A bill for an act
relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, teachers, special education, facilities and technology, nutrition, early childhood and family support, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2016, sections 120A.20, subdivision 2; 120A.22, subdivisions 7, 12; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 5, 9; 120B.30, subdivisions 1a, 3; 120B.36, subdivision 2; 121A.39; 121A.41, by adding subdivisions; 121A.45, subdivision 1; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivision 2; 121A.67, by adding a subdivision; 122A.71, subdivision 2; 123B.14, subdivision 7; 123B.41, subdivision 5; 124D.09, subdivision 4; 124D.111; 124D.128, subdivision 1; 124D.78, subdivision 2; 124E.03, subdivision 5; 124E.05, subdivision 4; 124E.07, subdivisions 2, 3, 7; 124E.10, subdivision 4; 124E.17, subdivision 1; 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45, subdivisions 11, 16; 128D.06, subdivision 1; Minnesota Statutes 2017 Supplement, sections 120B.021, subdivision 1; 120B.12, subdivision 2; 120B.122, subdivision 1; 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.09, by adding a subdivision; 122A.187, subdivision 3; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.165, subdivisions 2, 3, 4; 124D.549; 124E.11; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03, subdivision 7a; 626.556, subdivision 2; Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 125B; repealing Minnesota Statutes 2016, sections 120B.35, subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9; 128D.06, subdivision 3.

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

ARTICLE 1

GENERAL EDUCATION

Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended to read:
Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including electronic books as well as other printed materials delivered electronically, which a pupil uses as a text or text substitute in a particular class or program in the school regularly attended and a copy of which is expected to be available for the individual use of each pupil in this class or program. Textbook includes an online book with an annual subscription cost. Textbook includes a teacher's edition or teacher's guide that accompanies a textbook that a pupil uses.

(b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks, the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf form, as well as electronic books and other printed materials delivered electronically, intended for use as a principal source of study material for a given class or a group of students.

(c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software or other educational technology" include only such secular, neutral, and nonideological materials as are available, used by, or of benefit to Minnesota public school pupils.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

Sec. 2. Minnesota Statutes 2016, section 123B.41, subdivision 5, is amended to read:

Subd. 5. **Individualized instructional or cooperative learning materials.** "Individualized instructional or cooperative learning materials" means educational materials which:

(1) are designed primarily for individual pupil use or use by pupils in a cooperative learning group in a particular class or program in the school the pupil regularly attends, including a teacher's edition or teacher's guide that accompanies materials that a pupil uses;

(2) are secular, neutral, nonideological and not capable of diversion for religious use; and

(3) are available, used by, or of benefit to Minnesota public school pupils.

Subject to the requirements in clauses (1), (2), and (3), "individualized instructional or cooperative learning materials" include, but are not limited to, the following if they do not fall within the definition of "textbook" in subdivision 2: published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial or graphic works; prerecorded video programs; prerecorded tapes, cassettes and other sound recordings; manipulative materials; desk charts; games; study prints and pictures; desk maps; models; learning kits; blocks or cubes; flash cards; individualized multimedia systems; prepared
Sec. 3. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

Subd. 11. Payment percentage for reimbursement aids. One hundred percent of the aid for the previous fiscal year must be paid in the current year for the following aids: telecommunications/Internet access equity and according to section 125B.26, special education special pupil aid according to section 125A.75, subdivision 3, aid for litigation costs according to section 125A.75, subdivision 9, aid for court-placed special education expenses according to section 125A.79, subdivision 4, and aid for special education out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid according to section 126C.01, subdivision 7.

Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

Subd. 16. Payments to third parties. Notwithstanding subdivision 3, the current year aid payment percentage of the amounts amount under sections 123A.26, subdivision 3, and section 124D.041, shall be paid in equal installments on August 30, December 30, and March 30, with a final adjustment payment on October 30 of the next fiscal year of the remaining amount.

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2016, section 120A.20, subdivision 2, is amended to read:

Subd. 2. Education, residence, and transportation of homeless. (a) Notwithstanding subdivision 1, a district must not deny free admission to a homeless pupil solely because the district cannot determine that the pupil is a resident of the district.

(b) The school district of residence for a homeless pupil shall be the school district in which the parent or legal guardian resides, unless: (1) parental rights have been terminated by court order; (2) the parent or guardian is not living within the state; or (3) the parent or guardian having legal custody of the child is an inmate of a Minnesota correctional facility or is a resident of a halfway house under the supervision of the commissioner of corrections.
If any of clauses (1) to (3) apply, the school district of residence shall be the school district in which the pupil resided when the qualifying event occurred. If no other district of residence can be established, the school district of residence shall be the school district in which the pupil currently resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner of education.

(c) Except as provided in paragraph (d), the serving district is responsible for transporting a homeless pupil to and from the pupil's district of residence. The district may transport from a permanent home in another district but only through the end of the academic school year. When a pupil is enrolled in a charter school, the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing transportation. When a homeless student with or without an individualized education program attends a public school other than an independent or special school district or charter school, the district of residence is responsible for transportation.

(d) For a homeless pupil with an individualized education plan enrolled in a program authorized by an intermediate school district, special education cooperative, service cooperative, or education district, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting that pupil for the remainder of the school year unless the initial serving district and the current serving district mutually agree that the current serving district is responsible for transporting the homeless pupil.

**EFFECTIVE DATE.** This section is effective July 1, 2018.

Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.
(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent the inappropriate behavior from recurring. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 3. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

Subd. 12. Legitimate exemptions. (a) A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance at school for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:
(1) that the child's physical or mental health is such as to prevent attendance at school or application to study for the period required, which includes:

(i) child illness, medical, dental, orthodontic, or counseling appointments;

(ii) family emergencies;

(iii) the death or serious illness or funeral of an immediate family member;

(iv) active duty in any military branch of the United States;

(iv) the child has a condition that requires ongoing treatment for a mental health diagnosis; or

(v) other exemptions included in the district's school attendance policy;

(2) that the child's parent, guardian, or other person having control of the child is in active duty in any branch of the United States armed forces;

(3) that the child is participating in any activity necessary for the child to join any branch of the United States armed forces and may be excused for up to three days for such purpose;

(4) that the child has already completed state and district standards required for graduation from high school; or

(5) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

(b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from an all-day, every day kindergarten program and put their child in a half-day program, if offered, or an alternate-day program without being truant. A school board must excuse a kindergarten child from a part of a school day at the request of the child's parent.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.
Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** (a) The following subject areas are required for statewide accountability:

1. language arts;
2. mathematics;
3. science;
4. social studies, including history, geography, economics, and government and citizenship that includes civics consistent with section 120B.02, subdivision 3;
5. physical education;
6. health, for which locally developed academic standards apply consistent with paragraphs (d) and (e); and
7. the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

(b) For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education program team has determined that the required academic standards are inappropriate. An individualized education program team that makes this determination must establish alternative standards.

(c) The department must adopt the most recent SHAPE America (Society of Health and Physical Educators) kindergarten through grade 12 standards and benchmarks for physical education as the required physical education academic standards. The department may modify and adapt the national standards to accommodate state interest. The modification and adaptations must maintain the purpose and integrity of the national standards. The department must make available sample assessments, which school districts may use as an alternative to local assessments, to assess students' mastery of the physical education standards beginning in the 2018-2019 school year.
(d) A school district must include child sexual abuse and sexual exploitation prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse and sexual exploitation prevention instruction must include age-appropriate instruction on recognizing sexual abuse and assault, and sexual exploitation; boundary violations; and ways offenders identify, groom, or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may consult with other federal, state, or local agencies and community-based organizations to identify research-based tools, curricula, and programs to prevent child sexual abuse and sexual exploitation. A school district may provide instruction under this paragraph in a variety of ways, including at an annual assembly or classroom presentation. A school district may also provide parents information on the warning signs of child sexual abuse and sexual exploitation and available resources. Child sexual exploitation prevention instruction must be consistent with the definition of sexually exploited youth under section 260C.007, subdivision 31.

(e) A school district must include instruction in a health curriculum for students in grades 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances as defined in section 152.01, subdivision 4, prescription and nonprescription medications, and illegal drugs. A school district must use an evidence-based curriculum but is not required to use a specific methodology or curriculum.

(f) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.
(4) three credits of science, including at least one credit of biology, one credit of chemistry or physics, and one elective credit of science. The combination of credits under this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;

(5) three and one-half credits of social studies, including a credit for a specific course in government and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2020-2021 school year and later, and a combination of other credits encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

(6) one credit of the arts sufficient to satisfy all of the state or local academic standards in the arts; and

(7) a minimum of seven elective credits.

Sec. 6. Minnesota Statutes 2016, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

(d) "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.
(e) "State plan" means the plan submitted by the commissioner in accordance with the
Elementary and Secondary Education Act, as most recently authorized, and approved by
the United States Department of Education, including state goals.

(f) "Ineffective teacher" means a teacher whose most recent summative teacher evaluation
resulted in placing or otherwise keeping the teacher on an improvement process pursuant
to section 122A.40, subdivision 8, or 122A.41, subdivision 5.

(g) "Inexperienced teacher" means a licensed teacher who has been employed as a teacher
for three years or less.

(h) "Out-of-field teacher" means a licensed teacher who is providing instruction in an
area in which the teacher is not licensed.

Sec. 7. Minnesota Statutes 2016, section 120B.11, subdivision 1a, is amended to read:

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

(1) the size of the academic achievement gap as measured on the Minnesota
Comprehensive Assessments, rigorous course taking under section 120B.35, subdivision
3, paragraph (c), clause (2), and enrichment experiences by student subgroup;

(2) student performance on the Minnesota Comprehensive Assessments in reading and
mathematics;

(3) high school graduation rates; and

(4) career and college readiness under section 120B.30, subdivision 1-, paragraph (p),
as measured by student performance on the high school Minnesota Comprehensive
Assessments in reading and mathematics, and successful completion of rigorous coursework
that is part of a well-rounded education, including Advanced Placement, International
Baccalaureate, or concurrent enrollment coursework, or attainment of a certificate or
industry-recognized credential; and

(5) performance measures consistent with the state plan not otherwise required by this
subdivision.

Sec. 8. Minnesota Statutes 2016, section 120B.11, subdivision 2, is amended to read:

Subd. 2. Adopting plans and budgets. A school board, at a public meeting, shall must
adopt a comprehensive, long-term strategic plan to support and improve teaching and
learning that is aligned with creating the world's best workforce and includes:
(1) clearly defined district and school site goals and benchmarks for meeting statewide goals for instruction and student achievement for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2);

(2) a process to assess and evaluate each student's progress toward meeting state and local academic standards, assess and identify students to participate in gifted and talented programs and accelerate their instruction, and adopt early-admission procedures consistent with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

(3) a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, school principal evaluations under section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

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

(5) a process to examine the equitable distribution of teachers and strategies to ensure low-income and minority children are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;

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

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

Sec. 9. Minnesota Statutes 2016, section 120B.11, subdivision 5, is amended to read:

Subd. 5. Report. Consistent with requirements for school performance reports under section 120B.36, subdivision 1, the school board shall publish a report in the local newspaper with the largest circulation in the district, by mail, or by electronic means on the district Web site. (a) The school board must hold an annual public meeting to review, and revise where appropriate, student achievement goals, local assessment outcomes, plans, strategies, and practices for improving curriculum and instruction and cultural competency,
and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and
to review district success in realizing the previously adopted student achievement goals and
related benchmarks and the improvement plans leading to the world's best workforce. The
school board must transmit an electronic summary of its report to the commissioner in the
form and manner the commissioner determines.

