operator  
190.5 positions ~~and~~. Current operators, ~~in accordance~~ must comply with the employer's policy  
190.6 under section 181.951, subdivisions 2, 4, and 5.

190.7 (g) The operator's driver's license is verified annually by the entity that owns, leases,  
190.8 or contracts for the school bus.

190.9 (h) A person who sustains a conviction, as defined under section 609.02, of violating  
190.10 section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked  
190.11 under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of  
190.12 violating or has their whose driver's license is revoked under a similar statute or ordinance  
190.13 of another state, is precluded from operating a type III vehicle for five years from the  
190.14 date of conviction.

190.15 (i) A person who has ever been convicted of a disqualifying offense as defined in  
190.16 section 171.3215, subdivision 1, paragraph (c), may not operate a type III vehicle under  
190.17 this subdivision.

190.18 (j) A person who sustains a conviction, as defined under section 609.02, of a moving  
190.19 offense in violation of chapter 169 within three years of the first of three other moving  
190.20 offenses is precluded from operating a type III vehicle for one year from the date of  
190.21 the last conviction.

190.22 (k) An operator who sustains a conviction as described in paragraph (h), (i), or (j)  
190.23 while employed by the entity that owns, leases, or contracts for the school bus, shall report  
190.24 the conviction to the employer within ten days of the date of the conviction.

190.25 (l) Students riding the type III vehicle must have training required under section  
190.26 123B.90, subdivision 2.

190.27 (m) Documentation of meeting the requirements listed in this subdivision must be  
190.28 maintained under separate file at the business location for each type III vehicle operator.  
190.29 The business manager, school board, governing body of a nonpublic school, or any  
190.30 other entity that owns, leases, or contracts for the type III vehicle operating under this  
190.31 subdivision is responsible for maintaining these files for inspection.

190.32 (n) The type III vehicle must bear a current certificate of inspection issued under  
190.33 section 169.451.

190.34 (o) ~~An operator employed by a school or school district, whose normal duties do not~~  
190.35 ~~include operating a type III vehicle, who holds a class D driver's license without a school~~  
190.36 ~~bus endorsement, may operate a type III vehicle and is exempt from paragraphs (d), (e),~~

191.1 ~~(f), (g), and (k)~~ An employee of a school or of a school district, who is not employed for  
 191.2 the sole purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).

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

191.4 Sec. 14. Minnesota Statutes 2008, section 171.321, subdivision 1, is amended to read:

191.5 Subdivision 1. **Endorsement.** No person shall drive a school bus when transporting  
 191.6 school children to or from school or upon a school-related trip or activity without having a  
 191.7 valid class A, class B, or class C driver's license with a school bus endorsement except  
 191.8 that a person possessing a valid driver's license but not a school bus endorsement may  
 191.9 drive a type III vehicle or a school bus, subject to the requirements of section 171.02,  
 191.10 subdivisions 2, 2a, and 2b.

191.11 Sec. 15. Minnesota Statutes 2008, section 171.321, subdivision 4, is amended to read:

191.12 Subd. 4. **Training.** (a) No person shall drive a class A, B, C, or D school bus when  
 191.13 transporting school children to or from school or upon a school-related trip or activity  
 191.14 without having demonstrated sufficient skills and knowledge to transport students in  
 191.15 a safe and legal manner.

191.16 (b) A bus driver must have training or experience that allows the driver to meet at  
 191.17 least the following competencies:

191.18 (1) safely operate the type of school bus the driver will be driving;

191.19 (2) understand student behavior, including issues relating to students with  
 191.20 disabilities;

191.21 (3) encourage orderly conduct of students on the bus and handle incidents of  
 191.22 misconduct appropriately;

191.23 (4) know and understand relevant laws, rules of the road, and local school bus  
 191.24 safety policies;

191.25 (5) handle emergency situations; and

191.26 (6) safely load and unload students.

191.27 (c) The commissioner of public safety shall develop a comprehensive model  
 191.28 school bus driver training program and model assessments for school bus driver training  
 191.29 competencies, which are not subject to chapter 14. A school district, nonpublic school, or  
 191.30 private contractor may use alternative assessments for bus driver training competencies  
 191.31 with the approval of the commissioner of public safety. A driver may receive at least eight  
 191.32 hours of school bus in-service training any year, as an alternative to being assessed for bus  
 191.33 driver competencies after the initial year of being assessed for bus driver competencies.

192.1 The employer shall keep the assessment or a record of the in-service training for the  
 192.2 current period available for inspection by representatives of the commissioner.

192.3 (d) A school district, nonpublic school, or private contractor shall provide in-service  
 192.4 training annually to each school bus driver.

192.5 Sec. 16. Minnesota Statutes 2008, section 171.321, subdivision 5, is amended to read:

192.6 Subd. 5. **Annual evaluation and license verification.** (a) ~~A school district,~~  
 192.7 ~~nonpublic school, or private contractor shall provide in-service training annually to each~~  
 192.8 ~~school bus driver.~~ For purposes of this section, "annually" means at least once every  
 192.9 380 days from the initial or previous evaluation and at least once every 380 days from  
 192.10 the initial or previous license verification.

192.11 (b) A school district, nonpublic school, or private contractor shall annually verify  
 192.12 with the National Driver Register or with the Department of Public Safety the validity of  
 192.13 the driver's license of each employee who regularly transports students for the district in:  
 192.14 (1) a type A school bus, a type B school bus, a type C school bus, or type D school bus; (2)  
 192.15 a multifunction school activity bus; or regularly transports students for the district in (3) a  
 192.16 type III vehicle ~~with the National Driver Register or with the Department of Public Safety.~~

192.17 **EFFECTIVE DATE.** This section is effective July 1, 2010.

## 192.18 ARTICLE 9

### 192.19 SCHOOL FINANCE SYSTEM CHANGES

192.20 Section 1. Minnesota Statutes 2008, section 123B.53, subdivision 5, is amended to read:

192.21 Subd. 5. **Equalized debt service levy.** (a) The equalized debt service levy of a  
 192.22 district equals the sum of the first tier equalized debt service levy and the second tier  
 192.23 equalized debt service levy.

192.24 (b) A district's first tier equalized debt service levy equals the district's first tier debt  
 192.25 service equalization revenue times the lesser of one or the ratio of:

192.26 (1) the quotient derived by dividing the adjusted net tax capacity of the district for  
 192.27 the year before the year the levy is certified by the adjusted pupil units in the district for  
 192.28 the school year ending in the year prior to the year the levy is certified; to

192.29 (2) ~~\$3,200~~ 100 percent of the statewide adjusted net tax capacity equalizing factor.

192.30 (c) A district's second tier equalized debt service levy equals the district's second tier  
 192.31 debt service equalization revenue times the lesser of one or the ratio of:

193.1 (1) the quotient derived by dividing the adjusted net tax capacity of the district for  
 193.2 the year before the year the levy is certified by the adjusted pupil units in the district for  
 193.3 the school year ending in the year prior to the year the levy is certified; to

193.4 (2) ~~\$8,000~~ 200 percent of the statewide adjusted net tax capacity equalizing factor.

193.5 **EFFECTIVE DATE.** This section is effective for taxes payable in 2013 and later.

193.6 Sec. 2. **[123B.555] SCHOOL BOND AGRICULTURAL CREDIT.**

193.7 Subdivision 1. Eligibility. All class 2a, 2b, and 2c property under section 273.13,  
 193.8 subdivision 23, except for property consisting of the house, garage, and immediately  
 193.9 surrounding one acre of land of an agricultural homestead, is eligible to receive the credit  
 193.10 under this section.

193.11 Subd. 2. Credit amount. For each qualifying property, the school bond agricultural  
 193.12 credit is equal to 66 percent of the property's eligible net tax capacity multiplied by the  
 193.13 school debt tax rate determined under section 275.08, subdivision 1b.

193.14 Subd. 3. Credit reimbursements. The county auditor shall determine the tax  
 193.15 reductions allowed under this section within the county for each taxes payable year and  
 193.16 shall certify that amount to the commissioner of revenue as a part of the abstracts of tax  
 193.17 lists submitted under section 275.29. Any prior year adjustments shall also be certified on  
 193.18 the abstracts of tax lists. The commissioner shall review the certifications for accuracy,  
 193.19 and may make such changes as are deemed necessary, or return the certification to the  
 193.20 county auditor for correction. The credit under this section must be used to reduce the  
 193.21 school district net tax capacity-based property tax as provided in section 273.1393.

193.22 Subd. 4. Payment. The commissioner of revenue shall certify the total of the tax  
 193.23 reductions granted under this section for each taxes payable year within each school  
 193.24 district to the commissioner of education, who shall pay the reimbursement amounts to  
 193.25 each school district as provided in section 273.1392.

193.26 **EFFECTIVE DATE.** This section is effective for taxes payable in 2013 and later.

193.27 Sec. 3. Minnesota Statutes 2008, section 124D.4531, is amended to read:

193.28 **124D.4531 CAREER AND TECHNICAL LEVY AID.**

193.29 Subdivision 1. Career and technical levy aid. (a) A district with a career and  
 193.30 technical program approved under this section ~~for the fiscal year in which the levy is~~  
 193.31 ~~certified may levy an amount~~ is eligible for aid equal to the lesser of:

193.32 (1) ~~\$80~~ \$240 times the district's average daily membership in grades 10 through 12  
 193.33 for the fiscal year in which the levy is certified; or

194.1 (2) 25 percent of approved expenditures in the previous fiscal year ~~in which the~~  
 194.2 ~~levy is certified~~ for the following:

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

194.6 (ii) contracted services provided by a public or private agency other than a Minnesota  
 194.7 school district or cooperative center under subdivision 7;

194.8 (iii) necessary travel between instructional sites by licensed career and technical  
 194.9 education personnel;

194.10 (iv) necessary travel by licensed career and technical education personnel for  
 194.11 vocational student organization activities held within the state for instructional purposes;

194.12 (v) curriculum development activities that are part of a five-year plan for  
 194.13 improvement based on program assessment;

194.14 (vi) necessary travel by licensed career and technical education personnel for  
 194.15 noncollegiate credit-bearing professional development; and

194.16 (vii) specialized vocational instructional supplies.

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

194.21 ~~(c) The district must recognize the full amount of this levy as revenue for the fiscal~~  
 194.22 ~~year in which it is certified.~~

194.23 Subd. 2. **Allocation from cooperative centers and intermediate districts.** For  
 194.24 purposes of this section, a cooperative center or an intermediate district must allocate its  
 194.25 approved expenditures for career and technical education programs among participating  
 194.26 districts.

194.27 Subd. 3. **Levy Aid guarantee.** Notwithstanding subdivision 1, the career and  
 194.28 technical education levy aid for a district is not less than the lesser of:

194.29 (1) the district's career and technical education ~~levy authority~~ revenue for the  
 194.30 previous fiscal year; or

194.31 (2) 100 percent of the approved expenditures for career and technical programs  
 194.32 included in subdivision 1, paragraph (b), for the prior fiscal year ~~in which the levy is~~  
 194.33 ~~certified.~~

194.34 Subd. 4. **District reports.** Each district or cooperative center must report data to the  
 194.35 department for all career and technical education programs as required by the department  
 194.36 ~~to implement the career and technical levy formula.~~

195.1 **EFFECTIVE DATE.** This section is effective for aid payments for fiscal year  
 195.2 2014 and thereafter.

195.3 Sec. 4. Minnesota Statutes 2008, section 124D.59, subdivision 2, is amended to read:

195.4 Subd. 2. **Pupil of limited English proficiency.** (a) "Pupil of limited English  
 195.5 proficiency" means a pupil in kindergarten through grade 12 who meets the following  
 195.6 requirements:

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

195.10 (2) the pupil is determined by developmentally appropriate measures, which might  
 195.11 include observations, teacher judgment, parent recommendations, or developmentally  
 195.12 appropriate assessment instruments, to lack the necessary English skills to participate  
 195.13 fully in classes taught in English.

195.14 (b) Notwithstanding paragraph (a), a pupil in grades 4 through 12 who was enrolled  
 195.15 in a Minnesota public school on the dates during the previous school year when a  
 195.16 commissioner provided assessment that measures the pupil's emerging academic English  
 195.17 was administered, shall not be counted as a pupil of limited English proficiency in  
 195.18 calculating limited English proficiency pupil units under section 126C.05, subdivision  
 195.19 17, and shall not generate state limited English proficiency aid under section 124D.65,  
 195.20 subdivision 5, unless the pupil scored below the state cutoff score on an assessment  
 195.21 measuring emerging academic English provided by the commissioner during the previous  
 195.22 school year.

195.23 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade 12  
 195.24 shall not be counted as a pupil of limited English proficiency in calculating limited English  
 195.25 proficiency pupil units under section 126C.05, subdivision 17, and shall not generate state  
 195.26 limited English proficiency aid under section 124D.65, subdivision 5, if:

195.27 ~~(1)~~ the pupil is not enrolled during the current fiscal year in an educational program  
 195.28 for pupils of limited English proficiency in accordance with sections 124D.58 to 124D.64;  
 195.29 ~~or.~~

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

195.32 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 195.33 and later.

195.34 Sec. 5. Minnesota Statutes 2008, section 124D.65, subdivision 5, is amended to read:

196.1 Subd. 5. **School district LEP revenue.** (a) A district's limited English proficiency  
 196.2 programs revenue equals the product of: (1) ~~\$700 in fiscal year 2004 and later times .2;~~  
 196.3 (2) the basic formula allowance for that year; and (3) the greater of 20 or the adjusted  
 196.4 marginal cost average daily membership of eligible pupils of limited English proficiency  
 196.5 enrolled in the district during the current fiscal year.

196.6 (b) A pupil ceases to generate state limited English proficiency aid in the school  
 196.7 year following the school year in which the pupil attains the state cutoff score on a  
 196.8 commissioner-provided assessment that measures the pupil's emerging academic English.

196.9 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 196.10 and later.

196.11 Sec. 6. Minnesota Statutes 2008, section 125A.76, subdivision 5, is amended to read:

196.12 Subd. 5. **School district special education aid.** A school district's special education  
 196.13 ~~aid for fiscal year 2008 and later equals the state total special education aid times the ratio~~  
 196.14 ~~of the district's its initial special education aid to the state total initial special education aid.~~

196.15 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 196.16 and later.

