A bill for an act

relating to education finance; providing funding for prekindergarten through grade
12 education; modifying provisions for general education, education excellence,
teachers, charter schools, special education, health and safety, facilities, nutrition
and libraries, early childhood, community education, and state agencies; making
forecast adjustments; requiring reports; appropriating money; amending Minnesota
Statutes 2020, sections 13.32, subdivision 3; 119A.52; 120A.22, subdivisions 7,
9, 10; 120A.35; 120A.40; 120B.02, subdivision 1; 120B.021, subdivisions 1, 2,
3, 4; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 3, 120B.132;
120B.15; 120B.21; 120B.30, subdivision 1a, by adding subdivisions; 120B.35,
subdivisions 3, 4; 121A.031, subdivisions 5, 6; 121A.41, subdivision 10, by adding
subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by
adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55;
121A.58; 121A.61; 122A.06, subdivisions 2, 5, 6, 7, 8, by adding a subdivision;
122A.07, subdivisions 1, 2, 4a; 122A.09, subdivisions 4, 6, 9, 10; 122A.091,
subdivisions 1, 2; 122A.15, subdivision 1; 122A.16; 122A.18, subdivisions 7a, 8,
10; 122A.181, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 122A.182,
subdivisions 1, 2, 3, 4, 7, 122A.183, subdivisions 1, 2, 3, by adding a subdivision;
122A.184, subdivisions 1, 2; 122A.185, subdivisions 1, 4; 122A.187; 122A.19,
subdivision 4; 122A.21; 122A.26, subdivision 1a, by adding a subdivision; 122A.40,
subdivisions 5, 8, 10, 122A.41, subdivisions 2, 5, 14a, by adding a subdivision;
122A.61, subdivision 1; 122A.63, subdivisions 6, 9; 122A.635, subdivisions 3, 4;
122A.70; 122A.76; 123B.147, subdivision 3; 123B.595, subdivision 3; 124D.09,
subdivisions 3, 5, 7, 8, 12, 13; 124D.095, subdivisions 2, 7; 124D.111; 124D.1158;
124D.128, subdivisions 1, 3; 124D.13, subdivision 2; 124D.142; 124D.151,
subdivisions 2, 5, 6; 124D.162; 124D.165, subdivisions 2, 3; 124D.531, subdivision
1; 124D.55; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.74, subdivisions
1, 3; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.791, subdivision
4; 124D.81; 124D.861, subdivision 2; 124E.02; 124E.03, subdivision 2, by adding
subdivisions; 124E.05, subdivisions 4, 6, 7; 124E.06, subdivisions 1, 4, 5; 124E.11;
124E.12, subdivision 1; 124E.13, subdivision 1; 124E.16, subdivision 1; 124E.21,
subdivision 1; 124E.25, subdivision 1a; 125A.08; 125A.094; 125A.0942; 125A.21,
subdivisions 1, 2; 125A.76, subdivision 2e; 126C.05, subdivisions 1, 3, 17;
126C.10, subdivisions 2, 2a, 2e, 4, 18a; 126C.15, subdivisions 1, 2, 5; 126C.17,
by adding a subdivision; 126C.40, subdivision 1; 126C.44; 127A.47, subdivision
7; 127A.49, subdivision 3; 134.34, subdivision 1; 134.355, subdivisions 5, 6, 7;
144.4165; 179A.03, subdivision 19; 290.0679, subdivision 2; 469.176, subdivision
2; 609A.03, subdivision 7a; Laws 2019, First Special Session chapter 11, article
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

GENERAL EDUCATION

Section 1. Minnesota Statutes 2020, section 120A.35, is amended to read:

120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.

Reasonable efforts must be made by a school district to accommodate any pupil who wishes to be excused from a curricular activity for a religious observance. A school board must provide to parents annual notice of the school district's policy relating to a pupil's absence from school for religious observance.

EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 2. Minnesota Statutes 2020, section 120A.40, is amended to read:

120A.40 SCHOOL CALENDAR.

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

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

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

(2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a district that qualifies under clause (1); or
(3) if the district agrees to the same schedule with a school district in an adjoining state.

(c) A school board may consider the community's religious or cultural observances when adopting an annual school calendar.

Sec. 3. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

Subd. 2. English learner. (a) "English learner" means a pupil in kindergarten through grade 12, an early childhood special education student under Part B, section 619 of IDEA, or a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151 or a school readiness plus program who meets the requirements under subdivision 2a or the following requirements:

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

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

(b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the previous school year took a commissioner-provided assessment measuring the pupil's emerging academic English, shall be counted as an English learner in calculating English learner pupil units under section 126C.05, subdivision 17, and shall generate state English learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff score or is otherwise counted as a nonproficient participant on the assessment measuring the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic language proficiency in English, including oral academic language, sufficient to successfully and fully participate in the general core curriculum in the regular classroom.

(c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education or prekindergarten under section 124D.151, through grade 12 shall not be counted as an English learner in calculating English learner pupil units under section 126C.05, subdivision 17, and shall not generate state English learner aid under section 124D.65, subdivision 5, if:
(1) the pupil is not enrolled during the current fiscal year in an educational program for English learners under sections 124D.58 to 124D.64; or

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

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 4. Minnesota Statutes 2020, section 124D.65, subdivision 5, is amended to read:

Subd. 5. School district EL revenue. (a) The English learner programs initial allowance equals $704 for fiscal year 2021. The English learner programs allowance equals $755 for fiscal year 2022. The English learner programs initial allowance for fiscal year 2023 and later equals the product of $755 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2022.

(b) The English learner programs concentration allowance equals $250 for fiscal year 2021. The English learner programs concentration allowance equals $536 for fiscal year 2022. The English learner programs concentration allowance for fiscal year 2023 and later equals the product of $536 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2022.

(c) A district's English learner programs initial revenue equals the product of (1) $704 the English learner programs initial allowance times (2) the greater of 20 or the adjusted average daily membership of eligible English learners enrolled in the district during the current fiscal year.

(d) A district's English learner programs concentration revenue equals the product of the English learner programs concentration allowance times the English learner pupil units under section 126C.05, subdivision 17.

(e) A district's English learner programs revenue equals the sum of the initial revenue under paragraph (c) and the concentration revenue under paragraph (d).

(f) A pupil ceases to generate state English learner aid in the school year following the school year in which the pupil attains the state cutoff score on a commissioner-provided assessment that measures the pupil's emerging academic English.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.
Sec. 5. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

Subd. 2. Technical assistance. The commissioner shall provide technical assistance, which includes an annual report of American Indian student data using the state count, to districts, schools and postsecondary institutions for preservice and in-service training for teachers, American Indian education teachers and paraprofessionals specifically designed to implement culturally responsive teaching methods, culturally based curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Sec. 6. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. Procedures. A school district, charter school, or American Indian-controlled Tribal contract or grant school enrolling at least 20 American Indian students identified by the state count on October 1 of the previous school year and operating an American Indian education program according to section 124D.74 is eligible for Indian education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, Tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

Sec. 7. Minnesota Statutes 2020, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. Pupil unit. Pupil units for each Minnesota resident pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individualized education program is counted as the ratio of the number of hours of assessment and education service to 825 times 1.0 with a minimum average daily membership of 0.28, but not more than 1.0 pupil unit.

(b) A prekindergarten pupil who is assessed but determined not to be disabled is counted as the ratio of the number of hours of assessment service to 825 times 1.0.
6.1 (c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individualized education program to 875, but not more than one.

6.5 (d) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled in an approved voluntary prekindergarten program under section 124D.151 is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units.

6.9 (e) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil unit if the pupil is enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school that meets the minimum hours requirement in section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school.