(b) The commissioner must annually include in the school performance reports required
under section 120B.36, subdivision 1, student performance at each school district and school
site using the performance measures in subdivision 1a and other information required under
this subdivision. The school board must post a copy of the school performance report for
the district and each school site on the district's Web site, or provide a link to the district
and school site performance reports on the Department of Education's Web site.

Sec. 10. Minnesota Statutes 2016, section 120B.11, subdivision 9, is amended to read:

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

(b) The commissioner must use the performance measures in subdivision 1a to identify
those districts in any consecutive three-year period and school sites not making sufficient
progress in any consecutive three-year period toward improving teaching and learning
meeting performance goals for all students, including English learners with varied needs,
consistent with section 124D.59, subdivisions 2 and 2a, and striving for the world's best
workforce.

(c) The commissioner must review the curricula of a sample of at least three and up to
five identified school sites to ensure the curricula are aligned with statewide reading and
math standards for grades 3, 5, and 8. The sample of school sites must be of varied size and
geographic distribution.

(d) The commissioner, in collaboration with the identified district, may require the
district to use up to two percent of its basic general education revenue per fiscal year during
the proximate three school years to implement commissioner-specified evidence-based
strategies and best practices, consistent with paragraph (a), to improve and accelerate its
progress in realizing its goals under this section. In implementing this section, the
commissioner must consider districts' budget constraints and legal obligations.
The commissioner shall report by January 25 of each year to the committees of the legislature having jurisdiction over kindergarten through grade 12 education the list of school districts that have not submitted their report to the commissioner under subdivision 5 and the list of school districts not achieving their performance goals established in their plan under subdivision 2 identified as not making sufficient progress toward meeting world's best workforce goals under subdivision 1, paragraph (b).

Sec. 11. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended to read:

Subd. 2. Identification; report. (a) Each school district shall identify before the end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before the end of the current school year and shall identify students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher. A school district must screen for dyslexia: (1) all students between the beginning of kindergarten and the beginning of grade 2; and (2) any student in grade 2 or higher who is identified as exhibiting characteristics associated with dyslexia.

(b) Reading assessments in English, and in the predominant languages of district students where practicable, must identify and evaluate students' areas of academic need related to literacy. The district also must monitor the progress and provide reading instruction appropriate to the specific needs of English learners. The district must use a locally adopted, developmentally appropriate, and culturally responsive assessment and annually report summary assessment results to the commissioner by July 1.

(e) The district also must annually report to the commissioner by July 1 a summary of the district's efforts to screen and identify students with:

(1) dyslexia, using screening tools such as those recommended by the department's dyslexia and literacy specialist; or

(2) convergence insufficiency disorder.

(b) A student identified under this subdivision must be provided with alternate instruction under section 125A.56, subdivision 1.

EFFECTIVE DATE. This section is effective July 1, 2019.
Sec. 12. Minnesota Statutes 2017 Supplement, section 120B.122, subdivision 1, is amended to read:

Subdivision 1. **Purpose** Duties. (a) The department must employ a dyslexia specialist to provide technical assistance for dyslexia and related disorders and to serve as the primary source of information and support for schools in addressing the needs of students with dyslexia and related disorders.

(b) The dyslexia specialist shall also must act to increase professional awareness and instructional competencies to meet the educational needs of students with dyslexia or identified with risk characteristics associated with dyslexia and shall must develop implementation guidance and make recommendations to the commissioner consistent with section 122A.06, subdivision 4, to be used to assist general education teachers and special education teachers to recognize educational needs and to improve literacy outcomes for students with dyslexia or identified with risk characteristics associated with dyslexia, including recommendations related to increasing the availability of online and asynchronous professional development programs and materials.

(c) The dyslexia specialist must provide guidance to school districts and charter schools on how to:

(1) access tools to screen and identify students showing characteristics associated with dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a);

(2) implement screening for characteristics associated with dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a), and in coordination with other early childhood screenings; and

(3) participate in professional development opportunities on intervention strategies and accommodations for students with dyslexia or characteristics associated with dyslexia.

Sec. 13. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

**120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING PLANS.**

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

1. provide a comprehensive plan to prepare for and complete a career and college ready
curriculum by meeting state and local academic standards and developing career and
employment-related skills such as team work, collaboration, creativity, communication,
critical thinking, and good work habits;

2. emphasize academic rigor and high expectations and inform the student, and the
student's parent or guardian if the student is a minor, of the student's achievement level
score on the Minnesota Comprehensive Assessments that are administered during high
school;

3. help students identify interests, aptitudes, aspirations, and personal learning styles
that may affect their career and college ready goals and postsecondary education and
employment choices;

4. set appropriate career and college ready goals with timelines that identify effective
means for achieving those goals;

5. help students access education and career options, including armed forces career
options;

6. integrate strong academic content into career-focused courses and applied and
experiential learning opportunities and integrate relevant career-focused courses and applied
and experiential learning opportunities into strong academic content;

7. help identify and access appropriate counseling and other supports and assistance
that enable students to complete required coursework, prepare for postsecondary education
and careers, and obtain information about postsecondary education costs and eligibility for
financial aid and scholarship;

8. help identify collaborative partnerships among prekindergarten through grade 12
schools, postsecondary institutions, economic development agencies, and local and regional
employers that support students' transition to postsecondary education and employment and
provide students with applied and experiential learning opportunities; and

9. be reviewed and revised at least annually by the student, the student's parent or
guardian, and the school or district to ensure that the student's course-taking schedule keeps
the student making adequate progress to meet state and local academic standards and high
school graduation requirements and with a reasonable chance to succeed with employment
or postsecondary education without the need to first complete remedial course work.
(b) A school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select or pursue a career, career interest, employment goals, or related job training.

(c) Educators must possess the knowledge and skills to effectively teach all English learners in their classrooms. School districts must provide appropriate curriculum, targeted materials, professional development opportunities for educators, and sufficient resources to enable English learners to become career and college ready.

(d) When assisting students in developing a plan for a smooth and successful transition to postsecondary education and employment, districts must recognize the unique possibilities of each student and ensure that the contents of each student's plan reflect the student's unique talents, skills, and abilities as the student grows, develops, and learns.

(e) If a student with a disability has an individualized education program (IEP) or standardized written plan that meets the plan components of this section, the IEP satisfies the requirement and no additional transition plan is needed.

(f) Students who do not meet or exceed Minnesota academic standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of section 120A.20, subdivision 1, paragraph (c). A student's plan under this section shall continue while the student is enrolled.

(g) A school district must provide military recruiters and representatives of organizations promoting careers in the skilled trades and manufacturing the same access to secondary school students as the district provides to institutions of higher education or to prospective employers of students.

(h) School districts are encouraged to sponsor an armed forces career opportunity day each school year prior to the third Thursday of November. A school district that sponsors an armed forces career opportunity day shall extend invitations to recruiters from each branch of the United States armed forces and allow the recruiters to make presentations to all interested secondary school students.

Sec. 14. [120B.215] SUBSTANCE MISUSE PREVENTION.

(a) This section may be cited as "Jake's Law."
(b) School districts and charter schools must include substance misuse prevention instruction in a health curriculum for students in grades 5, 6, 8, 10, and 12, in accordance with section 120B.021, subdivision 1, paragraph (e).

(c) School districts and charter schools are encouraged to provide substance misuse prevention instruction for students in grades 5 through 12 integrated into existing programs, curriculum, or the general school environment of a district or charter school. The commissioner of education, in consultation with the director of the Alcohol and Other Drug Abuse Section under section 254A.03 and substance misuse prevention and treatment organizations, must, upon request, provide districts and charter schools with:

(1) information regarding substance misuse prevention services; and

(2) assistance in using high-quality research to develop evidence-based prevention programs.

EFFECTIVE DATE. This section is effective July 1, 2018, except that paragraph (b) is effective for the 2019-2020 school year and later.

Sec. 15. [120B.237] PATRIOTIC SOCIETY ACCESS TO SCHOOLS.

Subdivision 1. Definition. For purposes of this section, "patriotic society" means any group or organization intended to serve young people under the age of 21 listed in United States Code, title 36, subtitle II, part B, or any of the group's or organization's affiliates.

Subd. 2. School access. Upon receiving notice under subdivision 3, a school board is encouraged to provide a representative of a patriotic society the opportunity to speak with students during the school day for the purpose of providing information about how the patriotic society supports educational interests and civic involvement. The school board may limit the opportunity to speak at a school to a holiday when the district conducts school in accordance with section 120A.42 and no more than 30 minutes of instructional time. The time devoted to a representative of a patriotic society must not be included in the time that must be devoted to a patriotic observance under section 120A.42. A representative of a patriotic society who speaks to students at a school may provide students with written materials about the patriotic society.

Subd. 3. Notice required. A patriotic society that wishes to speak to students at a school must provide written notice to the school board at least 60 days prior to the start of the school year. The school board must provide a written response approving or denying the request to the patriotic society. A response approving the request must include the date and time the organization will be allowed to address students.
Sec. 16. Minnesota Statutes 2017 Supplement, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. Statewide testing. (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed as computer-adaptive reading and mathematics assessments for students that are aligned with the state's required academic standards under section 120B.021, include multiple choice questions, and are administered annually to all students in grades 3 through 8. State-developed high school tests aligned with the state's required academic standards under section 120B.021 and administered to all high school students in a subject other than writing must include multiple choice questions. The commissioner shall establish one or more months during which schools shall administer the tests to students a testing period as late as possible each school year during which schools must administer the Minnesota Comprehensive Assessments to students. The commissioner must publish the testing schedule at least two years before the beginning of the testing period except for a year in which revised standards are implemented.

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

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

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

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

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

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

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

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

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

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

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

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

19.10 (d) Expectations of schools, districts, and the state for career or college readiness under this subdivision must be comparable in rigor, clarity of purpose, and rates of student completion.

19.11 A student under paragraph (c), clause (1), must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the
student has a reasonable chance to succeed in a career or college without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment under this subdivision to graduate from high school.

(e) Though not a high school graduation requirement, students are encouraged to participate in a nationally recognized college entrance exam. To the extent state funding for college entrance exam fees is available, a district must pay the cost, one time, for an interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take a nationally recognized college entrance exam before graduating. A student must be able to take the exam under this paragraph at the student's high school during the school day and at any one of the multiple exam administrations available to students in the district. A district may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph. If the district administers only one of these two tests and a free or reduced-price meal eligible student opts not to take that test and chooses instead to take the other of the two tests, the student may take the other test at a different time or location and remains eligible for the examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school district may require a student that is not eligible for a free or reduced-price meal to pay the cost of taking a nationally recognized college entrance exam. The district must waive the cost for a student unable to pay.