196.17 Sec. 7. Minnesota Statutes 2008, section 125A.79, subdivision 7, is amended to read:

196.18 Subd. 7. **District special education excess cost aid.** A district's special education  
 196.19 ~~excess cost aid for fiscal year 2002 and later equals the state total special education excess~~  
 196.20 ~~cost aid times the ratio of the district's its initial excess cost aid to the state total initial~~  
 196.21 ~~excess cost aid.~~

196.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 196.23 and later.

196.24 Sec. 8. Minnesota Statutes 2008, section 126C.01, is amended by adding a subdivision  
 196.25 to read:

196.26 Subd. 2a. **Adjusted net tax capacity equalizing factor.** The adjusted net tax  
 196.27 capacity equalizing factor equals the quotient derived by dividing the total adjusted net tax  
 196.28 capacity of all school districts in the state for the year before the year the levy is certified  
 196.29 by the total number of adjusted pupil units in the state for the current school year.

196.30 **EFFECTIVE DATE.** This section is effective for taxes payable in 2013 and later.



197.1 Sec. 9. Minnesota Statutes 2008, section 126C.01, is amended by adding a subdivision  
197.2 to read:

197.3 Subd. 3a. **Referendum market value equalizing factor.** The referendum market  
197.4 value equalizing factor equals the quotient derived by dividing the total referendum  
197.5 market value of all school districts in the state for the year before the year the levy is  
197.6 certified by the total number of resident pupil units in the state for the current school year.

197.7 **EFFECTIVE DATE.** This section is effective for taxes payable in 2013.

197.8 Sec. 10. Minnesota Statutes 2008, section 126C.01, is amended by adding a  
197.9 subdivision to read:

197.10 Subd. 5a. **Location equity index.** (a) A school district's location equity index  
197.11 equals each district's composite wage level divided by the statewide average wage for the  
197.12 same period. The composite wage level for a school district equals the sum of 50 percent  
197.13 of the district's county wage level and 50 percent of the district's economic development  
197.14 region composite wage level. The composite wage level is computed by using the most  
197.15 recent three-year weighted wage data.

197.16 (b) A school district's location equity index must not be less than .9 or greater than  
197.17 1.05.

197.18 (c) The commissioner of education annually must recalculate the indexes in this  
197.19 section. For purposes of this subdivision, the commissioner must locate a school district  
197.20 with boundaries that cross county borders in the county that generates the highest location  
197.21 equity index for that district.

197.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
197.23 and later.

197.24 Sec. 11. Minnesota Statutes 2008, section 126C.05, subdivision 1, is amended to read:

197.25 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the  
197.26 age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c),  
197.27 in average daily membership enrolled in the district of residence, in another district under  
197.28 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under  
197.29 section 124D.10; or for whom the resident district pays tuition under section 123A.18,  
197.30 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04,  
197.31 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this  
197.32 subdivision.

198.1 (a) A prekindergarten pupil with a disability who is enrolled in a program approved  
 198.2 by the commissioner and has an individual education plan is counted as the ratio of the  
 198.3 number of hours of assessment and education service to 825 times 1.25 with a minimum  
 198.4 average daily membership of 0.28, but not more than 1.25 pupil units.

198.5 (b) A prekindergarten pupil who is assessed but determined not to be disabled is  
 198.6 counted as the ratio of the number of hours of assessment service to 825 times 1.25.

198.7 (c) A kindergarten pupil with a disability who is enrolled in a program approved  
 198.8 by the commissioner is counted as the ratio of the number of hours of assessment and  
 198.9 education services required in the fiscal year by the pupil's individual education program  
 198.10 plan to 875, but not more than one.

198.11 (d) A kindergarten pupil who is not included in paragraph (c) is counted as ~~1.12~~ 1.0  
 198.12 pupil units.

198.13 (e) A pupil who is in any of grades 1 to 3 is counted as ~~1.15~~ 1.0 pupil units for  
 198.14 fiscal year 2000 and thereafter.

198.15 (f) A pupil who is any of grades 4 to 6 is counted as ~~1.06~~ 1.0 pupil units for fiscal  
 198.16 year 1995 and thereafter.

198.17 (g) A pupil who is in any of grades 7 to 12 is counted as ~~1.3~~ 1.0 pupil units.

198.18 (h) A pupil who is in the postsecondary enrollment options program is counted as  
 198.19 ~~1.3~~ 1.0 pupil units.

198.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 198.21 and later.

198.22 Sec. 12. Minnesota Statutes 2008, section 126C.05, subdivision 3, is amended to read:

198.23 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units  
 198.24 ~~for fiscal year 1998 and thereafter~~ must be computed according to this subdivision.

198.25 (a) The compensation revenue concentration percentage for each ~~building in a~~  
 198.26 district equals the product of 100 times the ratio of:

198.27 (1) ~~the sum of the number of pupils enrolled in the building district eligible to receive~~  
 198.28 ~~free lunch plus one-half of the pupils eligible to receive reduced priced or reduced-price~~  
 198.29 lunch on October 1 of the previous fiscal year; to

198.30 (2) the number of pupils enrolled in the ~~building district~~ on October 1 of the  
 198.31 previous fiscal year.

198.32 (b) The compensation revenue pupil weighting factor ~~for a building~~ equals the  
 198.33 ~~lesser of one or the quotient obtained by dividing the building's compensation revenue~~  
 198.34 concentration percentage ~~by 80.0.~~

198.35 (c) The compensation revenue pupil units for a ~~building district~~ equals the product of:

199.1 (1) ~~the sum of~~ the number of pupils enrolled in the ~~building~~ district eligible to receive  
 199.2 free ~~lunch and one-half of the pupils eligible to receive reduced priced or reduced-price~~  
 199.3 lunch on October 1 of the previous fiscal year; times

199.4 (2) the compensation revenue pupil weighting factor for the ~~building; times~~  
 199.5 ~~(3) .60~~ district.

199.6 (d) Notwithstanding paragraphs (a) to (c), for charter schools and contracted  
 199.7 alternative programs in the first year of operation, compensation revenue pupil units shall  
 199.8 be computed using data for the current fiscal year. If the charter school or contracted  
 199.9 alternative program begins operation after October 1, compensatory revenue pupil units  
 199.10 shall be computed based on pupils enrolled on an alternate date determined by the  
 199.11 commissioner, and the compensation revenue pupil units shall be prorated based on the  
 199.12 ratio of the number of days of student instruction to 170 days.

199.13 (e) The percentages in this subdivision must be based on the count of individual  
 199.14 pupils and not on a building average or minimum.

199.15 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 199.16 and later.

199.17 Sec. 13. Minnesota Statutes 2008, section 126C.05, subdivision 5, is amended to read:

199.18 Subd. 5. **Adjusted pupil units.** ~~(a)~~ Adjusted pupil units for a district or charter  
 199.19 school means the sum of:

199.20 (1) the number of pupil units served, according to subdivision 7, plus

199.21 (2) pupil units according to subdivision 1 for whom the district or charter school  
 199.22 pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488,  
 199.23 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65,  
 199.24 minus

199.25 (3) pupil units according to subdivision 1 for whom the district or charter school  
 199.26 receives tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488,  
 199.27 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65.

199.28 ~~(b) Adjusted marginal cost pupil units means the greater of:~~

199.29 ~~(1) the sum of .77 times the pupil units defined in paragraph (a) for the current school~~  
 199.30 ~~year and .23 times the pupil units defined in paragraph (a) for the previous school year; or~~

199.31 ~~(2) the number of adjusted pupil units defined in paragraph (a) for the current school~~  
 199.32 ~~year.~~

199.33 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 199.34 and later.

200.1 Sec. 14. Minnesota Statutes 2008, section 126C.05, subdivision 6, is amended to read:

200.2 Subd. 6. **Resident pupil units.** (a) Resident pupil units for a district means the  
200.3 number of pupil units according to subdivision 1 residing in the district.

200.4 ~~(b) Resident marginal cost pupil units means the greater of:~~

200.5 ~~(1) the sum of .77 times the pupil units defined in paragraph (a) for the current year~~  
200.6 ~~and .23 times the pupil units defined in paragraph (a) for the previous school year; or~~

200.7 ~~(2) the number of resident pupil units defined in paragraph (a) for the current school~~  
200.8 ~~year.~~

200.9 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
200.10 and later.

200.11 Sec. 15. Minnesota Statutes 2008, section 126C.05, subdivision 8, is amended to read:

200.12 Subd. 8. **Average daily membership.** (a) Membership for pupils in grades  
200.13 kindergarten through 12 and for prekindergarten pupils with disabilities shall mean the  
200.14 number of pupils on the current roll of the school, counted from the date of entry until  
200.15 withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves  
200.16 the school or the date it is officially known that the pupil has left or has been legally  
200.17 excused. However, a pupil, regardless of age, who has been absent from school for 15  
200.18 consecutive school days during the regular school year or for five consecutive school days  
200.19 during summer school or intersession classes of flexible school year programs without  
200.20 receiving instruction in the home or hospital shall be dropped from the roll and classified  
200.21 as withdrawn. Nothing in this section shall be construed as waiving the compulsory  
200.22 attendance provisions cited in section 120A.22. Average daily membership equals the  
200.23 sum for all pupils of the number of days of the school year each pupil is enrolled in the  
200.24 district's schools divided by the number of days the schools are in session. Days of  
200.25 summer school or intersession classes of flexible school year programs are only included  
200.26 in the computation of membership for pupils with a disability not appropriately served  
200.27 primarily in the regular classroom. A student must not be counted as more than 1.2 pupils  
200.28 in average daily membership under this section. When the initial total average daily  
200.29 membership exceeds 1.2 for a pupil enrolled in more than one school district during the  
200.30 fiscal year, each district's average daily membership must be reduced proportionately.

200.31 (b) A student must not be counted as more than one pupil in average daily  
200.32 membership except for purposes of section 126C.10, subdivision 2a.

200.33 (c) For purposes of section 126C.10, subdivision 2a, only, a pupil's average daily  
200.34 membership is counted as 1.0 once a kindergarten or elementary pupil has received 960

201.1 hours of instruction during the school year and as 1.0 once a secondary student has  
 201.2 received 1,050 hours of instruction during the school year.

201.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 201.4 and later.

201.5 Sec. 16. Minnesota Statutes 2008, section 126C.05, subdivision 16, is amended to read:

201.6 Subd. 16. **Free and reduced-price lunches.** The commissioner shall determine the  
 201.7 number of children eligible to receive either a free or reduced-price lunch on October 1  
 201.8 each year. Children enrolled ~~in a building~~ on October 1 and determined to be eligible to  
 201.9 receive free or reduced-price lunch by December 15 of that school year shall be counted  
 201.10 as eligible on October 1 for purposes of subdivision 3. The commissioner may use  
 201.11 federal definitions for these purposes and may adjust these definitions as appropriate.  
 201.12 The commissioner may adopt reporting guidelines to assure accuracy of data counts and  
 201.13 eligibility. Districts shall use any guidelines adopted by the commissioner.

201.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 201.15 and later.

201.16 Sec. 17. Minnesota Statutes 2008, section 126C.05, subdivision 17, is amended to read:

201.17 Subd. 17. **LEP pupil units.** (a) Limited English proficiency pupil units ~~for fiscal~~  
 201.18 ~~year 2004 and thereafter shall be determined according to this subdivision.~~

201.19 ~~(b) The limited English proficiency concentration percentage for a district equals the~~  
 201.20 ~~product of 100 times the ratio of:~~

201.21 ~~(1) means the number of eligible pupils of limited English proficiency in average~~  
 201.22 ~~daily membership enrolled in the district during the current fiscal year; to,~~

201.23 ~~(2) the number of pupils in average daily membership enrolled in the district.~~

201.24 ~~(c) The limited English proficiency pupil units for each eligible pupil of limited~~  
 201.25 ~~English proficiency in average daily membership equals the lesser of one or the quotient~~  
 201.26 ~~obtained by dividing the limited English proficiency concentration percentage for the~~  
 201.27 ~~pupil's district of enrollment by 11.5.~~

201.28 ~~(d) (b)~~ Limited English proficiency pupil units shall be counted by the district of  
 201.29 enrollment.

201.30 ~~(e) (c)~~ Notwithstanding paragraph ~~(d) (b)~~, for the purposes of this subdivision,  
 201.31 pupils enrolled in a cooperative or intermediate school district shall be counted by the  
 201.32 district of residence.

202.1 ~~(f)~~ (d) For the purposes of this subdivision, the terms defined in section 124D.59  
 202.2 have the same meaning.

202.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 202.4 and later.

202.5 Sec. 18. **[126C.09] EDUCATION FUNDING FRAMEWORK.**

202.6 **Subdivision 1. Basic formula framework; general classroom funding.** The  
 202.7 general classroom funding for each school district equals the sum of the district's general  
 202.8 education basic revenue, extended time revenue, compensatory revenue, LEP revenue,  
 202.9 referendum replacement revenue, and special education revenue.

202.10 **Subd. 2. District instructional services.** A school district's instructional services  
 202.11 revenue equals the sum of its operating sparsity revenue, location equity revenue, and  
 202.12 declining enrollment revenue.

202.13 **Subd. 3. District support services.** A school district's support services revenue  
 202.14 equals the sum of its operating capital revenue, alternative facilities revenue, integration  
 202.15 revenue, and transportation revenue.

202.16 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 202.17 and later.

202.18 Sec. 19. Minnesota Statutes 2008, section 126C.10, subdivision 1, is amended to read:

202.19 Subdivision 1. **General education revenue.** (a) For fiscal year 2006 ~~and later~~  
 202.20 through 2013, the general education revenue for each district equals the sum of the  
 202.21 district's basic revenue, extended time revenue, gifted and talented revenue, basic skills  
 202.22 revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity  
 202.23 revenue, transportation sparsity revenue, total operating capital revenue, equity revenue,  
 202.24 alternative teacher compensation revenue, and transition revenue.

202.25 (b) For fiscal years 2014 and later, a school district's general education revenue  
 202.26 equals the sum of its basic revenue, extended time revenue, declining enrollment revenue,  
 202.27 basic skills revenue, location equity revenue, referendum replacement revenue, secondary  
 202.28 sparsity revenue, elementary sparsity revenue, transportation revenue, and total operating  
 202.29 capital revenue.

202.30 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 202.31 and later.

202.32 Sec. 20. Minnesota Statutes 2008, section 126C.10, subdivision 2, is amended to read:

203.1 Subd. 2. **Basic revenue.** (a) The basic revenue for each district equals the formula  
203.2 allowance times the adjusted ~~marginal cost~~ pupil units for the school year.