6.14 (f) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

6.15 (g) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

6.16 (h) A pupil who is in the postsecondary enrollment options program is counted as 1.2 pupil units.

(i) For fiscal years 2018 through 2021, A prekindergarten pupil who:

1. is not included in paragraph (a), (b), or (d);

2. is enrolled in a school readiness plus program under Laws 2017, First Special Session chapter 5, article 8, section 9; and

3. has one or more of the risk factors specified by the eligibility requirements for a school readiness plus program, is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same manner as a voluntary prekindergarten student for all general education and other school funding formulas.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 8. Minnesota Statutes 2020, section 126C.05, subdivision 3, is amended to read:

Subd. 3. Compensation revenue pupil units. Compensation revenue pupil units for fiscal year 1998 and thereafter must be computed according to this subdivision.
(a) The compensation revenue concentration percentage for each building in a district equals the product of 100 times the ratio of:

(1) the sum of the number of pupils enrolled in the building eligible to receive free lunch plus one-half of the pupils eligible to receive reduced priced lunch on October 1 of the previous fiscal year; to

(2) the number of pupils enrolled in the building on October 1 of the previous fiscal year.

(b) The compensation revenue pupil weighting factor for a building equals the lesser of one or the quotient obtained by dividing the building's compensation revenue concentration percentage by 80.0.

(c) The compensation revenue pupil units for a building equals the product of:

(1) the sum of the number of pupils enrolled in the building eligible to receive free lunch and one-half of the pupils eligible to receive reduced priced lunch on October 1 of the previous fiscal year; times

(2) the compensation revenue pupil weighting factor for the building; times

(3) .60.

(d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under section 124D.151, charter schools, and contracted alternative programs in the first year of operation, compensation revenue pupil units shall be computed using data for the current fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative program begins operation after October 1, compensatory revenue pupil units shall be computed based on pupils enrolled on an alternate date determined by the commissioner, and the compensation revenue pupil units shall be prorated based on the ratio of the number of days of student instruction to 170 days.

(e) Notwithstanding paragraphs (a) to (e), for voluntary prekindergarten seats discontinued in fiscal year 2022 due to the reduction in the participation limit under section 124D.151, subdivision 6, those discontinued seats must not be used to calculate compensation revenue pupil units for fiscal year 2022.

(f) The percentages in this subdivision must be based on the count of individual pupils and not on a building average or minimum.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.
Sec. 9. Minnesota Statutes 2020, section 126C.05, subdivision 17, is amended to read:

Subd. 17. English learner pupil units. (a) English learner pupil units for fiscal year 2004 and thereafter shall be determined according to this subdivision.

(b) The English learner concentration percentage for a district equals the product of 100 times the ratio of:

(1) the number of eligible English learners in average daily membership enrolled in the district during the current fiscal year; to

(2) the number of pupils in average daily membership enrolled in the district.

c) For fiscal year 2021, the English learner pupil units for each eligible English learner in average daily membership equals the lesser of one or the quotient obtained by dividing the English learner concentration percentage for the pupil's district of enrollment by 11.5.

For fiscal year 2022 and later, the English learner pupil units for each eligible English learner in average daily membership equals the lesser of one or the quotient obtained by dividing the English learner concentration percentage for the pupil's district of enrollment by 16.8.

d) English learner pupil units shall be counted by the district of enrollment.

e) Notwithstanding paragraph (d), for the purposes of this subdivision, pupils enrolled in a cooperative or intermediate school district shall be counted by the district of residence.

(f) For the purposes of this subdivision, the terms defined in section 124D.59 have the same meaning.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 10. Minnesota Statutes 2020, section 126C.10, subdivision 2, is amended to read:

Subd. 2. Basic revenue. (a) The basic revenue for each district equals the formula allowance times the adjusted pupil units for the school year. The formula allowance for fiscal year 2019 is $6,312. The formula allowance for fiscal year 2020 is $6,438. The formula allowance for fiscal year 2021 and later is $6,567.