(f) The commissioner and the chancellor of the Minnesota State Colleges and Universities must collaborate in aligning instruction and assessments for adult basic education students and English learners to provide the students with diagnostic information about any targeted interventions, accommodations, modifications, and supports they need so that assessments and other performance measures are accessible to them and they may seek postsecondary education or employment without need for postsecondary remediation. When administering formative or summative assessments used to measure the academic progress, including the oral academic development, of English learners and inform their instruction, schools must ensure that the assessments are accessible to the students and students have the modifications and supports they need to sufficiently understand the assessments.

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

(h) A student who demonstrates attainment of required state academic standards, which include career and college readiness benchmarks, on high school assessments under subdivision 1a is academically ready for a career or college and is encouraged to participate in courses awarding college credit to high school students. Such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

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

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

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

(l) The school board granting students their diplomas may formally decide to include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.
(m) The 3rd through 8th grade computer-adaptive assessment results and high school test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must establish empirically derived benchmarks on adaptive assessments in grades 3 through 8. The commissioner, in consultation with the chancellor of the Minnesota State Colleges and Universities, must establish empirically derived benchmarks on the high school tests that reveal a trajectory toward career and college readiness consistent with section 136F.302, subdivision 1a. The commissioner must disseminate to the public the computer-adaptive assessments and high school test results upon receiving those results.

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

(o) The commissioner shall include the following components in the statewide public reporting system:

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

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

3. state results on the American College Test; and

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

(p) For purposes of statewide accountability, "career and college ready" means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including postsecondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment. Students who are career and college ready are able to successfully complete credit-bearing coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.
For purposes of statewide accountability, "cultural competence," "cultural competency," or "culturally competent" means the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.

EFFECTIVE DATE. This section is effective for testing calendars in the 2020-2021 school year and later.

Sec. 17. Minnesota Statutes 2016, section 120B.30, subdivision 1a, is amended to read:

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

(1) "Computer-adaptive assessments" means fully adaptive assessments.

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

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

(4) "Above-grade level" test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.

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

(b) The commissioner must use fully adaptive mathematics and reading assessments for grades 3 through 8.

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

(1) annual computer-adaptive reading and mathematics assessments in grades 3 through
8, and high school reading, writing, and mathematics tests; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades
6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
commissioner must not require students to achieve a passing score on high school science
assessments as a condition of receiving a high school diploma.

(d) The commissioner must ensure that for annual computer-adaptive assessments:

(1) individual student performance data and achievement reports are available to school
districts and teachers within three school days of when students take an assessment except
in a year when an assessment reflects new performance standards;

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

(3) parents, teachers, and school administrators are able to use elementary and middle
school student performance data to project students' secondary and postsecondary
achievement; and

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

(e) The commissioner must ensure that all state tests administered to elementary and
secondary students measure students' academic knowledge and skills and not students'
values, attitudes, and beliefs.

(f) Reporting of state assessment results must:

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

(2) include a growth indicator of student achievement; and

(3) determine whether students have met the state's academic standards.
(g) Consistent with applicable federal law, the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for English learners.

(h) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress toward career and college readiness in the context of the state's academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

Sec. 18. Minnesota Statutes 2016, section 120B.30, subdivision 3, is amended to read:

Subd. 3. **Reporting.** (a) The commissioner must report test results publicly and to stakeholders, including the performance achievement levels developed from students' unweighted test scores in each tested subject and a listing of demographic factors that strongly correlate with student performance, including student homelessness, as data are available, among other factors. The test results must not include personally identifiable information as defined in Code of Federal Regulations, title 34, section 99.3. The commissioner must also report data that compares performance results among school sites, school districts, Minnesota and other states, and Minnesota and other nations.

(b) The commissioner must disseminate to schools and school districts a more comprehensive report containing testing information that meets local needs for evaluating instruction and curriculum. The commissioner must disseminate to charter school authorizers a more comprehensive report containing testing information that contains anonymized data where cell count data are sufficient to protect student identity and that meets the authorizer's needs in fulfilling its obligations under chapter 124E.

(c) A school district must disseminate the individual student performance data and achievement report required under section 120B.30, subdivision 1a, paragraph (d), clause (1), to the parent and teacher of each student no more than 30 days after the district has administered the test to a student. The district must notify the parent and teacher that the data and report are preliminary and subject to validation.
26.1 (d) A school district must disseminate a testing report to the teacher and to the parent of each student before the beginning of the following school year. The testing report must:

26.2 (1) identify the student's achievement level in each content area; and

26.3 (2) track the student's performance history.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

Sec. 19. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended to read:

Subd. 3. State growth target; other state measures. (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen community, seven of the most populous Asian and Pacific Islander groups, three of the most populous Native groups, seven of the most populous Hispanic/Latino groups, and five of the most populous Black and African Heritage groups as determined by the total Minnesota population based on the most recent American Community Survey in consultation with the state demographer; English learners under section 124D.59; home language; free or reduced-price lunch; and all students enrolled in a Minnesota public school who are currently or were previously in foster care, except that such disaggregation and cross tabulation is not required if the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

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

(1) report student the academic growth consistent with this paragraph rate, as defined
in section 120B.355, subdivision 2; and

(2) for all student categories, report and compare aggregated and disaggregated state
student growth and, under section 120B.11, subdivision 2, clause (2), student learning and
outcome data using the student categories identified under the federal Elementary and
Secondary Education Act, as most recently reauthorized, and other student categories under
paragraph (a), clause (2).

The commissioner must report measures of student growth and, under section 120B.11,
subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph,
including the English language development, academic progress, and oral academic
development of English learners and their native language development if the native language
is used as a language of instruction, and include data on all pupils enrolled in a Minnesota
public school course or program who are currently or were previously counted as an English
learner under section 124D.59.

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

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

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

When reporting the core measures under clauses (1) and (2), the commissioner must also
analyze and report separate categories of information using the student categories identified
under the federal Elementary and Secondary Education Act, as most recently reauthorized,
and other student categories under paragraph (a), clause (2).
(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2014, must report summary data on school safety and students’ engagement and connection at school, consistent with the student categories identified under paragraph (a), clause (2). The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

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

1. the four- and six-year graduation rates of students under this paragraph;
2. the percent of students under this paragraph whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; and
3. the success that learning year program providers experience in:
   i. identifying at-risk and off-track student populations by grade;
   ii. providing successful prevention and intervention strategies for at-risk students;
   iii. providing successful recuperative and recovery or reenrollment strategies for off-track students; and
   iv. improving the graduation outcomes of at-risk and off-track students.

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

(f) The commissioner, in consultation with recognized experts with knowledge and experience in assessing the language proficiency and academic performance of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59, must identify and report appropriate and effective measures to improve current categories of language difficulty and
assessments, and monitor and report data on students' English proficiency levels, program
placement, and academic language development, including oral academic language.

(g) When reporting four- and six-year graduation rates, the commissioner or school
district must disaggregate the data by student categories according to paragraph (a), clause
(2).

(h) A school district must inform parents and guardians that volunteering information
on student categories not required by the most recent reauthorization of the Elementary and
Secondary Education Act is optional and will not violate the privacy of students or their
families, parents, or guardians. The notice must state the purpose for collecting the student
data.

Sec. 20. [120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.

Subdivision 1. Commissioner duties. (a) The commissioner of education must develop
an academic achievement rating system consistent with this section to provide parents and
students with a brief overview of student performance and growth in districts, school sites,
and charter schools across the state.

(b) Each district, school site, and charter school must be assigned a star rating based on
the criteria provided in this section. Star ratings must range from one star for the lowest
performing schools and districts to five stars for the highest performing schools and districts.

(c) Each district, school site, and charter school must be assigned an academic
achievement score on a scale of zero to 100 that equals the average of the equally weighted
factors used to determine a school's or district's star rating under subdivisions 3 to 5.

(d) The star rating and academic achievement score of each district, school site, and
charter school must be reported annually on the Department of Education's Web site as part
of the commissioner's school performance reports pursuant to section 120B.36.

(e) The commissioner must examine how revisions to statewide assessments under
section 120B.30 impact school and district ratings under this section. The commissioner
may adjust district, school site, and charter school ratings accordingly to maintain consistency
in reporting.

Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
meanings given them.

(b) "Academic growth rate" means the average level of improvement in statewide test
results for the current year over the previous year across all student groups in a school.
Student improvement shall be quantified in a form and manner prescribed by the commissioner consistent with the approved state Every Student Succeeds Act plan to standardize this measurement across all schools and districts. The commissioner must convert a school's academic growth rate to a score on a scale of zero to 100 for purposes of determining a school's star rating under subdivision 3.

(c) "Low-income student achievement gap score" means 100 minus the average of: (1) the statewide percentage of non-low-income students who are rated proficient on the statewide reading test minus a school's percentage of low-income students who are rated proficient on the statewide reading test; and (2) the statewide percentage of non-low-income students who are rated proficient on the statewide math test minus a school's percentage of low-income students who are rated proficient on the statewide math test.

(d) "Students of color achievement gap score" means 100 minus the average of: (1) the statewide percentage of White students who are rated proficient on the statewide reading test minus a school's percentage of students of color who are rated proficient on the statewide reading test; and (2) the statewide percentage of White students who are rated proficient on the statewide math test minus a school's percentage of students of color who are rated proficient on the statewide math test.

(e) "Four-year graduation rate gap score" means 100 minus the difference between the statewide four-year high school graduation rate for non-low-income students and a school's four-year high school graduation rate for low-income students.

(f) "Low-income students" means students who qualify for free or reduced-price lunch pursuant to section 126C.05, subdivision 16.

(g) "Proficient" means a student meets or exceeds federal accountability standards on statewide assessments in reading and math consistent with the approved state Every Student Succeeds Act plan.

(h) "Statewide reading test" and "statewide math test" mean the statewide reading and mathematics assessments developed and administered pursuant to section 120B.30.

(i) "Students of color" means students who are American Indian, Asian, Pacific Islander, Hispanic, Black, or two or more races consistent with section 120B.35, subdivision 3, paragraph (a), clause (2).

Subd. 3. Primary school rating components. The commissioner must assign all elementary and middle schools a star rating based on the following equally weighted factors unique to each school:
(1) the percentage of students rated proficient on the statewide reading test;
(2) the percentage of students rated proficient on the statewide math test;
(3) the academic growth rate for the statewide reading test;
(4) the academic growth rate for the statewide math test;
(5) the low-income student achievement gap score;
(6) the students of color achievement gap score;
(7) the English learner proficiency rate, as defined in the approved state Every Student Succeeds Act plan; and
(8) the consistent attendance rate, as defined in the approved state Every Student Succeeds Act plan.