203.3 (b) The formula allowance for fiscal year 2007 is \$4,974. The formula allowance for  
203.4 fiscal year 2008 is \$5,074 and the formula allowance for fiscal year 2009 ~~and subsequent~~  
203.5 ~~years~~ is \$5,124.

203.6 (c) The formula allowance for fiscal year 2014 is \$7,500. The formula allowance  
203.7 for fiscal year 2015 and later equals the formula allowance for the previous year times  
203.8 the sum of 1.0 and the greater of zero or the ratio of implicit price deflator, as defined in  
203.9 section 275.70, subdivision 2, for the most recent year to the implicit price deflator for  
203.10 the previous year.

203.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
203.12 and later.

203.13 Sec. 21. Minnesota Statutes 2008, section 126C.10, subdivision 2a, is amended to read:

203.14 Subd. 2a. **Extended time revenue.** (a) A school district's extended time revenue  
203.15 is equal to the product of ~~\$4,601~~ the formula allowance for that year and the sum of  
203.16 the adjusted ~~marginal cost~~ pupil units of the district for each pupil in average daily  
203.17 membership in excess of 1.0 and less than 1.2 according to section 126C.05, subdivision 8.

203.18 (b) A school district's extended time revenue may be used for extended day  
203.19 programs, extended week programs, summer school, and other programming authorized  
203.20 under the learning year program.

203.21 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
203.22 and later.

203.23 Sec. 22. Minnesota Statutes 2008, section 126C.10, is amended by adding a  
203.24 subdivision to read:

203.25 **Subd. 2c. Declining enrollment revenue.** A school district's declining enrollment  
203.26 revenue equals the greater of zero or the product of: (1) the basic formula allowance for  
203.27 that year; and (2) the difference between the mean average adjusted pupil units for the  
203.28 three preceding years and the adjusted pupil units for the current year.

203.29 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
203.30 and later.

203.31 Sec. 23. Minnesota Statutes 2008, section 126C.10, is amended by adding a  
203.32 subdivision to read:

204.1 Subd. 2d. **Location equity revenue.** A school district's location equity revenue  
 204.2 equals the product of:  
 204.3 (1) .50;  
 204.4 (2) the basic formula allowance for that year;  
 204.5 (3) the district's adjusted pupil units for that year; and  
 204.6 (4) the district's location equity index minus .9.

204.7 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 204.8 and later.

204.9 Sec. 24. Minnesota Statutes 2008, section 126C.10, is amended by adding a  
 204.10 subdivision to read:

204.11 Subd. 2e. **Referendum replacement revenue.** A school district's referendum  
 204.12 replacement revenue equals \$500 times the district's adjusted pupil units for that year.

204.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 204.14 and later.

204.15 Sec. 25. Minnesota Statutes 2008, section 126C.10, subdivision 3, is amended to read:

204.16 Subd. 3. **Compensatory education revenue.** (a) The compensatory education  
 204.17 revenue for each ~~building in the~~ district equals the greater of: (1) \$2,500 times the district's  
 204.18 enrollment of students eligible for free or reduced-price meals under section 126C.05,  
 204.19 subdivision 3, paragraph (a), clause (1); or (2) 40 percent of the formula allowance ~~minus~~  
 204.20 \$415 times the compensation revenue pupil units computed according to section 126C.05,  
 204.21 subdivision 3. Revenue shall be paid to the district and must be allocated according to  
 204.22 section 126C.15, subdivision 2.

204.23 (b) When the district contracting with an alternative program under section 124D.69  
 204.24 changes prior to the start of a school year, the compensatory revenue generated by pupils  
 204.25 attending the program shall be paid to the district contracting with the alternative program  
 204.26 for the current school year, and shall not be paid to the district contracting with the  
 204.27 alternative program for the prior school year.

204.28 (c) When the fiscal agent district for an area learning center changes prior to the start  
 204.29 of a school year, the compensatory revenue shall be paid to the fiscal agent district for the  
 204.30 current school year, and shall not be paid to the fiscal agent district for the prior school year.

204.31 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 204.32 and later.



205.1 Sec. 26. Minnesota Statutes 2008, section 126C.10, subdivision 4, is amended to read:

205.2 Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the  
205.3 sum of:

205.4 (1) compensatory revenue under subdivision 3; plus

205.5 (2) limited English proficiency revenue under section 124D.65, subdivision 5; ~~plus,~~

205.6 ~~(3) \$250 times the limited English proficiency pupil units under section 126C.05;~~  
205.7 ~~subdivision 17.~~

205.8 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
205.9 and later.

205.10 Sec. 27. Minnesota Statutes 2008, section 126C.10, subdivision 6, is amended to read:

205.11 Subd. 6. **Definitions.** The definitions in this subdivision apply only to subdivisions  
205.12 7 and 8.

205.13 (a) "High school" means a public secondary school, except a charter school under  
205.14 section 124D.10, that has pupils enrolled in at least the 10th, 11th, and 12th grades. If  
205.15 there is no high school in the district and the school is at least ~~19~~ 15 miles from the next  
205.16 nearest school, the commissioner must designate one school in the district as a high school  
205.17 for the purposes of this section.

205.18 (b) "Secondary average daily membership" means, for a district that has only one  
205.19 high school, the average daily membership of pupils served in grades 7 through 12. For a  
205.20 district that has more than one high school, "secondary average daily membership" for  
205.21 each high school means the product of the average daily membership of pupils served in  
205.22 grades 7 through 12 in the high school, times the ratio of six to the number of grades  
205.23 in the high school.

205.24 (c) "Attendance area" means the total surface area of the district, in square miles,  
205.25 divided by the number of high schools in the district. For a district that does not operate  
205.26 a high school and is less than ~~19~~ 15 miles from the nearest operating high school, the  
205.27 attendance area equals zero.

205.28 (d) "Isolation index" for a high school means the square root of 55 percent of the  
205.29 attendance area plus the distance in miles, according to the usually traveled routes,  
205.30 between the high school and the nearest high school. For a district in which there is located  
205.31 land defined in section 84A.01, 84A.20, or 84A.31, the distance in miles is the sum of:

205.32 (1) the square root of one-half of the attendance area; and

205.33 (2) the distance from the border of the district to the nearest high school.

205.34 (e) "Qualifying high school" means a high school that has an isolation index greater  
205.35 than 23 and that has secondary average daily membership of less than 400.

206.1 (f) "Qualifying elementary school" means a public elementary school, except a  
 206.2 charter school under section 124D.10, that is located ~~19~~ 15 miles or more from the nearest  
 206.3 elementary school or from the nearest elementary school within the district and, in either  
 206.4 case, has an elementary average daily membership of an average of 20 or fewer per grade.

206.5 (g) "Elementary average daily membership" means, for a district that has only  
 206.6 one elementary school, the average daily membership of pupils served in kindergarten  
 206.7 through grade 6. For a district that has more than one elementary school, "average daily  
 206.8 membership" for each school means the average daily membership of pupils served in  
 206.9 kindergarten through grade 6 multiplied by the ratio of seven to the number of grades  
 206.10 in the elementary school.

206.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 206.12 and later.

206.13 Sec. 28. Minnesota Statutes 2008, section 126C.10, subdivision 13, is amended to read:

206.14 Subd. 13. **Total operating capital and technology revenue.** (a) Total operating  
 206.15 capital revenue for a district equals: (1) \$50 times the adjusted pupil units for the school  
 206.16 year for technology purposes; (2) for any district not participating in the alternative  
 206.17 facilities program under section 123B.59, \$600 times the adjusted pupil units for deferred  
 206.18 maintenance and health and safety purposes under sections 123B.57 and 123B.59; (3) the  
 206.19 amount determined under paragraph (b) or (c), ~~plus \$73;~~ and (4) \$100 times the adjusted  
 206.20 marginal-cost pupil units for the school year. The revenue must be placed in a reserved  
 206.21 account in the general fund and may only be used according to subdivision 14.

206.22 (b) Capital revenue for a district equals \$100 times the district's maintenance cost  
 206.23 index times its adjusted ~~marginal-cost~~ pupil units for the school year.

206.24 (c) The revenue for a district that operates a program under section 124D.128, is  
 206.25 increased by an amount equal to \$30 times the number of ~~marginal-cost~~ adjusted pupil  
 206.26 units served at the site where the program is implemented.

206.27 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 206.28 and later.

206.29 Sec. 29. Minnesota Statutes 2008, section 126C.10, subdivision 14, is amended to read:

206.30 Subd. 14. **Uses of total operating capital revenue.** Technology revenue may only  
 206.31 be used for purposes in clauses (18), (19), (21), (23), and (24). Total operating capital  
 206.32 revenue may be used only for the following purposes:

206.33 (1) to acquire land for school purposes;

- 207.1 (2) to acquire or construct buildings for school purposes;
- 207.2 (3) to rent or lease buildings, including the costs of building repair or improvement  
207.3 that are part of a lease agreement;
- 207.4 (4) to improve and repair school sites and buildings, and equip or reequip school  
207.5 buildings with permanent attached fixtures, including library media centers;
- 207.6 (5) for a surplus school building that is used substantially for a public nonschool  
207.7 purpose;
- 207.8 (6) to eliminate barriers or increase access to school buildings by individuals with a  
207.9 disability;
- 207.10 (7) to bring school buildings into compliance with the State Fire Code adopted  
207.11 according to chapter 299F;
- 207.12 (8) to remove asbestos from school buildings, encapsulate asbestos, or make  
207.13 asbestos-related repairs;
- 207.14 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;
- 207.15 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel  
207.16 or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined  
207.17 in section 296A.01;
- 207.18 (11) for energy audits for school buildings and to modify buildings if the audit  
207.19 indicates the cost of the modification can be recovered within ten years;
- 207.20 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;
- 207.21 (13) to pay special assessments levied against school property but not to pay  
207.22 assessments for service charges;
- 207.23 (14) to pay principal and interest on state loans for energy conservation according to  
207.24 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust  
207.25 Fund Act according to sections 298.292 to 298.298;
- 207.26 (15) to purchase or lease interactive telecommunications equipment;
- 207.27 (16) by board resolution, to transfer money into the debt redemption fund to: (i)  
207.28 pay the amounts needed to meet, when due, principal and interest payments on certain  
207.29 obligations issued according to chapter 475; or (ii) pay principal and interest on debt  
207.30 service loans or capital loans according to section 126C.70;
- 207.31 (17) to pay operating capital-related assessments of any entity formed under a  
207.32 cooperative agreement between two or more districts;
- 207.33 (18) to purchase or lease computers and related materials, copying machines,  
207.34 telecommunications equipment, and other noninstructional equipment;
- 207.35 (19) to purchase or lease assistive technology or equipment for instructional  
207.36 programs;

- 208.1 (20) to purchase textbooks;
- 208.2 (21) to purchase new and replacement library media resources or technology;
- 208.3 (22) to purchase vehicles;
- 208.4 (23) to purchase or lease telecommunications equipment, computers, and related
- 208.5 equipment for integrated information management systems for:
- 208.6 (i) managing and reporting learner outcome information for all students under a
- 208.7 results-oriented graduation rule;
- 208.8 (ii) managing student assessment, services, and achievement information required
- 208.9 for students with individual education plans; and
- 208.10 (iii) other classroom information management needs; and
- 208.11 (24) to pay personnel costs directly related to the acquisition, operation, and
- 208.12 maintenance of telecommunications systems, computers, related equipment, and network
- 208.13 and applications software.

208.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014.

208.15 Sec. 30. Minnesota Statutes 2008, section 126C.10, subdivision 18, is amended to read:

208.16 Subd. 18. **Transportation sparsity revenue allowance.** ~~(a)~~ A district's

208.17 transportation sparsity allowance equals the greater of zero or the result of the following

208.18 computation:

208.19 (i) Multiply the formula allowance according to subdivision 2, by .1469.

208.20 (ii) Multiply the result in clause (i) by the district's sparsity index raised to the

208.21 26/100 power.

208.22 (iii) Multiply the result in clause (ii) by the district's density index raised to the

208.23 13/100 power.

208.24 (iv) Multiply the formula allowance according to subdivision 2, by .0485.

208.25 (v) Subtract the result in clause (iv) from the result in clause (iii).

208.26 ~~(b) Transportation sparsity revenue is equal to the transportation sparsity allowance~~

208.27 ~~times the adjusted marginal cost pupil units.~~

208.28 **EFFECTIVE DATE.** This section is effective for fiscal year 2014 and later.

208.29 Sec. 31. Minnesota Statutes 2008, section 126C.10, is amended by adding a

208.30 subdivision to read:

208.31 **Subd. 18a. Transportation revenue.** (a) A school district's transportation revenue

208.32 equals the sum of its transportation sparsity revenue, hazardous transportation revenue,

208.33 and bus purchase revenue.

209.1 (b) A school district's transportation sparsity revenue equals its transportation  
209.2 sparsity allowance times its adjusted pupil units for that year.

209.3 (c) A school district's hazardous transportation aid equals the amount necessary to  
209.4 provide transportation services to students facing hazardous transportation conditions. A  
209.5 district's hazardous transportation aid must not exceed 20 percent of the district's total  
209.6 regular to and from school transportation costs for that year. For any year, a school  
209.7 district may receive aid under this paragraph only after the school board has considered  
209.8 the comprehensive plan for hazardous transportation submitted by the district's pupil  
209.9 transportation safety committee at a regularly scheduled meeting of the school board. The  
209.10 comprehensive plan may not be adopted until after the board has allowed the public  
209.11 reasonable time to testify on the plan.

209.12 (d) A school district's bus purchase revenue equals five percent of the district's  
209.13 spending on transportation services for the previous fiscal year.

209.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
209.15 and later.