Subd. 4. Secondary school rating components. The commissioner must assign all high schools a star rating based on the following equally weighted factors unique to each school:

(1) the percentage of students rated proficient on the statewide reading test;
(2) the percentage of students rated proficient on the statewide math test;
(3) the four-year graduation rate gap score;
(4) the low-income student achievement gap score;
(5) the students of color achievement gap score;
(6) the English learner proficiency rate, as defined in the approved state Every Student Succeeds Act plan; and
(7) the consistent attendance rate, as defined in the approved state Every Student Succeeds Act plan.

Subd. 5. District rating components. The commissioner must assign all districts a star rating based on the following equally weighted factors unique to each district:

(1) the percentage of third grade students rated proficient on the statewide reading test;
(2) the low-income student achievement gap score, as applied at the district level;
(3) the students of color achievement gap score, as applied at the district level;
(4) the percentage of high school students rated proficient on the statewide reading test;
(5) the percentage of high school students rated proficient on the statewide math test; and
Sec. 21. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. School performance reports and public reporting. (a) The commissioner shall report:

1. student academic performance data under section 120B.35, subdivisions 2 and 3; district, school site, and charter school academic achievement ratings under section 120B.355; the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3, paragraph (c); the percentage of students under section 120B.35, subdivision 3, paragraph (b), clause (2), whose progress and performance levels are meeting career and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in reducing disparities in students' academic achievement and realizing racial and economic integration under section 124D.861; the acquisition of English, and where practicable, native language academic literacy, including oral academic language, and the academic progress of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as English learners under section 124D.59; the percentage of students who graduated in the previous school year and correctly answered at least 30 of 50 civics test questions in accordance with section 120B.02, subdivision 3; two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding salaries; student enrollment demographics; foster care status, including all students enrolled in a Minnesota public school course or program who are currently or were previously in foster care, student homelessness, and district mobility; and extracurricular activities.

(b) The school performance report for a school site and a school district, school site, or charter school must include school performance reporting information, including a prominent display of both the district's, school site's, or charter school's star rating and academic achievement score assigned by the commissioner under section 120B.355 and must calculate proficiency and growth rates as required by the most recently reauthorized Elementary and Secondary Education Act.

(c) The commissioner shall develop, annually update, and post on the department Web site school performance reports consistent with paragraph (a) and section 120B.11.
(d) The commissioner must make available performance reports by the beginning of each school year.

(e) A school or district may appeal its results in a form and manner determined by the commissioner and consistent with federal law. The commissioner's decision to uphold or deny an appeal is final.

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

Sec. 22. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

Subd. 2. Student progress and other data. (a) All data the department receives, collects, or creates under section 120B.11, governing the world's best workforce, or uses to determine and set goals for federal expectations under the most recently reauthorized Elementary and Secondary Education Act, set state growth targets, and determine student growth, learning, and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data.

(b) Districts must provide parents sufficiently detailed summary data to permit parents to appeal under the most recently reauthorized federal Elementary and Secondary Education Act. The commissioner shall annually post federal expectations and state student growth, learning, and outcome data to the department's public Web site no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.

Sec. 23. [121A.24] PROGRAM TO PREVENT SEXUAL ASSAULT.

Subdivision 1. Consent. (a) The commissioner of education, in consultation with the Department of Health, must assist districts and charter schools in developing and implementing a consent program to prevent and reduce the incidence of sexual assault. Each district must have a program that includes age appropriate instruction on consent in grades 8 to 12, consistent with paragraph (c), that includes at least the following:

(1) planning materials and guidelines;

(2) in-service training for appropriate district staff and school board members;
(3) collaboration with local community health services, agencies, and organizations having a consent program; and

(4) participation by state and local student organizations.

(b) If a district fails to develop and implement a consent program, the department must assist the service cooperative in the region serving that district or charter school to develop or implement the program.

c) "Consent" as used in this section means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is a responsibility of each person involved in sexual activity to ensure that the other or others consent to engage in the sexual activity. Lack of protest or resistance does not mean consent. Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never be itself be assumed to be an indicator of consent.

Subd. 2. Funding sources. Districts and charter schools may accept funds for consent programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants, or other federal or state grants.

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

Sec. 24. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal. "Nonexclusionary disciplinary policies and practices" means policies and practices that require school officials to intervene in, redirect, and support a pupil's behavior before dismissing a pupil from school. Nonexclusionary disciplinary policies and practices include evidence-based positive behavioral interventions and supports, social and emotional learning, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for Title I services or reading interventions, and alternative education services.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.
Sec. 25. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 13. Pupil withdrawal agreements. "Pupil withdrawal agreements" means a verbal or written agreement between a school or district administrator and a pupil's parent or guardian to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement may be no longer than 12 months.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

Sec. 26. Minnesota Statutes 2016, section 121A.45, subdivision 1, is amended to read:

Subdivision 1. Provision of alternative programs. No school shall dismiss any pupil without attempting to provide alternative educational services. Schools must consider, where appropriate, using nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

Sec. 27. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. Suspensions exceeding five consecutive school days. The school administrator must ensure that alternative education services are provided when a pupil is suspended for more than five consecutive school days.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

Sec. 28. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

Subd. 6. Minimum education services. School officials must give a suspended pupil the opportunity to complete all school work assigned during the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

**EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.
Sec. 29. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

Subd. 2. Written notice. Written notice of intent to take action shall must:

(a) (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;
(b) (2) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
(c) (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 12;
(d) (4) state the date, time, and place of the hearing;
(e) (5) be accompanied by a copy of sections 121A.40 to 121A.56;
(f) (6) describe alternative educational services the nonexclusionary disciplinary policies and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
(g) (7) inform the pupil and parent or guardian of the right to:

(i) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on the department's Web site;

(ii) examine the pupil's records before the hearing;

(iii) present evidence; and

(iv) confront and cross-examine witnesses.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 30. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

Subd. 14. Admission or readmission plan. (a) A school administrator shall must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may must include measures to improve the pupil's behavior, including which may include completing a character education program, consistent with section 120B.232, subdivision 1, and social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.
(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 31. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. Exclusions and expulsions; student withdrawals; physical assaults. Consistent with subdivision 2, the school board must report through the department electronic reporting system each exclusion or expulsion and each physical assault of a district employee by a student pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner of education. This report must include a statement of alternative educational services, nonexclusionary disciplinary policies and practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's pupil's age, grade, gender, race, and special education status.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 32. Minnesota Statutes 2016, section 121A.55, is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall must include nonexclusionary disciplinary policies and practices consistent with section 121A.41, subdivision 12, and emphasize preventing dismissals through early detection of
The policies must be designed to address students' inappropriate behavior from recurring.

(b) The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The school is responsible to ensure that the alternative educational services, if to be provided to the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and, help prepare the pupil for readmission, and are consistent with section 121A.46, subdivision 6.

(c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

(1) the school district's continuing responsibility includes reviewing the pupil's school work and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers until the student enrolls in a new district. School districts must communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the work assigned through the alternative educational services;

(2) a pupil remains eligible for school-linked mental health services provided in the district under section 245.4889 until the pupil is enrolled in a new district; and

(3) the school district must provide to the pupil's parent or guardian a list of community mental health programs after expulsion.

(d) The school district must provide to the pupil's parent or guardian information regarding how a pupil withdrawal agreement is recorded or reported under sections 120A.22, subdivision 7, and 121A.53, subdivision 1.

(e) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(f) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.
Sec. 33. Minnesota Statutes 2016, section 121A.61, subdivision 2, is amended to read:

Subd. 2. Grounds for removal from class. The policy must establish the various grounds for which a student pupil may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student pupil's parent or guardian to discuss the problem that is causing the student pupil to be removed from class after the student pupil has been removed from class more than ten five times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:

(a) (1) willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students pupils in a class or with the ability of other students pupils to learn;

(b) (2) willful conduct that endangers surrounding persons, including school district employees, the student pupil, or other students pupils, or the property of the school; and

(c) (3) willful violation of any rule of conduct specified in the discipline policy adopted by the board.

Sec. 34. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision to read:

Subd. 3. Parent notification. A school administrator must make and document efforts to immediately contact the parent or guardian of a pupil removed from a school building or school grounds by a peace or school resource officer unless such notice is specifically prohibited by law.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 35. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a subdivision to read:

Subd. 4b. Essential data. The Professional Educator Licensing and Standards Board must maintain a list of essential data elements which must be recorded and stored about each licensed and nonlicensed staff member. Each school district must provide the essential data to the board in the form and manner prescribed by the board.
Sec. 36. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

Subd. 7. *Clerk records.* The clerk shall keep a record of all meetings of the district and the board in books provided by the district for that purpose. The clerk shall, within three days after an election, notify all persons elected of their election. By September 15 of each year the clerk shall file with the board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year. The report together with vouchers and supporting documents shall subsequently be examined by a public accountant or the state auditor, either of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The board shall by resolution approve the report or require a further or amended report. By September 15 of each year, the clerk shall make and transmit to the commissioner certified reports, showing:

1. the revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;
2. the length of school term and the enrollment and attendance by grades; and
3. such other items of information as may be called for by the commissioner.

The clerk shall enter in the clerk’s record book copies of all reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the district. The clerk shall furnish to the auditor of the proper county, by September 30 of each year, an attested copy of the clerk's record, showing the amount of proposed property tax voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair. Such orders must state the consideration, payee, and the fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Sec. 37. Minnesota Statutes 2016, section 124D.09, subdivision 4, is amended to read:

Subd. 4. *Alternative pupil.* (a) "Alternative pupil" means an a 10th, 11th, or 12th grade student, subject to paragraph (b), who is not enrolled in a public school district, and includes...

Alternative pupil includes students attending nonpublic schools and students who are home schooled. An alternative pupil is considered a pupil for purposes of this section only. An alternative pupil must register with the commissioner of education before participating in
the postsecondary enrollment options program. The commissioner shall prescribe the
form and manner of the registration, in consultation with the Nonpublic Education Council
under section 123B.445, and may request any necessary information from the alternative
pupil.

(b) A 10th grade student qualifies as an alternative pupil if the student (1) is enrolled in
a career or technical education course offered by an eligible institution and (2) received a
passing score on the 8th grade Minnesota Comprehensive Assessment, or another reading
assessment accepted by the enrolling postsecondary institution. A career or technical
education course must meet the requirements under subdivision 5a. If an alternative pupil
in 10th grade receives a grade of "C" or better in the career or technical education course
taken under this subdivision, the postsecondary institution must allow the student to take
additional postsecondary courses for credit at that institution, not to exceed the limits in
subdivision 8.

EFFECTIVE DATE. This section is effective for applications submitted on or after
July 1, 2018.

Sec. 38. Minnesota Statutes 2016, section 124D.128, subdivision 1, is amended to read:

Subdivision 1. Program established. A learning year program provides instruction
throughout the year on an extended year calendar, extended school day calendar, or both.
A pupil may participate in the program and accelerate attainment of grade level requirements
or graduation requirements. A learning year program may begin after the close of the regular
school year in June. The program may be for students in one or more grade levels from
kindergarten through grade 12.