209.16 Sec. 32. **[126C.115] INNOVATION REVENUE.**

209.17 (a) A school district must use its innovation revenue to implement evidence-based  
209.18 innovation premised on research-based curriculum and instruction and other education  
209.19 programs and practices, including best teaching practices, that are known to improve  
209.20 academic performance for diverse groups of students. If a school district demonstrates  
209.21 low growth and needs to improve students' current achievement and educational growth,  
209.22 as measured by a growth-based value-added system under section 120B.35, the school  
209.23 district must submit a plan to the commissioner, developed in consultation with interested  
209.24 parents, that describes how the district proposes to use its innovation revenue to  
209.25 supplement state reading requirements under section 120B.12, subdivision 1, and state  
209.26 math and science requirements under section 120B.023, subdivision 2, paragraphs (b) and  
209.27 (d), and improve student outcomes. The plan must:

209.28 (1) identify specific education goals, consistent with this section, and the indicators  
209.29 to demonstrate progress toward achieving those goals, which may include a value-added  
209.30 assessment model under sections 120B.35 and 120B.362;

209.31 (2) supplement current district initiatives that may transform district programs,  
209.32 practices, and processes sufficient to significantly improve student outcomes, which  
209.33 may include, among other initiatives, an organizational assessment and performance  
209.34 improvement process under section 120B.3625; and

210.1 (3) demonstrate how innovation revenue helps narrow and eliminate differences in  
 210.2 student academic achievement in reading, math, and science based on student measures of  
 210.3 mobility, attendance, race and ethnicity, gender, English language learner status, eligibility  
 210.4 for free or reduced price lunch, and special education, among other outcomes.

210.5 (b) After transmitting its plan to the commissioner, a district must spend its  
 210.6 innovation revenue effectively and efficiently, consistent with its plan. A school district  
 210.7 that submits an innovation revenue plan under paragraph (a) must report annually by June  
 210.8 30 to the commissioner and post on the district's official Web site reliable and accessible  
 210.9 information and supporting longitudinal data showing the amount of progress the district  
 210.10 made in the immediately preceding school year and previous school years in realizing its  
 210.11 innovation revenue goals. The commissioner must analyze the data from the annual  
 210.12 district reports and post the analysis on the department's official Web site.

210.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 210.14 and later.

210.15 Sec. 33. Minnesota Statutes 2008, section 126C.13, subdivision 4, is amended to read:

210.16 Subd. 4. **General education aid.** ~~For fiscal years 2007 and later,~~ A district's general  
 210.17 education aid ~~is the sum of the following amounts~~ equals its:

210.18 (1) ~~general education revenue, excluding equity revenue, total operating capital~~  
 210.19 ~~revenue, alternative teacher compensation revenue, and transition revenue;~~

210.20 ~~(2) operating capital aid under section 126C.10, subdivision 13b;~~

210.21 ~~(3) equity aid under section 126C.10, subdivision 30;~~

210.22 ~~(4) alternative teacher compensation aid under section 126C.10, subdivision 36;~~

210.23 ~~(5) transition aid under section 126C.10, subdivision 33~~ for that year;

210.24 ~~(6)~~ (2) shared time aid under section 126C.01, subdivision 7;

210.25 ~~(7)~~ (3) referendum aid under section 126C.17, subdivisions 7 and 7a; and

210.26 ~~(8)~~ (4) online learning aid according to section 124D.096.

210.27 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 210.28 and later.

210.29 Sec. 34. Minnesota Statutes 2008, section 126C.13, subdivision 5, is amended to read:

210.30 Subd. 5. **Uses of revenue.** ~~Except as provided in sections 126C.10, subdivision~~  
 210.31 ~~14, 126C.12, and 126C.15,~~ (a) General education revenue may be used during the  
 210.32 regular school year and the summer for general and special school purposes and for  
 210.33 prekindergarten programs except as limited by paragraph (b).

- 211.1 (b) General education revenue set-asides include:
- 211.2 (1) 1.0 percent of basic revenue must be used only for gifted and talented activities
- 211.3 consistent with section 120B.15;
- 211.4 (2) 5.0 percent of basic revenue must be used only to implement a district's
- 211.5 innovative revenue program activities under section 126C.115;
- 211.6 (3) basic skills revenue must be used according to section 126C.15; and
- 211.7 (4) operating capital revenue must be spent according to section 126C.10,
- 211.8 subdivision 14.

211.9 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014

211.10 and later.

211.11 Sec. 35. Minnesota Statutes 2008, section 126C.17, subdivision 1, is amended to read:

211.12 Subdivision 1. **Referendum allowance.** ~~(a) For fiscal year 2003 and later, a district's~~

211.13 ~~initial referendum revenue allowance equals the sum of the allowance under section~~

211.14 ~~126C.16, subdivision 2, plus any additional allowance per resident marginal cost pupil~~

211.15 ~~unit authorized under subdivision 9 before May 1, 2001, for fiscal year 2002 and later,~~

211.16 ~~plus the referendum conversion allowance approved under subdivision 13, minus \$415.~~

211.17 ~~For districts with more than one referendum authority, the reduction must be computed~~

211.18 ~~separately for each authority. The reduction must be applied first to the referendum~~

211.19 ~~conversion allowance and next to the authority with the earliest expiration date. A~~

211.20 ~~district's initial referendum revenue allowance may not be less than zero.~~

211.21 ~~(b) For fiscal year 2003, a district's referendum revenue allowance equals the initial~~

211.22 ~~referendum allowance plus any additional allowance per resident marginal cost pupil unit~~

211.23 ~~authorized under subdivision 9 between April 30, 2001, and December 30, 2001, for~~

211.24 ~~fiscal year 2003 and later.~~

211.25 ~~(c) For fiscal year 2004 and later, A district's referendum revenue allowance equals~~

211.26 ~~the sum of:~~

211.27 ~~(1) the product of (i) the ratio of the resident marginal cost pupil units the district~~

211.28 ~~would have counted for fiscal year 2004 under Minnesota Statutes 2002, section 126C.05,~~

211.29 ~~to the district's resident marginal cost pupil units for fiscal year 2004, times (ii) the greater~~

211.30 ~~of zero or the district's initial referendum allowance plus any additional allowance per~~

211.31 ~~resident marginal cost pupil unit authorized under subdivision 9 between April 30, 2001,~~

211.32 ~~and May 30, 2003; for fiscal year 2003 and later 2014 less \$500, plus~~

211.33 ~~(2) any additional allowance per resident marginal cost pupil unit authorized under~~

211.34 ~~subdivision 9 after May 30, 2003 2012, for fiscal year 2005 2014 and later.~~

212.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 212.2 and later.

212.3 Sec. 36. Minnesota Statutes 2008, section 126C.17, subdivision 5, is amended to read:

212.4 Subd. 5. **Referendum equalization revenue.** (a) ~~For fiscal year 2003 and later,~~  
 212.5 A district's referendum equalization revenue equals the sum of the first tier referendum  
 212.6 equalization revenue and the second tier referendum equalization revenue.

212.7 ~~(b) A district's first tier referendum equalization revenue equals the district's first~~  
 212.8 ~~tier referendum equalization allowance times the district's resident marginal cost pupil~~  
 212.9 ~~units for that year.~~

212.10 ~~(c) For fiscal year 2006, a district's first tier referendum equalization allowance~~  
 212.11 ~~equals the lesser of the district's referendum allowance under subdivision 1 or \$500. For~~  
 212.12 ~~fiscal year 2007, a district's first tier referendum equalization allowance equals the lesser~~  
 212.13 ~~of the district's referendum allowance under subdivision 1 or \$600.~~

212.14 ~~For fiscal year 2008 and later,~~ (b) A district's first tier referendum equalization  
 212.15 allowance equals the lesser of the district's referendum allowance under subdivision 1  
 212.16 or \$700.

212.17 ~~(d)~~ (c) A district's second tier referendum equalization revenue equals the district's  
 212.18 second tier referendum equalization allowance times the district's resident marginal cost  
 212.19 pupil units for that year.

212.20 ~~(e) For fiscal year 2006, a district's second tier referendum equalization allowance~~  
 212.21 ~~equals the lesser of the district's referendum allowance under subdivision 1 or 18.6 percent~~  
 212.22 ~~of the formula allowance, minus the district's first tier referendum equalization allowance.~~

212.23 ~~For fiscal year 2007 and later,~~ (d) A district's second tier referendum equalization  
 212.24 allowance equals the lesser of the district's referendum allowance under subdivision 1 or  
 212.25 26 percent of the formula allowance, minus the district's first tier referendum equalization  
 212.26 allowance.

212.27 ~~(f)~~ (e) Notwithstanding paragraph ~~(e)~~ (d), the second tier referendum allowance for a  
 212.28 district qualifying for secondary sparsity revenue under section 126C.10, subdivision 7, or  
 212.29 elementary sparsity revenue under section 126C.10, subdivision 8, equals the district's  
 212.30 referendum allowance under subdivision 1 minus the district's first tier referendum  
 212.31 equalization allowance.

212.32 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014.

212.33 Sec. 37. Minnesota Statutes 2008, section 126C.17, subdivision 6, is amended to read:



213.1 Subd. 6. **Referendum equalization levy.** (a) ~~For fiscal year 2003 and later,~~  
 213.2 A district's referendum equalization levy equals the sum of the first tier referendum  
 213.3 equalization levy and the second tier referendum equalization levy.

213.4 (b) A district's first tier referendum equalization levy equals the district's first tier  
 213.5 referendum equalization revenue times the lesser of one or the ratio of the district's  
 213.6 referendum market value per resident marginal cost pupil unit to ~~\$476,000~~ 100 percent of  
 213.7 the statewide referendum market value equalizing factor.

213.8 (c) A district's second tier referendum equalization levy equals the district's second  
 213.9 tier referendum equalization revenue times the lesser of one or the ratio of the district's  
 213.10 referendum market value per resident marginal cost pupil unit to ~~\$270,000~~ 60 percent of  
 213.11 the statewide referendum market value equalizing factor.

213.12 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014.

213.13 Sec. 38. Minnesota Statutes 2008, section 126C.20, is amended to read:

213.14 **126C.20 ANNUAL GENERAL EDUCATION AID APPROPRIATION.**

213.15 There is annually appropriated from the general fund to the department the ~~amount~~  
 213.16 amounts necessary for: (1) general education aid; (2) special education aid; (3) debt  
 213.17 service aid; and (4) the school bond agricultural credit. ~~This amount~~ These amounts must  
 213.18 be reduced by the amount of any money specifically appropriated for the same purpose  
 213.19 in any year from any state fund.

213.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 213.21 and later.

213.22 Sec. 39. Minnesota Statutes 2008, section 126C.40, subdivision 1, is amended to read:

213.23 Subdivision 1. **To lease building or land.** (a) When an independent or a special  
 213.24 school district or a group of independent or special school districts finds it economically  
 213.25 advantageous to rent or lease a building or land for any instructional ~~purposes~~ or  
 213.26 administrative purpose, or for school storage or furniture repair, and it determines that  
 213.27 the operating capital revenue authorized under section 126C.10, subdivision 13, is  
 213.28 insufficient for this purpose, it may apply to the commissioner for permission to make  
 213.29 an additional capital expenditure levy for this purpose. An application for permission to  
 213.30 levy under this subdivision must contain financial justification for the proposed levy, the  
 213.31 terms and conditions of the proposed lease, and a description of the space to be leased  
 213.32 and its proposed use.

214.1 (b) The criteria for approval of applications to levy under this subdivision must  
214.2 include: the reasonableness of the price, the appropriateness of the space to the proposed  
214.3 activity, the feasibility of transporting pupils to the leased building or land, conformity  
214.4 of the lease to the laws and rules of the state of Minnesota, and the appropriateness of  
214.5 the proposed lease to the space needs and the financial condition of the district. The  
214.6 commissioner must not authorize a levy under this subdivision in an amount greater than  
214.7 the cost to the district of renting or leasing a building or land for approved purposes.  
214.8 The proceeds of this levy must not be used for custodial or other maintenance services.  
214.9 A district may not levy under this subdivision for the purpose of leasing or renting a  
214.10 district-owned building or site to itself.

214.11 (c) For agreements finalized after July 1, 1997, a district may not levy under this  
214.12 subdivision for the purpose of leasing: (1) a newly constructed building used primarily  
214.13 for regular kindergarten, elementary, or secondary instruction; or (2) a newly constructed  
214.14 building addition or additions used primarily for regular kindergarten, elementary, or  
214.15 secondary instruction that contains more than 20 percent of the square footage of the  
214.16 previously existing building.

214.17 (d) Notwithstanding paragraph (b), a district may levy under this subdivision for the  
214.18 purpose of leasing or renting a district-owned building or site to itself only if the amount  
214.19 is needed by the district to make payments required by a lease purchase agreement,  
214.20 installment purchase agreement, or other deferred payments agreement authorized by law,  
214.21 and the levy meets the requirements of paragraph (c). A levy authorized for a district by  
214.22 the commissioner under this paragraph may be in the amount needed by the district to  
214.23 make payments required by a lease purchase agreement, installment purchase agreement,  
214.24 or other deferred payments agreement authorized by law, provided that any agreement  
214.25 include a provision giving the school districts the right to terminate the agreement  
214.26 annually without penalty.

214.27 (e) The total levy under this subdivision for a district for any year must not exceed  
214.28 \$150 times the resident pupil units for the fiscal year to which the levy is attributable.

214.29 (f) For agreements for which a review and comment have been submitted to the  
214.30 Department of Education after April 1, 1998, the term "instructional purpose" as used in  
214.31 this subdivision excludes expenditures on stadiums.

214.32 (g) The commissioner of education may authorize a school district to exceed the  
214.33 limit in paragraph (e) if the school district petitions the commissioner for approval. The  
214.34 commissioner shall grant approval to a school district to exceed the limit in paragraph (e)  
214.35 for not more than five years if the district meets the following criteria:

215.1 (1) the school district has been experiencing pupil enrollment growth in the  
215.2 preceding five years;

215.3 (2) the purpose of the increased levy is in the long-term public interest;

215.4 (3) the purpose of the increased levy promotes colocation of government services;  
215.5 and

215.6 (4) the purpose of the increased levy is in the long-term interest of the district by  
215.7 avoiding over construction of school facilities.

215.8 (h) A school district that is a member of an intermediate school district may include  
215.9 in its authority under this section the costs associated with leases of administrative and  
215.10 classroom space for intermediate school district programs. This authority must not  
215.11 exceed ~~\$43~~ \$50 times the adjusted marginal cost pupil units of the member districts. This  
215.12 authority is in addition to any other authority authorized under this section.

215.13 (i) In addition to the allowable capital levies in paragraph (a), a district that is a  
215.14 member of the "Technology and Information Education Systems" data processing joint  
215.15 board, that finds it economically advantageous to enter into a lease purchase agreement for  
215.16 a building for a group of school districts or special school districts for staff development  
215.17 purposes, may levy for its portion of lease costs attributed to the district within the total  
215.18 levy limit in paragraph (e).

215.19 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
215.20 and later.

215.21 Sec. 40. Minnesota Statutes 2008, section 127A.51, is amended to read:

215.22 **127A.51 STATEWIDE AVERAGE REVENUE.**

215.23 By October 1 of each year the commissioner must estimate the statewide average  
215.24 adjusted general revenue per adjusted marginal cost pupil unit and the disparity in adjusted  
215.25 general revenue among pupils and districts by computing the ratio of the 95th percentile  
215.26 to the fifth percentile of adjusted general revenue. The commissioner must provide that  
215.27 information to all districts.

215.28 If the disparity in adjusted general revenue as measured by the ratio of the 95th  
215.29 percentile to the fifth percentile increases in any year, the commissioner shall recommend  
215.30 to the legislature options for change in the general education formula that will limit the  
215.31 disparity in adjusted general revenue to no more than the disparity for the previous  
215.32 school year. The commissioner must submit the recommended options to the education  
215.33 committees of the legislature by January 15.

215.34 For purposes of this section and section 126C.10, adjusted general revenue means:

216.1 (1) for fiscal year 2002, the sum of basic revenue under section 126C.10, subdivision  
 216.2 2; supplemental revenue under section 126C.10, subdivisions 9 and 12; transition revenue  
 216.3 under section 126C.10, subdivision 20; referendum revenue under section 126C.17; and  
 216.4 equity revenue under section 126C.10, subdivisions 24a and 24b; ~~and~~

216.5 (2) for fiscal year 2003 ~~and later~~ through 2013, the sum of basic revenue under  
 216.6 section 126C.10, subdivision 2; referendum revenue under section 126C.17; and equity  
 216.7 revenue under section 126C.10, subdivisions 24a and 24b; and

216.8 (3) for fiscal year 2014 and later, the sum of basic revenue under section 126C.10,  
 216.9 subdivision 2, and referendum revenue under section 126C.17.

216.10 **EFFECTIVE DATE.** This section is effective for fiscal year 2014 and later.

216.11 Sec. 41. **PHASE-IN.**

216.12 Subdivision 1. **Baseline revenue.** A school district's baseline revenue equals the  
 216.13 revenue amounts for the aid appropriations calculated under Minnesota Statutes, section  
 216.14 126C.20, calculated using the current year's data and the revenue formulas in place in  
 216.15 Minnesota Statutes 2008.

216.16 Subd. 2. **New revenue.** A school district's new revenue equals the revenue amounts  
 216.17 for the aid appropriations calculated under Minnesota Statutes, section 126C.20, calculated  
 216.18 using the current year's data and the revenue formulas in place under this act.

216.19 Subd. 3. **Phase-in schedule.** A school district's revenue amounts for the revenue  
 216.20 formulas listed in subdivisions 1 and 2 equals the district's baseline revenue plus the  
 216.21 percent of the difference specified in subdivision 6 multiplied by the number of years  
 216.22 of the phase in specified in subdivision 7.

216.23 Subd. 4. **Aid.** A school district's aid entitlement for the formulas listed under  
 216.24 this act equals the district's baseline aid plus the phase-in percentage times the new aid  
 216.25 amounts calculated under this act.

216.26 Subd. 5. **Levy.** A school district levy for the formulas listed in this act equals the  
 216.27 levy for the same formulas calculated under Minnesota Statutes 2008, and the phase-in  
 216.28 percentage times the new revenue amounts for the levy calculated under this act.

216.29 Subd. 6. **Percentage.** The phase-in percentage equals 25 percent.

216.30 Subd. 7. **Years of phase-in.** The new revenue under this section is phased in over  
 216.31 four years.

216.32 **EFFECTIVE DATE.** This section is effective July 1, 2013.

216.33 Sec. 42. **REVISOR'S INSTRUCTION.**

217.1 In the year 2014 and subsequent editions of Minnesota Statutes, the revisor of statutes  
 217.2 shall change all references to "adjusted marginal cost pupil units" to "adjusted pupil units"  
 217.3 and all references to "resident marginal cost pupil units" to "resident pupil units."

217.4 **EFFECTIVE DATE.** This section is effective July 1, 2013.

217.5 Sec. 43. **REPEALER.**

217.6 Minnesota Statutes 2008, sections 123B.54; 123B.57, subdivisions 3, 4, and 5;  
 217.7 123B.591; 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b,  
 217.8 13a, 13b, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 34, 35, and 36; 126C.12;  
 217.9 126C.126; and 127A.50, are repealed.

217.10 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014.

## 217.11 **ARTICLE 10**

### 217.12 **FORECAST ADJUSTMENTS**

217.13 Section 1. Laws 2007, chapter 146, article 1, section 24, subdivision 2, as amended by  
 217.14 Laws 2008, chapter 363, article 3, section 1, is amended to read:

217.15 Subd. 2. **General education aid.** For general education aid under Minnesota  
 217.16 Statutes, section 126C.13, subdivision 4:

217.17	\$	5,600,647,000	.....	2008
217.18	\$	<del>5,649,098,000</del>	.....	2009
217.19		<u>5,644,263,000</u>		

217.20 The 2008 appropriation includes \$536,251,000 for 2007 and \$5,064,396,000 for  
 217.21 2008.

217.22 The 2009 appropriation includes ~~\$543,752,000~~ \$533,760,000 for 2008 and  
 217.23 ~~\$5,105,346,000~~ \$5,110,503,000 for 2009.

217.24 Sec. 2. Laws 2007, chapter 146, article 1, section 24, subdivision 6, as amended by  
 217.25 Laws 2008, chapter 363, article 3, section 5, is amended to read:

217.26 Subd. 6. **Consolidation transition.** For districts consolidating under Minnesota  
 217.27 Statutes, section 123A.485:

217.28	\$	240,000	.....	2008
217.29	\$	<del>339,000</del> <u>21,000</u>	.....	2009

217.30 The 2008 appropriation includes \$43,000 for 2007 and \$197,000 for 2008.

217.31 The 2009 appropriation includes \$21,000 for 2008 and ~~\$318,000~~ \$0 for 2009.

218.1 Sec. 3. Laws 2007, chapter 146, article 1, section 24, subdivision 8, as amended by  
 218.2 Laws 2008, chapter 363, article 3, section 7, is amended to read:

218.3 Subd. 8. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid  
 218.4 under Minnesota Statutes, section 123B.92, subdivision 9:

218.5 \$ 20,755,000 ..... 2008

218.6 \$ ~~21,007,000~~ ..... 2009

218.7 20,739,000

218.8 The 2008 appropriation includes \$2,124,000 for 2007 and \$18,631,000 for 2008.

218.9 The 2009 appropriation includes ~~\$2,070,000~~ \$2,037,000 for 2008 and ~~\$18,937,000~~  
 218.10 \$18,702,000 for 2009.

218.11 Sec. 4. Laws 2007, chapter 146, article 2, section 46, subdivision 6, as amended by  
 218.12 Laws 2008, chapter 363, article 3, section 11, is amended to read:

218.13 Subd. 6. **Interdistrict desegregation or integration transportation grants.** For  
 218.14 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 218.15 section 124D.87:

218.16 \$ 9,901,000 ..... 2008

218.17 \$ ~~11,881,000~~ ..... 2009

218.18 11,947,000

218.19 Sec. 5. Laws 2007, chapter 146, article 3, section 24, subdivision 4, as amended by  
 218.20 Laws 2008, chapter 363, article 3, section 14, is amended to read:

218.21 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based  
 218.22 services under Minnesota Statutes, section 125A.75, subdivision 1:

218.23 \$ 207,000 ..... 2008

218.24 \$ ~~227,000~~ 237,000 ..... 2009

218.25 The 2008 appropriation includes \$22,000 for 2007 and \$185,000 for 2008.

218.26 The 2009 appropriation includes ~~\$20,000~~ \$21,000 for 2008 and ~~\$207,000~~ \$216,000  
 218.27 for 2009.

218.28 Sec. 6. Laws 2007, chapter 146, article 4, section 16, subdivision 2, as amended by  
 218.29 Laws 2008, chapter 363, article 3, section 15, is amended to read:

218.30 Subd. 2. **Health and safety revenue.** For health and safety aid according to  
 218.31 Minnesota Statutes, section 123B.57, subdivision 5:

218.32 \$ 254,000 ..... 2008

218.33 \$ ~~103,000~~ 119,000 ..... 2009

219.1 The 2008 appropriation includes \$20,000 for 2007 and \$234,000 for 2008.

219.2 The 2009 appropriation includes ~~\$26,000~~ \$23,000 for 2008 and ~~\$77,000~~ \$96,000  
219.3 for 2009.

219.4 Sec. 7. Laws 2007, chapter 146, article 4, section 16, subdivision 6, as amended by  
219.5 Laws 2008, chapter 363, article 3, section 17, is amended to read:

219.6 Subd. 6. **Deferred maintenance aid.** For deferred maintenance aid, according to  
219.7 Minnesota Statutes, section 123B.591, subdivision 4:

219.8 \$ 3,232,000 ..... 2008

219.9 \$ ~~2,627,000~~ ..... 2009

219.10 2,720,000

219.11 The 2008 appropriation includes \$0 for 2007 and \$3,232,000 for 2008.

219.12 The 2009 appropriation includes ~~\$359,000~~ \$371,000 for 2008 and ~~\$2,268,000~~  
219.13 \$2,349,000 for 2009.

219.14 Sec. 8. Laws 2007, chapter 146, article 5, section 13, subdivision 2, as amended by  
219.15 Laws 2008, chapter 363, article 3, section 19, is amended to read:

219.16 Subd. 2. **School lunch.** For school lunch aid according to Minnesota Statutes,  
219.17 section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

219.18 \$ 12,094,000 ..... 2008

219.19 \$ ~~12,394,000~~ ..... 2009

219.20 12,298,000

219.21 Sec. 9. Laws 2007, chapter 146, article 5, section 13, subdivision 3, as amended by  
219.22 Laws 2008, chapter 363, article 2, section 40, is amended to read:

219.23 Subd. 3. **Traditional school breakfast; kindergarten milk.** For traditional school  
219.24 breakfast aid and kindergarten milk under Minnesota Statutes, sections 124D.1158 and  
219.25 124D.118:

219.26 \$ 5,583,000 ..... 2008

219.27 \$ 6,396,000 ..... 2009

219.28 The 2009 appropriation includes \$4,825,000 for traditional school breakfast and  
219.29 \$1,076,000 for kindergarten milk.

219.30 Sec. 10. Laws 2007, chapter 146, article 9, section 17, subdivision 2, as amended by  
219.31 Laws 2008, chapter 363, article 3, section 21, is amended to read:

219.32 Subd. 2. **Early childhood family education aid.** For early childhood family  
219.33 education aid under Minnesota Statutes, section 124D.135:

220.1           \$     21,092,000     ..... 2008  
 220.2           \$     ~~29,324,000~~     ..... 2009  
 220.3                     29,326,000

220.4           The 2008 appropriation includes \$1,796,000 for 2007 and \$19,296,000 for 2008.

220.5           The 2009 appropriation includes \$2,144,000 for 2008 and ~~\$27,180,000~~ \$27,182,000  
 220.6 for 2009.

220.7           Sec. 11. Laws 2007, chapter 146, article 9, section 17, subdivision 13, as amended by  
 220.8 Laws 2008, chapter 363, article 3, section 25, is amended to read:

220.9           Subd. 13. **Adult basic education aid.** For adult basic education aid under  
 220.10 Minnesota Statutes, section 124D.531:

220.11           \$     40,344,000     ..... 2008  
 220.12           \$     ~~41,712,000~~     ..... 2009  
 220.13                     41,749,000

220.14           The 2008 appropriation includes \$3,759,000 for 2007 and \$36,585,000 for 2008.

220.15           The 2009 appropriation includes \$4,065,000 for 2008 and ~~\$37,647,000~~ \$37,684,000  
 220.16 for 2009.

## ARTICLE 11

### TECHNICAL CORRECTIONS

220.19           Section 1. Minnesota Statutes 2008, section 126C.10, subdivision 24, is amended to  
 220.20 read:

220.21           Subd. 24. **Equity revenue.** (a) A school district qualifies for equity revenue if:

220.22           (1) the school district's adjusted marginal cost pupil unit amount of basic revenue,  
 220.23 ~~supplemental revenue~~, transition revenue, and referendum revenue is less than the value of  
 220.24 the school district at or immediately above the 95th percentile of school districts in its  
 220.25 equity region for those revenue categories; and

220.26           (2) the school district's administrative offices are not located in a city of the first  
 220.27 class on July 1, 1999.

220.28           (b) Equity revenue for a qualifying district that receives referendum revenue under  
 220.29 section 126C.17, subdivision 4, equals the product of (1) the district's adjusted marginal  
 220.30 cost pupil units for that year; times (2) the sum of (i) \$13, plus (ii) \$75, times the school  
 220.31 district's equity index computed under subdivision 27.

220.32           (c) Equity revenue for a qualifying district that does not receive referendum revenue  
 220.33 under section 126C.17, subdivision 4, equals the product of the district's adjusted marginal  
 220.34 cost pupil units for that year times \$13.



221.1 (d) A school district's equity revenue is increased by the greater of zero or an amount  
221.2 equal to the district's resident marginal cost pupil units times the difference between ten  
221.3 percent of the statewide average amount of referendum revenue per resident marginal cost  
221.4 pupil unit for that year and the district's referendum revenue per resident marginal cost  
221.5 pupil unit. A school district's revenue under this paragraph must not exceed \$100,000 for  
221.6 that year.

221.7 (e) A school district's equity revenue for a school district located in the metro equity  
221.8 region equals the amount computed in paragraphs (b), (c), and (d) multiplied by 1.25.

221.9 (f) For fiscal year 2007 and later, notwithstanding paragraph (a), clause (2), a school  
221.10 district that has per pupil referendum revenue below the 95th percentile qualifies for  
221.11 additional equity revenue equal to \$46 times its adjusted marginal cost pupil units.

221.12 (g) A district that does not qualify for revenue under paragraph (f) qualifies for  
221.13 equity revenue equal to \$46 times its adjusted marginal cost pupil units.

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**120B.362 VALUE-ADDED ASSESSMENT PROGRAM.**

(a) The commissioner of education must implement a value-added assessment program to assist school districts, public schools, and charter schools in assessing and reporting individual students' growth in academic achievement under section 120B.30, subdivision 1a. The program must use assessments of individual students' academic achievement to make longitudinal comparisons of each student's academic growth over time. School districts, public schools, and charter schools may apply to the commissioner to participate in the initial trial program using a form and in the manner the commissioner prescribes. The commissioner must select program participants from urban, suburban, and rural areas throughout the state.