Sec. 39. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

Subd. 2. Resolution of concurrence. Prior to March 1, the school board or American
Indian school must submit to the department a copy of a resolution adopted by the American
Indian education parent advisory committee. The copy must be signed by the chair of the
committee and must state whether the committee concurs with the educational programs
for American Indian students offered by the school board or American Indian school. If the
committee does not concur with the educational programs, the reasons for nonconcurrency
and recommendations shall be submitted directly to the school board with the resolution.
By resolution, the board must respond in writing within 60 days, in cases of nonconcurrency,
to each recommendation made by the committee and state its reasons for not implementing
the recommendations.
Sec. 40. Minnesota Statutes 2016, section 124E.05, subdivision 4, is amended to read:

Subd. 4. Application content. (a) To be approved as an authorizer, an applicant must include in its application to the commissioner at least the following:

(1) how the organization carries out its mission by chartering schools;

(2) a description of the capacity of the organization to serve as an authorizer, including the positions allocated to authorizing duties, the qualifications for those positions, the full-time equivalencies of those positions, and the financial resources available to fund the positions;

(3) the application and review process the authorizer uses to decide whether to grant charters;

(4) the type of contract it arranges with the schools it charters to meet the provisions of section 124E.10;

(5) the process for overseeing the school, consistent with clause (4), to ensure that the schools chartered comply with applicable law and rules and the contract;

(6) the criteria and process the authorizer uses to approve applications adding grades or sites under section 124E.06, subdivision 5; and

(7) an assurance specifying that the organization is committed to serving as an authorizer for the full five-year term.

(b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict of interest between an authorizer and its charter schools or ongoing evaluation or continuing education of an administrator or other professional support staff by submitting to the commissioner a written promise to comply with the requirements.

Sec. 41. Minnesota Statutes 2016, section 124E.07, subdivision 2, is amended to read:

Subd. 2. Ongoing board of directors. The ongoing board must be elected before the school completes its third second year of operation. Board elections must be held during the school year but may not be conducted on days when the school is closed. The term of
office for the ongoing board members begins July 1. The term of office for board members thereafter is as provided in the charter school bylaws.

Sec. 42. Minnesota Statutes 2016, section 124E.07, subdivision 3, is amended to read:

Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall must have at least five nonrelated members and include: (1) at least one licensed teacher who is employed as a teacher at by the school or provides as a teacher to provide instruction to students or a licensed teacher who is engaged as a teacher to provide instruction to students under contract between the charter school and a cooperative; (2) at least one parent or legal guardian of a student enrolled in the charter school who is not an employee of the charter school or an immediate family member of a school employee; and (3) at least one interested community member who resides in Minnesota, is not employed by or under contract to the charter school, and does not have a child enrolled in the school. The board structure may include a majority of teachers under this paragraph or parents or community members, or it may have no clear majority. The board structure shall be stated in the school corporation's bylaws. The chief financial officer and the chief administrator may only serve as an ex-officio nonvoting board member. No charter school employees shall serve on the board other than teachers under clause (1). Contractors providing facilities, goods, or services to a charter school shall not serve on the board of directors of the charter school.

(b) An individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.

(c) A violation of paragraph (b) renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates paragraph (b) is individually liable to the charter school for any damage caused by the violation.

(d) Any employee, agent, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.
Sec. 43. Minnesota Statutes 2016, section 124E.07, subdivision 7, is amended to read:

Subd. 7. **Training.** (a) Every charter school board member shall, including the ex-officio member, must attend annual training throughout the member's term. All new board members shall attend initial training on the board's role and responsibilities, employment policies and practices, and financial management. A new board member who does not begin the required initial training within six months after being seated and complete that training within 12 months after being seated is automatically ineligible to continue to serve as a board member. The school shall include in its annual report the training each board member attended during the previous year.

(b) All newly elected board members must attend training on the board's role, responsibilities, and procedures before being seated on the board. An individual shall not be seated on the board until the training required in this paragraph is completed.

(c) All newly seated board members must attend training on public school finances and financial management; employment law, policies, and practices; and student performance, achievement, and outcomes. Any member who fails to complete the training required in this paragraph within 12 months of being seated on the board is automatically removed from the board and may not be elected or appointed to the board for a period of at least 12 months after vacating the seat.

(d) The school must include in its annual report the training each board member attended during the previous year.

Sec. 44. Minnesota Statutes 2016, section 124E.10, subdivision 4, is amended to read:

Subd. 4. **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with an authorizer must be for the term contained in the contract according to subdivision 1, paragraph (a). The authorizer may or may not renew a contract at the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 business days before not renewing or terminating a contract, the authorizer shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and describe the informal hearing process, consistent with this paragraph. The charter school's board of directors may request in writing an informal hearing before the authorizer within 15 business days after receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for an informal hearing within the 15-business-day period shall be treated as acquiescence to the proposed action. Upon
receiving a timely written request for a hearing, the authorizer shall give ten business days' notice to the charter school's board of directors of the hearing date. The authorizer shall conduct an informal hearing before taking final action. The hearing must be recorded by tape recording, video, or a court reporter at the expense of the authorizer. The recording must be preserved for three years and must be made available to the public. The authorizer shall take final action to renew or not renew a contract no later than 20 business days before the proposed date for terminating the contract or the end date of the contract.

(b) An authorizer may terminate or not renew a contract upon any of the following grounds:

(1) failure to demonstrate satisfactory academic achievement for all students, including the requirements for pupil performance contained in the contract;
(2) failure to meet generally accepted standards of fiscal management;
(3) violations of law; or
(4) other good cause shown.

If the authorizer terminates or does not renew a contract under this paragraph, the school must be dissolved according to the applicable provisions of chapter 317A.

(c) The commissioner, after providing reasonable notice to the board of directors of a charter school and the existing authorizer, and after providing an opportunity for a public hearing, may terminate the existing contract between the authorizer and the charter school board if the charter school has a history of:

(1) failure to meet pupil performance requirements, consistent with state law;
(2) financial mismanagement or failure to meet generally accepted standards of fiscal management; or
(3) repeated or major violations of the law.

Sec. 45. Minnesota Statutes 2017 Supplement, section 124E.11, is amended to read:

124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.

Subdivision 1. Limits on enrollment. (a) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

(1) pupils within an age group or grade level;
(2) pupils who are eligible to participate in the graduation incentives program under section 124D.68; or

(3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.

Subd. 2. Timely application; lottery; enrollment preference. (b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its Web site, a lottery policy and process that it must use when accepting pupils by lot.

Subd. 3. Lottery exceptions. (a) A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school’s staff before accepting other pupils by lot.

(b) A charter school may give enrollment preference to children currently enrolled in the school’s free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year.

(c) A charter school that is located in Duluth township in St. Louis County or in the city of Nerstrand in Rice County, and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children.

A charter school may give enrollment preference to children currently enrolled in the school’s free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (a), who are eligible to enroll in kindergarten in the next school year.

(d) A charter school that is located in Castle Rock Township in Dakota County must give enrollment preference to students residing within a two-mile radius of the school and to the siblings of enrolled children.

Subd. 4. Age of enrollment. (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences.
or has completed kindergarten; except that a charter school may establish and publish on
its Web site a policy for admission of selected pupils at an earlier age, consistent with the
enrollment process in paragraphs (b) and (c) subdivisions 2 and 3.

Subd. 5. Admission limits not allowed. (e) Except as permitted in paragraph (d)
subdivision 4, a charter school, including its preschool or prekindergarten program established
under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on
the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and
may not establish any criteria or requirements for admission that are inconsistent with this
section.

Subd. 6. Enrollment incentives prohibited. (f) The charter school shall or any agent
of the school must not distribute any services or goods, payments, or other incentives of
value to students, parents, or guardians as an inducement, term, or condition of enrolling a
student in a charter school.

Subd. 7. Enrollment continues. (g) Once a student is enrolled in the charter school,
the student is considered enrolled in the school until the student formally withdraws school
receives a request for the transfer of educational records from another school, or a written
election by the parent or guardian of the student withdrawing the student or is expelled
under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

Subd. 8. Prekindergarten pupils. (h) A charter school with at least 90 percent of enrolled
students who are eligible for special education services and have a primary disability of
deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section
126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with
Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324,
subsection (2), clause (iv).

EFFECTIVE DATE. This section is effective for enrollment decisions made on or
after July 1, 2018.

Sec. 46. Minnesota Statutes 2016, section 124E.17, subdivision 1, is amended to read:

Subdivision 1. Charter school information. (a) Charter schools must disseminate
information about how to use the charter school offerings to targeted groups, among others.
Targeted groups include low-income families and communities, students of color, and
students who are at risk of academic failure.

(b) Authorizers and the commissioner must disseminate information to the public on
how to form and operate a charter school. Authorizers, operators, and the commissioner
also may disseminate information to interested stakeholders about the successful best
practices in teaching and learning demonstrated by charter schools.

c) A charter school must document its dissemination efforts in its annual report.

Sec. 47. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

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

Sec. 48. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

Subd. 5. Annual expenditure report. Each year a district that receives basic skills
revenue must submit a report identifying the expenditures it incurred to meet the needs of
eligible learners under subdivision 1. The report must conform to uniform financial and
reporting standards established for this purpose. Using valid and reliable data and
measurement criteria, the report also must determine whether increased
expenditures raised student achievement levels must be reported under section 120B.11.

Sec. 49. Minnesota Statutes 2016, section 128D.06, subdivision 1, is amended to read:

Subdivision 1. Board’s annual report. The board of education shall, as soon as
practicable after the close of each fiscal year, cause to be printed, published, and distributed
a report of the condition of the public school program under its charge, and of all the property
under its control, with full and accurate account of all receipts and of all expenditures of
the school district during the preceding year including operating and maintenance expenses
as well as all expenses for capital outlay and building site improvement.

Sec. 50. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended
to read:

Subd. 7a. Limitations of order effective January 1, 2015, and later. (a) Upon issuance
of an expungement order related to a charge supported by probable cause, the DNA samples
and DNA records held by the Bureau of Criminal Apprehension and collected under authority
other than section 299C.105 shall not be sealed, returned to the subject of the record, or
destroyed.

(b) Notwithstanding the issuance of an expungement order:
(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board or the licensing division of the Department of Education; and

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services, and the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services, the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.
(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015.

Sec. 51. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. Definitions. As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

(b) "Commissioner" means the commissioner of human services.

(c) "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H, 245D, or 245H;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

(d) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment...
occurred but does determine the need for services to address the safety of family members
and the risk of subsequent maltreatment.

(e) "Investigation" means fact gathering related to the current safety of a child and the
risk of subsequent maltreatment that determines whether child maltreatment occurred and
whether child protective services are needed. An investigation must be used when reports
involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under
sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
association as defined in section 256B.0625, subdivision 19a.

(f) "Mental injury" means an injury to the psychological capacity or emotional stability
of a child as evidenced by an observable or substantial impairment in the child's ability to
function within a normal range of performance and behavior with due regard to the child's
culture.