(b) The commissioner may issue a request for proposals to contract with an organization that provides a value-added assessment model that reliably estimates school and school district effects on students' academic achievement over time. The model the commissioner selects must accommodate diverse data and must use each student's test data across grades. Data on individual teachers generated under the model are personnel data under section 13.43.

(c) The contract under paragraph (b) must be consistent with the definition of "best value" under section 16C.02, subdivision 4.

**120B.39 UNIFORM FORMS FOR STATE EXAMINATIONS; COMMISSIONER.**

Upon the request of any superintendent of any public or private school teaching high school courses in the state, the commissioner shall designate or prepare uniform forms for state examinations in each high school subject during the month of May of each year; the request shall be in writing and delivered to the commissioner before January 1 of that year.

**121A.27 SCHOOL AND COMMUNITY ADVISORY TEAM.**

The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems in the district. The school and community advisory team must be composed of representatives from the school preassessment team established in section 121A.26, to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community. The community advisory team shall:

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

(2) develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team established under section 121A.26 when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian in the case of a minor student.

**121A.66 DEFINITIONS.**

Subdivision 1. **Application.** For the purposes of providing instruction to children with a disability under sections 125A.03 to 125A.24, 125A.26 to 125A.48, 125A.65, this section, and section 121A.67, the following terms have the meanings given them.

Subd. 2. **Aversive procedure.** "Aversive procedure" means the planned application of an aversive stimulus.

Subd. 3. **Aversive stimulus.** "Aversive stimulus" means an object that is used, or an event or situation that occurs immediately after a specified behavior in order to suppress that behavior.

Subd. 4. **Deprivation procedure.** "Deprivation procedure" means the planned delay or withdrawal of goods, services, or activities that the person would otherwise receive.

Subd. 5. **Emergency.** "Emergency" means a situation in which immediate intervention is necessary to protect a pupil or other individual from physical injury or to prevent serious property damage.

Subd. 6. **Positive behavioral interventions and supports.** "Positive behavioral interventions and supports" means those strategies used to improve the school environment and teach pupils skills likely to increase pupil ability to exhibit appropriate behaviors.

Subd. 7. **Time-out.** "Time-out" means:

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(1) a contingent observation, which is not a regulated intervention, and involves instructing the pupil to leave the school activity during the school day and not participate for a period of time, but to observe the activity and listen to the discussion from a time-out area within the same setting;

(2) an exclusionary time-out, which is not a regulated intervention, and involves instructing the pupil to leave the school activity during the school day and not participate in or observe the classroom activity, but to go to another area from which the pupil may leave; or

(3) a locked time-out, which is a regulated intervention, and involves involuntarily removing the pupil from the school activity during the school day and placing the pupil in a specially designed and continuously supervised isolation room that the pupil is prevented from leaving.

#### **121A.67 AVERSIVE AND DEPRIVATION PROCEDURES.**

Subdivision 1. **Rules.** The commissioner, after consultation with interested parent organizations and advocacy groups, the Minnesota Administrators for Special Education, the Minnesota Association of School Administrators, Education Minnesota, the Minnesota School Boards Association, the Minnesota Police Officers Association, a representative of a bargaining unit that represents paraprofessionals, the Elementary School Principals Association, and the Secondary School Principals Association, must amend rules governing the use of aversive and deprivation procedures by school district employees or persons under contract with a school district. The rules must:

(1) promote the use of positive behavioral interventions and supports and must not encourage or require the use of aversive or deprivation procedures;

(2) require that planned application of aversive and deprivation procedures only be instituted after completing a functional behavior assessment and developing a behavior intervention plan that is included in or maintained with the individual education plan;

(3) require educational personnel to notify a parent or guardian of a pupil with an individual education plan on the same day aversive or deprivation procedures are used in an emergency or in writing within two school days if district personnel are unable to provide same-day notice;

(4) establish health and safety standards for the use of locked time-out procedures that require a safe environment, continuous monitoring of the child, ventilation, adequate space, a locking mechanism that disengages automatically when not continuously engaged by school personnel, and full compliance with state and local fire and building codes, including state rules on time-out rooms;

(5) contain a list of prohibited procedures;

(6) consolidate and clarify provisions related to behavior intervention plans;

(7) require school districts to register with the commissioner any room used for locked time-out, which the commissioner must monitor by making announced and unannounced on-site visits;

(8) place a student in locked time-out only if the intervention is:

(i) part of the comprehensive behavior intervention plan that is included in or maintained with the student's individual education plan, and the plan uses positive behavioral interventions and supports, and data support its continued use; or

(ii) used in an emergency for the duration of the emergency only; and

(9) require a providing school district or cooperative to establish an oversight committee composed of at least one member with training in behavioral analysis and other appropriate education personnel to annually review aggregate data regarding the use of aversive and deprivation procedures.

#### **122A.628 SCHOOLS MENTORING SCHOOLS REGIONAL SITES.**

Subdivision 1. **Program.** The commissioner of education shall select up to four school districts, or partnerships of school districts, for the purpose of assisting other school districts in the region with the development of thorough and effective teacher mentoring programs. The commissioner shall use geographic balance and proven teacher induction programs as criteria when selecting the sites. One site must include the Brainerd teacher support system, which has been cited by the Minnesota Board of Teaching as a model program and was one of only six programs in the nation to be recognized for the 2004 NEA-Saturn/UAW partnership award. The sites shall be known as schools mentoring schools regional sites.

The sites shall provide high quality mentoring assistance programs and services to other nearby school districts for the development of effective systems of support for new teachers. The sites shall offer coaching/mentor training, in-class observation training, and train-the-teacher

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opportunities for teams of participating teachers. The sites shall use their recognized experience and methods to equip schools to work with their own new and beginning teachers. The commissioner shall review and report annually to the legislature on the operation of each training center.

Subd. 2. **Revenue.** A school district that is selected to participate in the schools mentoring schools program under this section may utilize its professional compensation revenue under section 122A.414, subdivision 4, to pay regional training sites for staff development and training services.

#### **122A.75 ADMINISTRATORS ACADEMY.**

Subdivision 1. **Services.** An Administrators Academy is established. The academy shall provide at least the following services:

- (1) an administrator assessment that results in an individual professional development plan;
- (2) research and development assistance that provides current research and data of interest to administrators; and
- (3) brokerage assistance to provide services and resources to help administrators with needs identified in their individual professional development plan.

Subd. 2. **Governance.** The commissioner of education shall appoint a 17-member committee to govern the Administrators Academy. Eight members must be from among administrators who are receiving or have received the services of the academy. In addition, a representative of each of the following organizations: Minnesota Department of Education, Minnesota Association of School Administrators, Minnesota elementary school principals, Minnesota secondary school principals, University of Minnesota, state university system, and a representative from the private colleges must be appointed by the organization each represents. Parents and teachers shall also have representation on the governing board.

#### **123B.54 DEBT SERVICE APPROPRIATION.**

(a) \$14,814,000 in fiscal year 2008, \$9,109,000 in fiscal year 2009, \$7,286,000 in fiscal year 2010, and \$6,878,000 in fiscal year 2011 and later are appropriated from the general fund to the commissioner of education for payment of debt service equalization aid under section 123B.53.

(b) The appropriations in paragraph (a) must be reduced by the amount of any money specifically appropriated for the same purpose in any year from any state fund.

#### **123B.57 CAPITAL EXPENDITURE; HEALTH AND SAFETY.**

Subd. 3. **Health and safety revenue.** A district's health and safety revenue for a fiscal year equals the district's alternative facilities levy under section 123B.59, subdivision 5, paragraph (b), plus the greater of zero or:

- (1) the sum of (a) the total approved cost of the district's hazardous substance plan for fiscal years 1985 through 1989, plus (b) the total approved cost of the district's health and safety program for fiscal year 1990 through the fiscal year to which the levy is attributable, excluding expenditures funded with bonds issued under section 123B.59 or 123B.62, or chapter 475; certificates of indebtedness or capital notes under section 123B.61; levies under section 123B.58, 123B.59, 123B.63, or 126C.40, subdivision 1 or 6; and other federal, state, or local revenues, minus
- (2) the sum of (a) the district's total hazardous substance aid and levy for fiscal years 1985 through 1989 under sections 124.245 and 275.125, subdivision 11c, plus (b) the district's health and safety revenue under this subdivision, for years before the fiscal year to which the levy is attributable.

Subd. 4. **Health and safety levy.** To receive health and safety revenue, a district may levy an amount equal to the district's health and safety revenue as defined in subdivision 3 multiplied by the lesser of one, or the ratio of the quotient derived by dividing the adjusted net tax capacity of the district for the year preceding the year the levy is certified by the adjusted marginal cost pupil units in the district for the school year to which the levy is attributable, to \$2,935.

Subd. 5. **Health and safety aid.** A district's health and safety aid is the difference between its health and safety revenue and its health and safety levy. If a district does not levy the entire amount permitted, health and safety aid must be reduced in proportion to the actual amount levied. Health and safety aid may not be reduced as a result of reducing a district's health and safety levy according to section 123B.79.

#### **123B.591 DEFERRED MAINTENANCE REVENUE.**

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Subdivision 1. **Eligibility.** An independent or special school district that does not qualify to participate in the alternative facilities bonding and levy under section 123B.59, subdivision 1, paragraph (a), is eligible to receive deferred maintenance revenue.

Subd. 2. **Deferred maintenance revenue.** The deferred maintenance revenue for an eligible school district equals the product of \$60 times the adjusted marginal cost pupil units for the school year times the lesser of one or the ratio of the district's average age of building space to 35 years.

Subd. 3. **Deferred maintenance levy.** To obtain deferred maintenance revenue for fiscal year 2008 and later, a district may levy an amount not more than the product of its deferred maintenance revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted marginal cost pupil unit to \$5,900.

Subd. 4. **Deferred maintenance aid.** For fiscal year 2008 and later, a district's deferred maintenance aid equals its deferred maintenance revenue minus its deferred maintenance levy times the ratio of the actual amount levied to the permitted levy.

Subd. 5. **Reserve account.** Deferred maintenance revenue must be maintained in a reserve account within the general fund. Deferred maintenance revenue may be used only for expenditures that would be eligible for alternative facilities bonding and levy revenue under section 123B.59, subdivision 2, paragraph (a), if the district qualified for that revenue under section 123B.59, subdivision 1, paragraph (a).

### **124D.091 CONCURRENT ENROLLMENT PROGRAM AID.**

Subdivision 1. **Accreditation.** To establish a uniform standard by which concurrent enrollment courses and professional development activities may be measured, postsecondary institutions are encouraged to apply for accreditation by the National Alliance of Concurrent Enrollment Partnership.

Subd. 2. **Eligibility.** A district that offers a concurrent enrollment course according to an agreement under section 124D.09, subdivision 10, is eligible to receive aid for the costs of providing postsecondary courses at the high school. Beginning in fiscal year 2011, districts only are eligible for aid if the college or university concurrent enrollment courses offered by the district are accredited by the National Alliance of Concurrent Enrollment Partnership, in the process of being accredited, or are shown by clear evidence to be of comparable standard to accredited courses.

Subd. 3. **Aid.** An eligible district shall receive \$150 per pupil enrolled in a concurrent enrollment course. The money must be used to defray the cost of delivering the course at the high school. The commissioner shall establish application procedures and deadlines for receipt of aid payments.

### **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a disability, including providing required services under Code of Federal Regulations, title 34, section 300.121, paragraph (d), to those children suspended or expelled from school for more than ten school days in that school year, who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state Education Code means a free and appropriate public education provided to an eligible child with disabilities and includes special education and related services defined in the Individuals with Disabilities Education Act, subpart A, section 300.24.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

### **125A.05 METHOD OF SPECIAL INSTRUCTION.**

(a) As defined in this section, to the extent required by federal law as of July 1, 1999, special instruction and services for children with a disability must be based on the assessment

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and individual education plan. The instruction and services may be provided by one or more of the following methods:

- (1) in connection with attending regular elementary and secondary school classes;
  - (2) establishment of special classes;
  - (3) at the home or bedside of the child;
  - (4) in other districts;
  - (5) instruction and services by special education cooperative centers established under this section, or in another member district of the cooperative center to which the resident district of the child with a disability belongs;
  - (6) in a state residential school or a school department of a state institution approved by the commissioner;
  - (7) in other states;
  - (8) by contracting with public, private or voluntary agencies;
  - (9) for children under age five and their families, programs and services established through collaborative efforts with other agencies;
  - (10) for children under age five and their families, programs in which children with a disability are served with children without a disability; and
  - (11) any other method approved by the commissioner.
- (b) Preference shall be given to providing special instruction and services to children under age three and their families in the residence of the child with the parent or primary caregiver, or both, present.

(c) The primary responsibility for the education of a child with a disability must remain with the district of the child's residence regardless of which method of providing special instruction and services is used. If a district other than a child's district of residence provides special instruction and services to the child, then the district providing the special instruction and services must notify the child's district of residence before the child's individual education plan is developed and must provide the district of residence an opportunity to participate in the plan's development. The district of residence must inform the parents of the child about the methods of instruction that are available.

#### **125A.18 SPECIAL INSTRUCTION; NONPUBLIC SCHOOLS.**

No resident of a district who is eligible for special instruction and services under this section may be denied instruction and service on a shared time basis consistent with section 126C.19, subdivision 4, because of attending a nonpublic school defined in section 123B.41, subdivision 9. If a resident pupil with a disability attends a nonpublic school located within the district of residence, the district must provide necessary transportation for that pupil within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident pupil with a disability attends a nonpublic school located in another district and if no agreement exists under section 126C.19, subdivision 1 or 2, for providing special instruction and services on a shared time basis to that pupil by the district of attendance and where the special instruction and services are provided within the district of residence, the district of residence must provide necessary transportation for that pupil between the boundary of the district of residence and the educational facility. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school must pay the cost of transportation provided outside the district boundary.

Parties serving students on a shared time basis have access to the due process hearing system described under United States Code, title 20, and the complaint system under Code of Federal Regulations, title 34, section 300.660-662. In the event it is determined under these systems that the nonpublic school or staff impeded the public school district's provision of a free appropriate education, the commissioner may withhold public funds available to the nonpublic school proportionally applicable to that student under section 123B.42.