(g) "Neglect" means the commission or omission of any of the acts specified under
clauses (1) to (9), other than by accidental means:

1. failure by a person responsible for a child's care to supply a child with necessary
   food, clothing, shelter, health, medical, or other care required for the child's physical or
   mental health when reasonably able to do so;

2. failure to protect a child from conditions or actions that seriously endanger the child's
   physical or mental health when reasonably able to do so, including a growth delay, which
   may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
   to parental neglect;

3. failure to provide for necessary supervision or child care arrangements appropriate
   for a child after considering factors as the child's age, mental ability, physical condition,
   length of absence, or environment, when the child is unable to care for the child's own basic
   needs or safety, or the basic needs or safety of another child in their care;

4. failure to ensure that the child is educated as defined in sections 120A.22 and
   260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
   child with sympathomimetic medications, consistent with section 125A.091, subdivision
   5;

5. nothing in this section shall be construed to mean that a child is neglected solely
   because the child's parent, guardian, or other person responsible for the child's care in good
Article 2 Sec. 51.

faith selects and depends upon spiritual means or prayer for treatment or care of disease or
remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
medical care may cause serious danger to the child's health. This section does not impose
upon persons, not otherwise legally responsible for providing a child with necessary food,
clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
the child at birth, results of a toxicology test performed on the mother at delivery or the
child at birth, medical effects or developmental delays during the child's first year of life
that medically indicate prenatal exposure to a controlled substance, or the presence of a
fetal alcohol spectrum disorder;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person
responsible for the care of the child that adversely affects the child's basic needs and safety;
or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional
functioning of the child which may be demonstrated by a substantial and observable effect
in the child's behavior, emotional response, or cognition that is not within the normal range
for the child's age and stage of development, with due regard to the child's culture.

(h) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the
center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted
in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment
mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with
remedies that are available over the counter, whether ordered by a medical professional or
not; and

(5) except for the period when the incident occurred, the facility and the individual
providing services were both in compliance with all licensing requirements relevant to the
incident.
This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(i) "Operator" means an operator or agency as defined in section 245A.02.

(j) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(k) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

(3) shaking a child under age three;

(4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;

(5) unreasonable interference with a child's breathing;

(6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

(7) striking a child under age one on the face or head;

(8) striking a child who is at least age one but under age four on the face or head, which results in an injury;
(9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
substances which were not prescribed for the child by a practitioner, in order to control or
punish the child; or other substances that substantially affect the child's behavior, motor
coordination, or judgment or that results in sickness or internal injury, or subjects the child
to medical procedures that would be unnecessary if the child were not exposed to the
substances;

(10) unreasonable physical confinement or restraint not permitted under section 609.379,
including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's
care that is a violation under section 121A.58.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not
limited to employee assistance counseling and the provision of guardian ad litem and
parenting time expeditor services.

(m) "Report" means any communication received by the local welfare agency, police
department, county sheriff, or agency responsible for child protection pursuant to this section
that describes neglect or physical or sexual abuse of a child and contains sufficient content
to identify the child and any person believed to be responsible for the neglect or abuse, if
known.

(n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
care, by a person who has a significant relationship to the child, as defined in section 609.341,
or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or
609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children
to engage in sexual conduct; communication of sexually explicit materials to children).
Sexual abuse also includes any act which involves a minor which constitutes a violation of
prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,
sexual abuse includes all reports of known or suspected child sex trafficking involving a
child who is identified as a victim of sex trafficking. Sexual abuse includes child sex
trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes
threatened sexual abuse which includes the status of a parent or household member who
has committed a violation which requires registration as an offender under section 243.166,
subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,
subdivision 1b, paragraph (a) or (b).

(o) "Substantial child endangerment" means a person responsible for a child's care, by
act or omission, commits or attempts to commit an act against a child under their care that
constitutes any of the following:

1. egregious harm as defined in section 260C.007, subdivision 14;
2. abandonment under section 260C.301, subdivision 2;
3. neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
   physical or mental health, including a growth delay, which may be referred to as failure to
   thrive, that has been diagnosed by a physician and is due to parental neglect;
4. murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
5. manslaughter in the first or second degree under section 609.20 or 609.205;
6. assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
7. solicitation, inducement, and promotion of prostitution under section 609.322;
8. criminal sexual conduct under sections 609.342 to 609.3451;
9. solicitation of children to engage in sexual conduct under section 609.352;
10. malicious punishment or neglect or endangerment of a child under section 609.377
    or 609.378;
11. use of a minor in sexual performance under section 617.246; or
12. parental behavior, status, or condition which mandates that the county attorney file
    a termination of parental rights petition under section 260C.503, subdivision 2.

(p) "Threatened injury" means a statement, overt act, condition, or status that represents
a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
but is not limited to, exposing a child to a person responsible for the child's care, as defined
in paragraph (j), clause (1), who has:

1. subjected a child to, or failed to protect a child from, an overt act or condition that
   constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
   of another jurisdiction;
2. been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
   (b), clause (4), or a similar law of another jurisdiction;
(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (q) from the Department of Human Services.

(q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (p), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(r) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

Sec. 52. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23, is amended to read:

Subd. 23. Paraprofessional pathway to teacher licensure. (a) For grants to school districts for Grow Your Own new teacher programs:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2018</td>
<td>$1,500,000</td>
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<tr>
<td>2019</td>
<td>$1,500,000</td>
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(b) The grants are for school districts and charter schools with more than 30 percent minority students for a Board of Teaching-approved Professional Educator Licensing and Standards Board-approved nonconventional teacher residency pilot program. The program must provide tuition scholarships or stipends to enable school district and charter school employees or community members affiliated with a school district or charter school who seek an education license to participate in a nonconventional teacher preparation program. School districts and charter schools that receive funds under this subdivision are strongly encouraged to recruit candidates of color and American Indian candidates to participate in the Grow Your Own new teacher programs. Districts or schools providing financial support may require a commitment as determined by the district to teach in the district or school for a reasonable amount of time that does not exceed five years.

(c) School districts and charter schools may also apply for grants to develop innovative expanded Grow Your Own programs that encourage secondary school students to pursue teaching, including developing and offering dual-credit postsecondary course options in schools for "Introduction to Teaching" or "Introduction to Education" courses consistent with Minnesota Statutes, section 124D.09, subdivision 10.

(d) Programs must annually report to the commissioner by the date determined by the commissioner on their activities under this section, including the number of participants, the percentage of participants who are of color or who are American Indian, and an assessment of program effectiveness, including participant feedback, areas for improvement, the percentage of participants continuing to pursue teacher licensure, and the number of participants hired in the school or district as teachers after completing preparation programs.

(e) The department may retain up to three percent of the appropriation amount to monitor and administer the grant program.

(f) Any balance in the first year does not cancel but is available in the second year.

Sec. 53. REVISOR'S INSTRUCTION.

(a) The revisor of statutes shall renumber the provisions of Minnesota Statutes listed in column A to the references listed in column B.

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<td>123C.01</td>
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<td>123C.24</td>
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</table>

Article 2 Sec. 53.
(b) The revisor of statutes shall make necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with renumbering of Minnesota Statutes, chapter 136D in this act, and if Minnesota Statutes, chapter 136D, is further amended in the 2018 legislative session, shall codify the amendments in a manner consistent with this act. The revisor may make necessary changes to sentence structure to preserve the meaning of the text.
EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 54. REPEALER.

Minnesota Statutes 2016, sections 120B.35, subdivisions 4 and 5; 123A.26, subdivision 3; 125A.75, subdivision 9; and 128D.06, subdivision 3, are repealed.

ARTICLE 3

TEACHERS

Section 1. Minnesota Statutes 2016, section 121A.39, is amended to read:

121A.39 SCHOOL COUNSELORS.

(a) A school district is strongly encouraged to have an adequate student-to-counselor ratio for its students beginning in the 2015-2016 school year and later.

(b) A school counselor shall assist a student in meeting the requirements for high school graduation, college and career exploration, and selection, college affordability planning, and successful transitions into postsecondary education or training. As part of college and career exploration, a counselor is encouraged to present and explain the career opportunities and benefits offered by the United States armed forces and share information provided to the counselor by armed forces recruiters. In discussing military service with a student or a student's parent or guardian, a school counselor is encouraged to provide the student, parent, or guardian information concerning the military enlistment test. A counselor may consult with the Department of Labor and Industry to identify resources for students interested in exploring career opportunities in high-wage, high-demand occupations in the skilled trades and manufacturing.

(c) A school counselor must not discourage or otherwise interfere with a student's enlistment, or intention to enlist, in the armed forces.

Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 3, is amended to read:

Subd. 3. Professional growth. (a) Applicants for license renewal for a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, who have been employed as a teacher during the renewal period of the expiring license, as a condition of license renewal, must present to their local continuing education and relicensure committee or other local relicensure committee evidence of work that demonstrates professional reflection and growth in best teaching practices, including among other things, cultural competence in accordance
with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied
needs of English learners, from young children to adults under section 124D.59, subdivisions
2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's
most recent summative evaluation or improvement plan under section 122A.40, subdivision
8, or 122A.41, subdivision 5. Counselors, school social workers, and teachers who do not
provide direct instruction but who provide academic, college, and career planning and
support to students may submit proof of training on armed forces career options or careers
in the skilled trades and manufacturing as evidence of professional growth.

(b) The Professional Educator Licensing and Standards Board must ensure that its teacher
relicensing requirements include paragraph (a).

Sec. 3. Minnesota Statutes 2016, section 122A.71, subdivision 2, is amended to read:

Subd. 2. Responsibility. By July 1, 1989, the Board of Teaching Professional Educator
Licensing and Standards Board must begin to evaluate the effectiveness of prebaccalaureate,
postbaccalaureate, and other alternative program structures for preparing candidates for
entrance into the teaching profession. The evaluation shall be conducted by independent
research centers or evaluators who are not associated with a Minnesota teacher education
institution and shall be longitudinal in nature.

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

Sec. 4. SURVEY OF TEACHER PREPARATION PROGRAMS.

The Professional Educator Licensing and Standards Board must survey board-approved
teacher preparation programs for teachers of elementary education, early childhood education,
special education, and reading intervention to determine the extent of dyslexia instruction
offered by the programs. The board may consult with the dyslexia specialist at the Department
of Education when developing the survey and reviewing the teacher preparation program
responses. The board must report its findings to the chairs and ranking minority members
of the committees of the legislature having jurisdiction over kindergarten through grade 12
education policy and finance by January 2, 2019. The report must include information on
teacher preparation program instruction on screening for characteristics of dyslexia,
evidence-based instructional strategies for students showing characteristics of dyslexia, and
best practices for assisting students showing characteristics of dyslexia and their families.
The report must be submitted in accordance with Minnesota Statutes, section 3.195.

EFFECTIVE DATE. This section is effective the day following final enactment.
ARTICLE 4
SPECIAL EDUCATION

Section 1. SPECIAL EDUCATION WORKING GROUP.