#### **125A.76 SPECIAL EDUCATION REVENUE.**

Subd. 4. **State total special education aid.** The state total special education aid equals \$529,247,000 for fiscal year 2007, \$694,063,000 for fiscal year 2008, \$719,470,000 for fiscal year 2009, \$735,693,000 for fiscal year 2010, and \$786,586,000 for fiscal year 2011. The state total special education aid for later fiscal years equals:

- (1) the state total special education aid for the preceding fiscal year; times
- (2) the program growth factor; times

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(3) the greater of one, or the ratio of the state total average daily membership for the current fiscal year to the state total average daily membership for the preceding fiscal year.

**125A.79 SPECIAL EDUCATION EXCESS COST AID.**

Subd. 6. **State total special education excess cost aid.** The state total special education excess cost aid equals \$104,700,000 for fiscal year 2007, \$110,641,000 for fiscal year 2008, \$110,918,000 for fiscal year 2009, \$110,847,000 for fiscal year 2010, and \$110,892,000 for fiscal year 2011. The state total special education excess cost aid for later fiscal years equals:

- (1) the state total special education excess cost aid for the preceding fiscal year; times
- (2) the program growth factor; times
- (3) the greater of one, or the ratio of the state total average daily membership for the current fiscal year to the state total average daily membership for the preceding fiscal year.

**126C.10 GENERAL EDUCATION REVENUE.**

Subd. 2b. **Gifted and talented revenue.** Gifted and talented revenue for each district equals the district's adjusted marginal cost pupil units for that school year times \$12 for fiscal year 2008 and later. A school district must reserve gifted and talented revenue and, consistent with section 120B.15, must spend the revenue only to:

- (1) identify gifted and talented students;
- (2) provide education programs for gifted and talented students; or
- (3) provide staff development to prepare teachers to best meet the unique needs of gifted and talented students.

Subd. 13a. **Operating capital levy.** To obtain operating capital revenue for fiscal year 2007 and later, a district may levy an amount not more than the product of its operating capital revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted marginal cost pupil unit to the operating capital equalizing factor. The operating capital equalizing factor equals \$22,222 for fiscal year 2006, and \$10,700 for fiscal year 2007 and later.

Subd. 13b. **Operating capital aid.** A district's operating capital aid equals its operating capital revenue minus its operating capital levy times the ratio of the actual amount levied to the permitted levy.

Subd. 24. **Equity revenue.** (a) A school district qualifies for equity revenue if:

(1) the school district's adjusted marginal cost pupil unit amount of basic revenue, supplemental revenue, transition revenue, and referendum revenue is less than the value of the school district at or immediately above the 95th percentile of school districts in its equity region for those revenue categories; and

(2) the school district's administrative offices are not located in a city of the first class on July 1, 1999.

(b) Equity revenue for a qualifying district that receives referendum revenue under section 126C.17, subdivision 4, equals the product of (1) the district's adjusted marginal cost pupil units for that year; times (2) the sum of (i) \$13, plus (ii) \$75, times the school district's equity index computed under subdivision 27.

(c) Equity revenue for a qualifying district that does not receive referendum revenue under section 126C.17, subdivision 4, equals the product of the district's adjusted marginal cost pupil units for that year times \$13.

(d) A school district's equity revenue is increased by the greater of zero or an amount equal to the district's resident marginal cost pupil units times the difference between ten percent of the statewide average amount of referendum revenue per resident marginal cost pupil unit for that year and the district's referendum revenue per resident marginal cost pupil unit. A school district's revenue under this paragraph must not exceed \$100,000 for that year.

(e) A school district's equity revenue for a school district located in the metro equity region equals the amount computed in paragraphs (b), (c), and (d) multiplied by 1.25.

(f) For fiscal year 2007 and later, notwithstanding paragraph (a), clause (2), a school district that has per pupil referendum revenue below the 95th percentile qualifies for additional equity revenue equal to \$46 times its adjusted marginal cost pupil units.

(g) A district that does not qualify for revenue under paragraph (f) qualifies for equity revenue equal to \$46 times its adjusted marginal cost pupil units.

Subd. 25. **Regional equity gap.** The regional equity gap equals the difference between the value of the school district at or immediately above the fifth percentile of adjusted general revenue per adjusted marginal cost pupil unit and the value of the school district at or immediately above the 95th percentile of adjusted general revenue per adjusted marginal cost pupil unit.



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Subd. 26. **District equity gap.** A district's equity gap equals the greater of zero or the difference between the district's adjusted general revenue and the value of the school district at or immediately above the regional 95th percentile of adjusted general revenue per adjusted marginal cost pupil unit.

Subd. 27. **District equity index.** A district's equity index equals the ratio of the sum of the district equity gap amount to the regional equity gap amount.

Subd. 28. **Equity region.** For the purposes of computing equity revenue under subdivision 24, a district whose administrative offices on July 1, 1999, is located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County is part of the metro equity region. Districts whose administrative offices on July 1, 1999, are not located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County are part of the rural equity region.

Subd. 29. **Equity levy.** To obtain equity revenue for fiscal year 2005 and later, a district may levy an amount not more than the product of its equity revenue for the fiscal year times the lesser of one or the ratio of its referendum market value per resident marginal cost pupil unit to \$476,000.

Subd. 30. **Equity aid.** A district's equity aid equals its equity revenue minus its equity levy times the ratio of the actual amount levied to the permitted levy.

Subd. 31. **Transition revenue.** (a) A district's transition allowance equals the greater of zero or the product of the ratio of the number of adjusted marginal cost pupil units the district would have counted for fiscal year 2004 under Minnesota Statutes 2002 to the district's adjusted marginal cost pupil units for fiscal year 2004, times the difference between: (1) the lesser of the district's general education revenue per adjusted marginal cost pupil unit for fiscal year 2003 or the amount of general education revenue the district would have received per adjusted marginal cost pupil unit for fiscal year 2004 according to Minnesota Statutes 2002, and (2) the district's general education revenue for fiscal year 2004 excluding transition revenue divided by the number of adjusted marginal cost pupil units the district would have counted for fiscal year 2004 under Minnesota Statutes 2002.

(b) A district's transition revenue for fiscal years 2006 through 2009 equals the sum of the product of the district's transition allowance times the district's adjusted marginal cost pupil units plus the district's transition for prekindergarten revenue under subdivision 31a.

(c) A district's transition revenue for fiscal year 2010 and later equals the sum of the product of the district's transition allowance times the district's adjusted marginal cost pupil units plus the district's transition for prekindergarten revenue under subdivision 31a plus the district's transition for tuition reciprocity revenue under subdivision 31c.

Subd. 31a. **Transition for prekindergarten revenue.** For fiscal year 2007 and later, a school district's transition for prekindergarten revenue equals the sum of (1) the amount of referendum revenue under section 126C.17 and general education revenue, excluding transition revenue, for fiscal year 2004 attributable to pupils four or five years of age on September 1, 2003, enrolled in a prekindergarten program implemented by the district before July 1, 2003, and reported as kindergarten pupils under section 126C.05, subdivision 1, for fiscal year 2004, plus (2) the amount of compensatory education revenue under subdivision 3 for fiscal year 2005 attributable to pupils four years of age on September 1, 2003, enrolled in a prekindergarten program implemented by the district before July 1, 2003, and reported as kindergarten pupils under section 126C.05, subdivision 1, for fiscal year 2004 multiplied by .04.

Subd. 31b. **Uses of transition for prekindergarten revenue.** A school district that receives revenue under subdivision 31a must reserve that revenue for prekindergarten programs serving students who turn age four by September 1 and who will enter kindergarten the following year.

Subd. 32. **Transition levy.** To obtain transition revenue for fiscal year 2005 and later, a district may levy an amount not more than the product of its transition revenue for the fiscal year times the lesser of one or the ratio of its referendum market value per resident marginal cost pupil unit to \$476,000.

Subd. 33. **Transition aid.** (a) For fiscal year 2004, a district's transition aid equals its transition revenue.

(b) For fiscal year 2005 and later, a district's transition aid equals its transition revenue minus its transition levy times the ratio of the actual amount levied to the permitted levy.

Subd. 34. **Basic alternative teacher compensation aid.** (a) For fiscal years 2007 and later, the basic alternative teacher compensation aid for a school district with a plan approved under section 122A.414, subdivision 2b, equals 65 percent of the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the number of

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pupils enrolled in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

(b) Notwithstanding paragraphs (a) and (b) and section 122A.415, subdivision 1, the state total basic alternative teacher compensation aid entitlement must not exceed \$75,636,000 for fiscal year 2007 and later. The commissioner must limit the amount of alternative teacher compensation aid approved under section 122A.415 so as not to exceed these limits.

Subd. 35. **Alternative teacher compensation levy.** For fiscal year 2007 and later, the alternative teacher compensation levy for a district receiving basic alternative teacher compensation aid equals the product of (1) the difference between the district's alternative teacher compensation revenue and the district's basic alternative teacher compensation aid times (2) the lesser of one or the ratio of the district's adjusted net tax capacity per adjusted pupil unit to \$5,913.

Subd. 36. **Alternative teacher compensation aid.** (a) For fiscal year 2007 and later, a district's alternative teacher compensation equalization aid equals the district's alternative teacher compensation revenue minus the district's basic alternative teacher compensation aid minus the district's alternative teacher compensation levy. If a district does not levy the entire amount permitted, the alternative teacher compensation equalization aid must be reduced in proportion to the actual amount levied.

(b) A district's alternative teacher compensation aid equals the sum of the district's basic alternative teacher compensation aid and the district's alternative teacher compensation equalization aid.

**126C.12 LEARNING AND DEVELOPMENT REVENUE AMOUNT AND USE.**

Subdivision 1. **Revenue.** Of a district's general education revenue for fiscal year 2000 and thereafter each school district shall reserve an amount equal to the formula allowance multiplied by the following calculation:

(1) the sum of adjusted marginal cost pupils in average daily membership, according to section 126C.05, subdivision 5, in kindergarten times .057; plus

(2) the sum of adjusted marginal cost pupils in average daily membership, according to section 126C.05, subdivision 5, in grades 1 to 3 times .115; plus

(3) the sum of adjusted marginal cost pupils in average daily membership, according to section 126C.05, subdivision 5, in grades 4 to 6 times .06.

Subd. 2. **Definitions.** (a) "Classroom teacher" means a public employee licensed by the board of teaching who is authorized to teach all subjects to children in any grade in kindergarten through grade 6 and whose duties are full-time regular classroom instruction, excluding a teacher for whom federal aids are received or for whom categorical aids are received under section 125A.76 or who is an itinerant teacher or provides instruction outside of the regular classroom. Except as provided in section 122A.68, subdivision 6, classroom teacher does not include supervisory and support personnel defined in section 122A.15. A classroom teacher whose duties are less than full-time instruction must be included as an equivalent only for the number of hours of instruction in kindergarten through grade 3.

(b) "Class size" means the districtwide ratio at each grade level of the number of full-time students in kindergarten through grade 3 served at least 40 percent of the time in regular classrooms to the number of full-time classroom teachers in kindergarten through grade 3, determined as of October 1 of each school year.

Subd. 3. **Instruction contact time.** Instruction may be provided by a classroom teacher or by a team of classroom teachers, or by a teacher resident supervised by a classroom teacher. The district must maximize classroom teacher to learner average instructional contact time in the core subjects of reading and mathematics.

Subd. 4. **Revenue use.** (a) Revenue must be used to reduce and maintain the district's average class size in kindergarten through grade 3 to a level of 17 to 1 on average in each of the respective grades.

(b) A district must not increase the districtwide class sizes in other grades as a result of reducing class sizes in kindergarten through grade 3. Revenue may not be used to provide instructor preparation. A district may use a portion of the revenue reserved under this section to employ up to the same number of full-time equivalent education assistants or aides as the district employed during the 1992-1993 school year under Minnesota Statutes 1992, section 124.331, subdivision 2, through fiscal year 2002. Beginning in fiscal year 2003, class size reduction

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revenue may only be reserved to employ classroom teachers contributing to lower class sizes in kindergarten through grade 3.

Subd. 5. **Additional revenue use.** If the board of a district determines that the district has achieved and is maintaining the class sizes specified in subdivision 4, the board may use the revenue to reduce class size in grades 4, 5, and 6, provide all-day, everyday kindergarten, prepare and use individualized learning plans, improve program offerings, purchase instructional material, services, or technology, or provide staff development needed for reduced class sizes.

Subd. 6. **Annual report.** By December 1 of each year, districts receiving revenue under subdivision 1 shall make available to the public a report on the amount of revenue the district has received and the use of the revenue. This report shall be in the form and manner determined by the commissioner and shall include the district average class sizes in kindergarten through grade 6 as of October 1 of the current school year and the class sizes for each site serving kindergarten through grade 6 students in the district. A copy of the report shall be filed with the commissioner by December 15.

**126C.126 REALLOCATING GENERAL EDUCATION REVENUE FOR ALL-DAY KINDERGARTEN AND PREKINDERGARTEN.**

(a) In order to provide additional revenue for an optional all-day kindergarten program, a district may reallocate general education revenue attributable to 12th grade students who have graduated early under section 120B.07.

(b) A school district may spend general education revenue on extended time kindergarten and prekindergarten programs.

**127A.50 AID ADJUSTMENTS DUE TO CHANGES IN EMPLOYER RETIREMENT CONTRIBUTION RATES.**

Subdivision 1. **Aid adjustment.** Beginning in fiscal year 1998 and each year thereafter, the commissioner of education shall adjust state aid payments to school operating funds for Independent School District No. 625 and Independent School District No. 709 by the net amount of clauses (1) and (2), for Special School District No. 1 by the net amount of clauses (1), (2), and (4), and for all other districts, including charter schools, but excluding any education organizations that are prohibited from receiving direct state aids under section 123A.26 or 125A.75, subdivision 7, by the net amount of clauses (1), (2), (3), and (4):

(1) a decrease equal to each district's share of the fiscal year 1997 adjustment effected under Minnesota Statutes 1996, section 124.2139;

(2) an increase equal to one percent of the salaries paid to members of the general plan of the Public Employees Retirement Association in fiscal year 1997, multiplied by 0.35 for fiscal year 1998 and 0.70 each year thereafter;

(3) a decrease equal to 2.34 percent of the salaries paid to members of the Teachers Retirement Association in fiscal year 1997; and

(4) an increase equal to 0.5 percent of the salaries paid to members of the Teachers Retirement Association in fiscal year 2007.

Subd. 2. **Appropriation.** The amounts necessary to pay any positive net adjustments under this section to any school district are appropriated annually from the general fund to the commissioner of education.