Subdivision 1. Duties. (a) A working group on special education is created to review special education delivery and costs in Minnesota and submit a written report to the legislature recommending changes to reduce costs, if warranted. The report must:

(1) review how school districts, charter schools, intermediate school districts, special education cooperatives, education districts, and service cooperatives deliver special education services, and the costs and benefits associated with each model;

(2) compare relevant state and federal special education laws and regulations by reviewing the 2013 evaluation report by the Office of the Legislative Auditor on special education and other publicly available reports;

(3) analyze trends in special education enrollment and the reasons for the increased proportion of Minnesota students receiving special education, including identifying disparities in student identification;

(4) identify strategies or programs that would be effective in reducing the need for special education services or could provide less-intensive special education services, when appropriate;

(5) analyze funding for children receiving special education services in a nonresident district or charter school in accordance with Minnesota Statutes, sections 124E.21, 125A.11, and 127A.47;

(6) analyze the effect of the 2013 statutory changes to the state special education funding formula, including interactions and conformity with federal funding formulas;

(7) describe how school districts and charter schools use section 504 plans, including criteria used to determine when a section 504 plan is appropriate and the prevalence of section 504 plans in school districts and charter schools; and

(8) review the 2013 evaluation report by the Office of the Legislative Auditor on special education and whether any recommendations have been enacted or implemented.

(b) In making its recommendations, the special education working group must develop a ten-year strategic plan informed by the findings in paragraph (a) to help reduce the costs contributing to the special education cross-subsidy and overall special education funding.
Subd. 2. Members. (a) By June 1, 2018, the executive director of the following organizations may appoint one representative of that organization to serve as a member of the working group:

(1) the National Alliance on Mental Illness Minnesota;
(2) the Parent Advocacy Coalition for Educational Rights;
(3) the Minnesota School Boards Association;
(4) the Minnesota Administrators for Special Education;
(5) the Minnesota Association of Charter Schools;
(6) Education Minnesota;
(7) the Minnesota Rural Education Association;
(8) the Association of Metropolitan School Districts;
(9) The Arc Minnesota;
(10) the Autism Society of Minnesota;
(11) the Minnesota Disability Law Center;
(12) the Minnesota Alliance with Youth;
(13) the Minnesota Education Equity Partnership;
(14) Service Employees International Union Local 284;
(15) the Minnesota Association of School Administrators;
(16) the Minnesota Association of School Business Officials;
(17) the Minnesota Association of Alternative Programs;
(18) Schools for Equity in Education;
(19) Decoding Dyslexia Minnesota; and
(20) the Minnesota Elementary School Principals' Association.

(b) The commissioner of education must solicit applications for membership in the working group, and based on the applications received, designate by June 25, 2018, the following individuals to serve as members of the working group:

(1) a representative from an intermediate school district;
(2) a representative from a special education cooperative, education district, or service cooperative;

(3) a representative from the Governor's Council on Developmental Disabilities;

(4) a representative from the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans;

(5) a representative from a school district in a city of the first class;

(6) two students receiving special education services and a parent of a student receiving special education services; and

(7) one representative of a nonprofit organization specializing in early childhood education issues.

Subd. 3. Meetings. The commissioner of education, or the commissioner's designee, must convene the first meeting of the working group no later than July 15, 2018. The working group must select a chair or cochairs from among its members at the first meeting. The working group must meet periodically. Meetings of the working group must be open to the public.

Subd. 4. Compensation. Working group members are not eligible to receive expenses or per diem payments for serving on the working group.

Subd. 5. Administrative support. The commissioner of education must provide technical and administrative assistance to the working group upon request.

Subd. 6. Report. (a) By January 15, 2019, the working group must submit a report providing its findings and recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education.

(b) The legislature convening in January 2019 is encouraged to convene a legislative study group to review the recommendations and ten-year strategic plan to develop its own recommendations for legislative changes, as necessary.

Subd. 7. Expiration. The working group expires on January 16, 2019, unless extended by law.

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

ARTICLE 5

FACILITIES AND TECHNOLOGY

Section 1. Minnesota Statutes 2016, section 124E.03, subdivision 5, is amended to read:
Subd. 5. Records and data requirements. (a) A charter school must comply with chapter 13 governing government data; and sections 121A.75 governing access to juvenile justice records, and 260B.171, subdivisions 3 and 5, governing juvenile justice records.

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

(c) A charter school must comply with sections 125B.27 to 125B.29, governing technology providers, school-issued devices, and educational data. A technology provider contracting with a charter school must comply with sections 125B.27 to 125B.29.

EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.

Sec. 2. [125B.27] TECHNOLOGY PROVIDER REQUIREMENTS.

Subdivision 1. Technology provider definition. (a) "Technology provider" means a person who:

(1) contracts with a school district, as part of a one-to-one program or otherwise, to provide technological devices for student use or to provide access to a software or online application; and

(2) creates, receives, or maintains educational data pursuant or incidental to a contract with a school district.

(b) A technology provider does not include a nonprofit organization that has the primary purpose of expanding student access to postsecondary education and that obtains a student's consent to utilize a student's educational data for that purpose.

Subd. 2. Educational data. (a) A technology provider is subject to the provisions of section 13.05, subdivision 11. An assignee or delegee that creates, receives, or maintains educational data is subject to the same restrictions and obligations under this section as the technology provider.

(b) Educational data created, received, or maintained by a technology provider pursuant or incidental to a contract with a school district are not the technology provider's property.

(c) If educational data maintained by the technology provider are subject to a breach of the security of the data, as defined in section 13.055, the technology provider must, following discovery of the breach, disclose to the school district all information necessary to fulfill the requirements of section 13.055.
(d) Unless renewal of the contract is reasonably anticipated, within 30 days of the expiration of the contract, a technology provider must destroy or return to the appropriate school district all educational data created, received, or maintained pursuant or incidental to the contract.

(e) A technology provider must not:

(1) sell, share, or disseminate educational data, except as provided by this section or as part of a valid delegation or assignment of its contract with a school district; or

(2) use educational data for any commercial purpose, including but not limited to marketing or advertising to a student or parent.

Subd. 3. Procedures. (a) A technology provider must establish written procedures to ensure appropriate security safeguards are in place for educational data. A technology provider's written procedures must require that:

(1) only authorized employees or contractors can access the educational data;

(2) a person is authorized to access educational data only if access is necessary to fulfill official duties; and

(3) all actions in which educational data are entered, updated, accessed, shared, or disseminated are recorded in a log-of-use that includes the identity of the person interacting with the data and what action was performed. Information recorded in the log-of-use must be retained for at least one year.

(b) A technology provider's written procedures establishing security safeguards for educational data are public data, unless classified as not public under any other applicable law.

EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.
(3) include information about the opt-out rights provided in subdivision 2 and how to
access a copy of the contract in accordance with paragraph (b).

(b) A school district must publish a complete copy of any contract with a technology
provider on the district Web site for the duration of the contract.

Subd. 2. Audit trail. (a) A school district must establish written procedures to ensure
appropriate security safeguards are in place for educational data stored on a school district's
electronic database, software application, or cloud-based service. These procedures must
require that:

(1) only authorized persons can access the educational data;

(2) a person is authorized to access educational data only if access is necessary to fulfill
official duties; and

(3) all actions in which educational data are entered, updated, accessed, shared, or
disseminated are recorded in a log-of-use that includes the identity of the person interacting
with the data and what action was performed. Information recorded in the log-of-use must
be retained for at least one year.

(b) The written procedures required by paragraph (a) are public data unless classified
as not public under any other applicable law.

(c) Paragraph (a), clause (3), does not apply to technology systems that were in use prior
to January 1, 2019, and that lack the capacity to automatically record actions in a log-of-use.

Subd. 3. Training. To ensure understanding of and compliance with applicable provisions
of sections 121A.065, 125B.27 to 125B.29, and the Family Educational Rights and Privacy
Act, United States Code, title 20, section 1232g, and its regulations as provided by Code
of Federal Regulations, title 34, part 99, a school district must:

(1) to the extent practicable provide training for all administrative staff, information
technology directors, teachers, and any other employee with access to educational data
within 90 days of the beginning of the school year on compliance with applicable provisions
of law under this subdivision, and related district procedures; and

(2) provide all employees and independent contractors with access to educational data
written materials on compliance with applicable provisions of law under this subdivision.

EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.
Sec. 4. [125B.29] SCHOOL-ISSUED DEVICES.

Subdivision 1. Definition; school-issued device. “School-issued device” means a technological device that a school district, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.

Subd. 2. Prohibition on access. Except as provided in subdivision 3, a government entity or technology provider, as defined in section 125B.27, must not access or monitor:

(1) any location-tracking feature of a school-issued device;

(2) any audio or visual receiving, transmitting, or recording features of a school-issued device; or

(3) student interactions with a school-issued device, including but not limited to keystrokes and Web browsing activity.

Subd. 3. Exceptions. A government entity or technology provider, as defined in section 125B.27, may engage in activities prohibited under subdivision 2 only if:

(1) the student to whom the school-issued device was issued initiates and agrees to the activity and the activity is limited to a noncommercial educational purpose;

(2) the activity is permitted under a judicial warrant;

(3) the student to whom the school-issued device was issued or that student's parent notifies the school district or a law enforcement agency that the device is missing or stolen;

(4) the activity is necessary to protect the health and safety of the student; or

(5) the activity is limited to that which is prohibited by subdivision 2, clause (3), and is necessary to investigate compliance with a school district's acceptable use policy.

Subd. 4. Notice. If a government entity or technology provider interacts with a school-issued device as provided in subdivision 3, clause (4), it must, within 72 hours of the access, notify the student to whom the device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required if the notice itself would endanger the health or safety of a student.

EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.
Sec. 5. [125B.30] NONPUBLIC SCHOOLS.

(a) Notwithstanding any law to the contrary, a nonpublic school, excluding a home school, must comply with sections 125B.27 to 125B.29 as if it were a school district.

(b) A technology provider contracting with a nonpublic school, excluding a home school, must comply with sections 125B.27 to 125B.29 as if that school were a school district.

EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.

ARTICLE 6

NUTRITION

Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended to read:

Subd. 7. Food service contracts. A contract between a school board and a food service management company that complies with Code of Federal Regulations, title 7, section 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for not more than four additional years.

Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

124D.111 RESPECTFUL SCHOOL MEALS POLICY; LUNCH AID; FOOD SERVICE ACCOUNTING.

Subdivision 1. School lunch aid computation. Each school year, the state must pay participants in the national school lunch program the amount of 12.5 cents for each full paid and free student lunch and 52.5 cents for each reduced-price lunch served to students.

Subd. 2. Application. A school district, charter school, nonpublic school, or other participant in the national school lunch program shall apply to the department for this payment on forms provided by the department.

Subd. 2a. Federal child and adult care food program; criteria and notice. The commissioner must post on the department's Web site eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal child and adult care food program. The posted criteria and information must inform interested nonprofit organizations about:
(1) the criteria the commissioner uses to approve or disapprove an application, including
how an applicant demonstrates financial viability for the Minnesota program, among other
criteria;

(2) the commissioner's process and time line for notifying an applicant when its
application is approved or disapproved and, if the application is disapproved, the explanation
the commissioner provides to the applicant; and

(3) any appeal or other recourse available to a disapproved applicant.

Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
be recorded as provided in this subdivision.

(b) In each district, the expenses for a school food service program for pupils must be
attributed to a school food service fund. Under a food service program, the school food
service may prepare or serve milk, meals, or snacks in connection with school or community
service activities.

(c) Revenues and expenditures for food service activities must be recorded in the food
service fund. The costs of processing applications, accounting for meals, preparing and
serving food, providing kitchen custodial services, and other expenses involving the preparing
of meals or the kitchen section of the lunchroom may be charged to the food service fund
or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
services, lunchroom utilities, and other administrative costs of the food service program
must be charged to the general fund.

That portion of superintendent and fiscal manager costs that can be documented as
attributable to the food service program may be charged to the food service fund provided
that the school district does not employ or contract with a food service director or other
individual who manages the food service program, or food service management company.

If the cost of the superintendent or fiscal manager is charged to the food service fund, the
charge must be at a wage rate not to exceed the statewide average for food service directors
as determined by the department.

(d) Capital expenditures for the purchase of food service equipment must be made from
the general fund and not the food service fund, unless the restricted balance in the food
service fund at the end of the last fiscal year is greater than the cost of the equipment to be
purchased.

(e) If the condition set out in paragraph (d) applies, the equipment may be purchased
from the food service fund.
(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company. A district's meal charge policy may allow a district to collect unpaid meal debt that contributes to a food service fund deficit. Such collection efforts must be consistent with subdivisions 4 and 5.

(g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund for up to three years without making the permanent transfer if the district submits to the commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at the end of the third fiscal year.

(h) If a surplus in the food service fund exists at the end of a fiscal year for three successive years, a district may recode for that fiscal year the costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program charged to the general fund according to paragraph (c) and charge those costs to the food service fund in a total amount not to exceed the amount of surplus in the food service fund.

Subd. 4. No fees. A participant that receives school lunch aid under this section must make lunch available without charge and must not deny a school lunch to all participating students who qualify for free or reduced-price meals, whether or not that student has an outstanding balance in the student's meals account attributable to a la carte purchases or for any other reason.

Subd. 5. Respectful treatment. (a) The participant must also provide meals to participating students in a respectful manner and ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program and conform to the participant's school meals policy.

(b) Once a participant has placed a meal on a tray or otherwise served the meal to a student, the meal must not be subsequently withdrawn from the student by the cashier or other school official whether or not the student has an outstanding meals balance.

(c) Notwithstanding section 123B.38, the participant must not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items.
provided to other students. The participant must not impose any other restriction prohibited
under section 123B.37 due to unpaid student meal balances or any other unpaid fee.

(d) The participant must not discipline a student due to an unpaid student meal balance.

EFFECTIVE DATE. This section is effective July 1, 2018.

ARTICLE 7

EARLY CHILDHOOD AND FAMILY SUPPORT

Section 1. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is
amended to read:

Subd. 2. Family eligibility. (a) For a family to receive an early learning scholarship,
parents or guardians must meet the following eligibility requirements:

(1) have an eligible child; and

(2) have income equal to or less than 185 percent of federal poverty level income in the
current calendar year, or be able to document their child's current participation in the free
and reduced-price lunch program or Child and Adult Care Food Program, National School
Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution
Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections
2011-2036; Head Start under the federal Improving Head Start for School Readiness Act
of 2007; Minnesota family investment program under chapter 256J; child care assistance
programs under chapter 119B; the supplemental nutrition assistance program; or placement
in foster care under section 260C.212. Parents or guardians are not required to provide
income verification under this clause if the child is an eligible child under paragraph (b),
clause (4) or (5).

(b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

(1) at least three but not yet five years of age on September 1 of the current school year;

(2) a sibling from birth to age five of a child who has been awarded a scholarship under
this section provided the sibling attends the same program as long as funds are available;

(3) the child of a parent under age 21 who is pursuing a high school degree or a course
of study for a high school equivalency test; or

(4) homeless, in foster care, or in need of child protective services;

(4) designated as a child in need of protection or services as defined under section
260C.007; or

Article 7 Section 1.
(c) A child who has received a scholarship under this section must continue to receive a scholarship each year until that child is eligible for kindergarten under section 120A.20 and as long as funds are available.

(d) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

(e) A child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service, who has received developmental screening under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district, and whose family meets the criteria of paragraph (a) is eligible for an early learning scholarship under this section.

Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended to read:

Subd. 3. Administration. (a) The commissioner shall establish application timelines and determine the schedule for awarding scholarships that meets operational needs of eligible families and programs. The commissioner must give highest priority to applications from children who:

(1) have a parent under age 21 who is pursuing a high school diploma or a course of study for a high school equivalency test;

(2) are in foster care or otherwise in need of protection or services; or

(3) have experienced homelessness in the last 24 months, as defined under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

The commissioner may prioritize applications on additional factors including family income, geographic location, and whether the child's family is on a waiting list for a publicly funded program providing early education or child care services.

(b) The commissioner shall establish a target for the average scholarship amount per child based on the results of the rate survey conducted under section 119B.02.
(c) A four-star rated program that has children eligible for a scholarship enrolled in or on a waiting list for a program beginning in July, August, or September may notify the commissioner, in the form and manner prescribed by the commissioner, each year of the program's desire to enhance program services or to serve more children than current funding provides. The commissioner may designate a predetermined number of scholarship slots for that program and notify the program of that number. For fiscal year 2018 and later, the statewide amount of funding directly designated by the commissioner must not exceed the funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district or Head Start program qualifying under this paragraph may use its established registration process to enroll scholarship recipients and may verify a scholarship recipient's family income in the same manner as for other program participants.

(d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not been accepted and subsequently enrolled in a rated program within ten months of the awarding of the scholarship, the scholarship cancels and the recipient must reapply in order to be eligible for another scholarship. A child may not be awarded more than one scholarship in a 12-month period.

(e) A child over the age of three who receives a scholarship who and has not completed development screening under sections 121A.16 to 121A.19 must complete that screening within 90 days of first attending an eligible program. A child who receives a scholarship before the age of three must complete the developmental screening no later than 90 days after the child's third birthday.

(f) For fiscal year 2017 and later, a school district or Head Start program enrolling scholarship recipients under paragraph (c) may apply to the commissioner, in the form and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of the application, the commissioner must pay each program directly for each approved scholarship recipient enrolled under paragraph (c) according to the metered payment system or another schedule established by the commissioner.

Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended to read:

Subd. 4. Early childhood program eligibility. (a) In order to be eligible to accept an early learning scholarship, a program must:

(1) participate in the quality rating and improvement system under section 124D.142; and
(2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and improvement system.

(b) Any program accepting scholarships must use the revenue to supplement and not supplant federal funding.

(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship program pilot sites are eligible to accept an early learning scholarship under this section.

ARTICLE 8

SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2017 Supplement, section 124D.549, is amended to read:

124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TESTS.

The commissioner, in consultation with adult basic education stakeholders, must select at least one high school equivalency test. The commissioner may issue a high school equivalency diploma to a Minnesota resident 19 years of age or older who has not earned a high school diploma, who has not previously been issued a general education development (GED) certification high school equivalency diploma, and who has exceeded or achieved a minimum passing score on the an approved equivalency test established by the publisher. The commissioner of education may waive the minimum age requirement if supportive evidence is provided by an employer or a recognized education or rehabilitation provider.

Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended to read:

Subd. 4. Application. Applications must be made to the commissioner on a form provided by the commissioner. The commissioner must, to the extent possible, make the application form as short and simple to complete as is reasonably possible. The commissioner shall establish a schedule for applications and grants. The application must include, without limitation:

(1) the projected number of employee trainees;

(2) the number of projected employee trainees who graduated from high school or passed the a commissioner of education-selected high school equivalency test in the current or immediately preceding calendar year;

(3) the competency standard for which training will be provided;
(4) the credential the employee will receive upon completion of training;

(5) the name and address of the training institution or program and a signed statement by the institution or program that it is able and agrees to provide the training;

(6) the period of the training; and

(7) the cost of the training charged by the training institution or program and certified by the institution or program. The cost of training includes tuition, fees, and required books and materials.

An application may be made for training of employees of multiple employers either by the employers or by an organization on their behalf.

Sec. 3. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended to read:

Subd. 12. Minnesota state authorization. A cosmetology school licensed or applying for licensure under this section shall maintain recognition as an institution of postsecondary study by meeting the following conditions, in addition to the provisions of Minnesota Rules, parts 2110.0310 and 2110.0370:

(1) the school must admit as regular students only those individuals who have a high school diploma or a diploma based on passing a commissioner of education-selected high school equivalency test or their equivalent, or who are beyond the age of compulsory education as prescribed by section 120A.22; and

(2) the school must be licensed by name and authorized by the Office of Higher Education and the board to offer one or more training programs beyond the secondary level.
120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.

Subd. 4. Improving schools. Consistent with the requirements of this section, beginning June 20, 2012, the commissioner of education must annually report to the public and the legislature best practices implemented in those schools that are identified as high performing under federal expectations.

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

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

123A.26 COOPERATIVE UNITS; PROHIBITED AID AND LEVIES.

Subd. 3. Allocation from members. By July 15 of each year, a school district may, by board resolution, request the department to make a payment to a third party. The total sum of the payments for the year may not exceed the lesser of (a) the district's general education aid for the fiscal year beginning July 1, according to sections 127A.47, subdivision 7, and 126C.13, subdivision 4, or (b) an amount equal to $100 times the adjusted pupil units for the fiscal year beginning July 1. By July 30 of each year, the school district must report to the commissioner the amount allocated. The amount shall be paid to the third party according to section 127A.45, subdivision 16. Amounts paid to third parties under this subdivision shall be recognized and reported as revenues and expenditures on the school district's books of account under sections 123B.75 and 123B.76.

125A.75 SPECIAL EDUCATION PROGRAMS; APPROVAL; AID PAYMENTS; TRAVEL AID; LITIGATION COSTS.

Subd. 9. Litigation costs; annual report. (a) By November 30 of each year, a school district must annually report the district's special education litigation costs, including attorney fees and costs of due process hearings, to the commissioner of education, consistent with the Uniform Financial Accounting and Reporting Standards.

(b) By February 1 of each year, the commissioner shall report school district special education litigation costs to the house of representatives and the senate committees having jurisdiction over kindergarten through grade 12 education finance.

128D.06 BOARD'S ANNUAL REPORT AND BUDGETS.

Subd. 3. Annual operating and capital budgets. Not later than the 15th day of the last month of each fiscal year the board shall adopt and cause to be published two separate budgets, an operating budget and a capital budget for the subsequent fiscal year.