Subd. 3. **Limits on adjustments and potential reductions.** Increases to any school districts under subdivision 1, clause (2), and decreases under subdivision 1, clauses (1) and (3), are limited to the fiscal year 1999 amounts. The commissioner of education may permanently reduce the adjustments to school districts under subdivision 1, clauses (1) and (2), in the same manner as prescribed for nonschool jurisdictions under section 273.1385, subdivision 2. The commissioner may, from time to time, require that the most recent fiscal year payroll information be certified by the executive director of the Teachers Retirement Association. For any school district where the newly certified Teachers Retirement Association payroll is significantly lower than the fiscal 1997 amount as determined by the commissioner, the commissioner shall recalculate the lower reduction under subdivision 1, clause (3), and shall permanently reduce the adjustment amount in subsequent years.

Subd. 4. **Effect of reorganizations.** The commissioner of education shall reapportion the aid adjustments to school districts under this section to account for significant changes in boundaries or consolidations, as determined by the commissioner. If a school district is dissolved, or a school district function thereof is assumed by either the state or a nonpublic organization, adjustments for all or the appropriate fraction of the total payroll under this section must terminate.

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Subd. 5. **Adjustment termination.** All adjustments under this section terminate on June 30, 2020.

**275.065 PROPOSED PROPERTY TAXES; NOTICE.**

Subd. 5a. **Public advertisement.** (a) A city that has a population of more than 2,500, county, a metropolitan special taxing district as defined in subdivision 3, paragraph (i), a regional library district established under section 134.201, or school district shall advertise in a newspaper a notice of its intent to adopt a budget and property tax levy or, in the case of a school district, to review its current budget and proposed property taxes payable in the following year, at a public hearing, if a public hearing is required under subdivision 6. The notice must be published not less than two business days nor more than six business days before the hearing.

The advertisement must be at least one-eighth page in size of a standard-size or a tabloid-size newspaper. The advertisement must not be placed in the part of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in an official newspaper of general circulation in the taxing authority. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week.

For purposes of this section, the metropolitan special taxing district's advertisement must only be published in the Minneapolis Star and Tribune and the Saint Paul Pioneer Press.

In addition to other requirements, a county and a city having a population of more than 2,500 must show in the public advertisement required under this subdivision the current local tax rate, the proposed local tax rate if no property tax levy increase is adopted, and the proposed rate if the proposed levy is adopted. For purposes of this subdivision, "local tax rate" means the city's or county's net tax capacity levy divided by the city's or county's taxable net tax capacity.

(b) Subject to the provisions of paragraph (g), the advertisement for school districts, metropolitan special taxing districts, and regional library districts must be in the following form, except that the notice for a school district may include references to the current budget in regard to proposed property taxes.

"NOTICE OF  
PROPOSED PROPERTY TAXES  
(School District/Metropolitan  
Special Taxing District/Regional  
Library District) of .....

The governing body of ..... will soon hold budget hearings and vote on the property taxes for (metropolitan special taxing district/regional library district services that will be provided in (year)/school district services that will be provided in (year) and (year)).

NOTICE OF PUBLIC HEARING:

All concerned citizens are invited to attend a public hearing and express their opinions on the proposed (school district/metropolitan special taxing district/regional library district) budget and property taxes, or in the case of a school district, its current budget and proposed property taxes, payable in the following year. The hearing will be held on (Month/Day/Year) at (Time) at (Location, Address)."

(c) Subject to the provisions of paragraph (g), the advertisement for cities and counties must be in the following form.

"NOTICE OF PROPOSED  
TOTAL BUDGET AND PROPERTY TAXES

The (city/county) governing body or board of commissioners will hold a public hearing to discuss the budget and to vote on the amount of property taxes to collect for services the (city/county) will provide in (year).

SPENDING: The total budget amounts below compare (city's/county's) (year) total actual budget with the amount the (city/county) proposes to spend in (year).

(Year) Total Actual Budget	Proposed (Year) Budget	Change from (Year)-(Year)
\$ .....	\$ .....	.....%

TAXES: The property tax amounts below compare that portion of the current budget levied in property taxes in (city/county) for (year) with the property taxes the (city/county) proposes to collect in (year).

(Year) Property Taxes	Proposed (Year) Property Taxes	Change from (Year)-(Year)
\$ .....	\$ .....	.....%

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LOCAL TAX RATE COMPARISON: The current local tax rate, the local tax rate if no tax levy increase is adopted, and the proposed local tax rate if the proposed levy is adopted.

(Year) Tax Rate	(Year) Tax Rate if NO Levy Increase	(Year) Proposed TaxRate
.....	.....	.....

ATTEND THE PUBLIC HEARING

All (city/county) residents are invited to attend the public hearing of the (city/county) to express your opinions on the budget and the proposed amount of (year) property taxes. The hearing will be held on:

(Month/Day/Year/Time)

(Location/Address)

If the discussion of the budget cannot be completed, a time and place for continuing the discussion will be announced at the hearing. You are also invited to send your written comments to:

(City/County)

(Location/Address)"

(d) For purposes of this subdivision, the budget amounts listed on the advertisement mean:

(1) for cities, the total government fund expenditures, as defined by the state auditor under section 471.6965, less any expenditures for improvements or services that are specially assessed or charged under chapter 429, 430, 435, or the provisions of any other law or charter; and

(2) for counties, the total government fund expenditures, as defined by the state auditor under section 375.169, less any expenditures for direct payments to recipients or providers for the human service aids listed below:

(i) Minnesota family investment program under chapters 256J and 256K;

(ii) medical assistance under sections 256B.041, subdivision 5, and 256B.19, subdivision 1;

(iii) general assistance medical care under section 256D.03, subdivision 6;

(iv) general assistance under section 256D.03, subdivision 2;

(v) Minnesota supplemental aid under section 256D.36, subdivision 1;

(vi) preadmission screening under section 256B.0911, and alternative care grants under section 256B.0913;

(vii) general assistance medical care claims processing, medical transportation and related costs under section 256D.03, subdivision 4;

(viii) medical transportation and related costs under section 256B.0625, subdivisions 17 to 18a;

(ix) group residential housing under section 256I.05, subdivision 8, transferred from programs in clauses (iv) and (v); or

(x) any successor programs to those listed in clauses (i) to (ix).

(e) A city with a population of over 500 but not more than 2,500 that is required to hold a public hearing under subdivision 6 must advertise by posted notice as defined in section 645.12, subdivision 1. The advertisement must be posted at the time provided in paragraph (a). It must be in the form required in paragraph (b).

(f) For purposes of this subdivision, the population of a city is the most recent population as determined by the state demographer under section 4A.02.

(g) The commissioner of revenue shall annually prescribe the specific form and format of the advertisements required under this subdivision, including such details as font size and style, and spacing for the required items. The commissioner may prescribe alternate and additional language for the advertisement for a taxing authority or for groups of taxing authorities. At least two weeks before November 29 each year, the commissioner shall provide a copy of the prescribed advertisements to the chairs of the committees of the house of representatives and the senate with jurisdiction over taxes.

**Subd. 6b. Joint public hearings.** Notwithstanding any other provision of law, any city with a population of 10,000 and over, may conduct a more comprehensive public hearing than is contained in subdivision 6 by including a board member from the county, a board member from the school district located within the city's boundary, and a representative of the metropolitan council, if the city is in the metropolitan area, as defined in section 473.121, subdivision 2, at the city's public hearing. All provisions regarding the public hearings under subdivision 6 are applicable to the joint public hearings under this subdivision.

Upon the adoption of a resolution by the governing body of the city to hold a joint hearing, the city shall notify the county, the school district, and the Metropolitan Council if the city is in the metropolitan area, of the decision to hold a joint public hearing and request a board member

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from each of those taxing authorities, and the member or the designee of the Metropolitan Council if applicable, to be at the joint hearing. If the city is located in more than one county, the city may choose to request a county board member from each county or only from the county containing the majority of the city's market value. If more than one school district is partially or totally located within the city, the city may choose to request a school district board member from each school district, or a board member only from the school district containing the majority of the city's market value. If, as a result of requests under this subdivision, there are not sufficient board members in the county or the school district to attend the joint hearing, the county or school district may send a nonelected person working for its taxing authority to speak on the authority's behalf. The city may also invite each state senator and representative who represents the city, or a portion of the city, to come to the joint hearing.

The primary purpose of the joint hearing is to discuss the city's budget and property tax levy. The county and school district officials, and Metropolitan Council representative, if the city is in the metropolitan area, should be prepared to answer questions relevant to its budget and levy and the effect that its levy has on the property owners in the city.

If a city conducts a hearing under this subdivision, this hearing is in lieu of the initial hearing required under subdivision 6. However, the city is still required to adopt its proposed property tax levy at a subsequent hearing as provided under subdivision 6. The hearings under this subdivision do not relieve a county, school district, or the Metropolitan Council of the requirement to hold its individual hearing under subdivision 6.

**Subd. 6c. Joint public hearing; nonmetropolitan county, cities, and school districts.**

(a) Notwithstanding any other provision of law, the county board may hold a joint hearing with the governing bodies of all taxing authorities located wholly or partially within the county that are required to hold a public hearing under this section, excluding special taxing districts. The primary purpose of the joint hearing is for taxpayer efficiency by allowing taxpayers to come to a single public hearing to discuss the budgets and proposed property tax levies of most taxing authorities that impact the taxes on their property.

(b) This subdivision applies only to counties located outside the metropolitan area as defined under section 473.121, subdivision 2. If a city or school district is located partially within the metropolitan area, that taxing jurisdiction may participate in its nonmetropolitan county's joint hearing, if it so chooses.

(c) Upon the adoption of a resolution by the county board to hold a joint public hearing, the county shall notify each city with a population over 500 and each school district located wholly or partially within the county of its intention to hold the joint hearing and ask each of the taxing authorities if it would like to participate. Participation is voluntary, and participation in the joint hearing is in lieu of the requirement for the governing body to hold a separate public hearing under subdivision 6. If a participating city or school district is located in more than one county, the hearing under this subdivision is in lieu of the requirement to hold a separate public hearing if 75 percent or more of that city or school district's previous year's net tax capacity is in the county where the hearing is held.

(d) The initial joint hearing must be held on the first Thursday in December. The county may hold an additional joint hearing on another date before December 20 if the majority of the participating taxing authorities want an additional hearing.

The county board shall obtain a meeting space to hold the joint hearing, preferably at a public building such as the courthouse, school, or community center. The location shall be as centrally located within the county as possible. The meeting shall generally be structured in the following general manner:

- (1) 30 to 60 minutes must be devoted to discussion of the county's budget and levy;
- (2) 30 to 60 minutes must be devoted to discussion of the city's budget and levy, with each city's discussion held in a separate room, preferably in the same building;
- (3) 30 to 60 minutes must be devoted to discussion of the school district's levy, with each school district's discussion held in a separate room, preferably in the same building; and
- (4) during the last 30 minutes the governing bodies must reassemble in a joint meeting to entertain any follow-up questions that have arisen from the separate discussions.

The county shall attempt to keep the total public hearing to within three hours.

(e) In lieu of the public advertisement requirement in subdivision 5a, the county shall have a single advertisement listing the county, each city with a population of over 500, and each school district participating in the joint public hearing listing. Any taxing authority participating under this subdivision is exempt from the separate public advertisement requirement under subdivision 5a. The cost of the joint hearing advertisement shall be apportioned in the same manner provided in subdivision 4. The notice must be published not less than two business days nor more than six business days before the hearing. The newspaper selected must be one of general interest

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and readership in the county, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week. The advertisement must be in the following form:

"NOTICE OF JOINT PUBLIC HEARING  
PROPOSED TOTAL PROPERTY TAXES  
FOR PARTICIPATING TAXING AUTHORITIES

The property tax amounts below compare that portion of the current budget levied in property taxes in the county, cities, and school districts for (year) with the property taxes the county, cities, and school districts propose to collect in (year) for those taxing authorities participating in the joint public hearing.

Taxing Authority	(Year) Property Taxes	Proposed (Year) Property Taxes	Change(Year) - (Year)
\$ .....	\$ .....	\$ .....	.....%
\$ .....	\$ .....	\$ .....	.....%
\$ .....	\$ .....	\$ .....	.....%

ATTEND THE JOINT PUBLIC HEARING

All residents are invited to attend the joint public hearing of the county/cities/school districts to express your opinions on the proposed amount of (year) property taxes. The hearing will be held on:  
(Month/Day/Year/Time)  
(Location/Address)

If the discussion cannot be completed, and another hearing is scheduled, a time and place for that hearing will be announced at this hearing. You are also invited to send your written comments to the county auditor. If the comments relate to the city or school district's levy, please identify that on the envelope so the county auditor can direct the correspondence to the right jurisdiction."

The formal adoption of the taxing authority's levy must not be made at the joint public hearing held under this subdivision. The formal adoption must be made at one of the regularly scheduled meetings of the taxing authority's governing body. However, the property tax levy amount that is subsequently adopted cannot exceed the amount shown to taxpayers at the joint public hearing.

Subd. 8. **Hearing.** Notwithstanding any other provision of law, Ramsey County, the city of St. Paul, and Independent School District No. 625 are authorized to and shall hold their initial public hearing jointly. The hearing must be held during the week of the second Tuesday of December each year. The advertisement required in subdivision 5a may be a joint advertisement. The hearing is otherwise subject to the requirements of this section.

Ramsey County is authorized to hold an additional initial hearing or hearings as provided under this section, provided that any additional hearings must not conflict with the initial or continuation hearing dates of the other taxing districts. However, if Ramsey County elects not to hold such additional initial hearing or hearings, the joint initial hearing required by this subdivision must be held in a St. Paul location convenient to residents of Ramsey County.

Subd. 9. **Aitkin County and school district hearing.** Notwithstanding any other law, Aitkin County and Independent School District No. 1, and the city of Aitkin, or any two of them, may hold their initial public hearing jointly. The hearing must be held on the second Tuesday of December each year. The advertisement required in subdivision 5a may be a joint advertisement. The hearing is otherwise subject to the requirements of this section.

Subd. 10. **Nobles County; joint initial public hearing.** Notwithstanding any other law, Nobles County, the city of Worthington, and Independent School District No. 518, Worthington, or any two of them, may hold their initial public hearing jointly. The hearing must be held on the second Tuesday of December each year. The advertisement required in subdivision 5a may be a joint advertisement. The hearing is otherwise subject to the requirements of this section.