(b) The formula allowance for fiscal year 2022 is $6,698. The formula allowance for fiscal year 2023 is $6,832. The formula allowance for fiscal year 2024 is $6,866. The formula allowance for fiscal year 2025 is $6,900.

c) For fiscal year 2026 and later, the formula equals the formula allowance for fiscal year 2025 times the inflationary increase for that year.
(d) For purposes of this subdivision, "inflationary increase" means one plus the percentage change in the Consumer Price Index for urban consumers, as prepared by the United States Bureau of Labor Standards, from the current fiscal year to fiscal year 2025.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 11. Minnesota Statutes 2020, section 126C.10, subdivision 2a, is amended to read:

Subd. 2a. Extended time revenue.
(a) The extended time allowance is $5,117 for fiscal years 2022 and 2023. For fiscal year 2024 and later, the extended time allowance equals the product of $5,117 times the ratio of the formula allowance under subdivision 2 for the current fiscal year to the formula allowance under subdivision 2 for fiscal year 2023.

(b) A school district's extended time revenue is equal to the product of $5,117 the extended time allowance and the sum of the adjusted pupil units of the district for each pupil in average daily membership in excess of 1.0 and less than 1.2 according to section 126C.05, subdivision 8.

(c) Extended time revenue for pupils placed in an on-site education program at the Prairie Lakes Education Center or the Lake Park School, located within the borders of Independent School District No. 347, Willmar, for instruction provided after the end of the preceding regular school year and before the beginning of the following regular school year equals membership hours divided by the minimum annual instructional hours in section 126C.05, subdivision 15, not to exceed 0.20, times the pupil unit weighting in section 126C.05, subdivision 1, times $5,117 the extended time allowance.

(d) A school district qualifies for extended time revenue for every pupil placed in a children's residential facility, whether the education services are provided on-site or off-site for instruction provided after the end of the preceding regular school year and before the beginning of the following regular school year. Extended time revenue under this paragraph equals total membership hours in summer instruction divided by the minimum annual instructional hours in section 126C.05, subdivision 15, not to exceed 0.20, times the pupil unit weighting in section 126C.05, subdivision 1, times the extended time allowance.

(e) For purposes of this subdivision, "children's residential facility" means a residential facility for children, including a psychiatric residential treatment facility, licensed by the Department of Human Services or the Department of Corrections and subject to Minnesota Rules, chapter 2960 or an inpatient hospitalization that includes mental health services.

(f) A school district's extended time revenue may be used for extended day programs, extended week programs, summer school, vacation break academies such as spring break
academies and summer term academies, and other programming authorized under the learning year program.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

Sec. 12. Minnesota Statutes 2020, section 126C.10, subdivision 2e, is amended to read:

Subd. 2e. **Local optional revenue.** (a) For fiscal year 2020, local optional revenue for a school district equals $424 times the adjusted pupil units of the district for that school year. For fiscal year 2021 and later, local optional revenue for a school district equals the sum of the district's first tier local optional revenue and second tier local optional revenue.

A district's first tier local optional revenue equals $300 times the adjusted pupil units of the district for that school year. A district's second tier local optional revenue equals $424 times the adjusted pupil units of the district for that school year.

(b) For fiscal year 2020, a district's local optional levy equals its local optional revenue times the lesser of one or the ratio of its referendum market value per resident pupil unit to $510,000.

(b) For fiscal year 2021 and later, a district's local optional levy equals the sum of the first tier local optional levy and the second tier local optional levy.

(c) A district's first tier local optional levy equals the district's first tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to $880,000.

(d) For fiscal year 2022, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to $510,000. For fiscal year 2023, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to $557,256. For fiscal year 2024, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to $545,965. For fiscal year 2025 and later, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to $553,650.

(e) The local optional levy must be spread on referendum market value. A district may levy less than the permitted amount.
(f) A district's local optional aid equals its local optional revenue minus its local optional levy. If a district's actual levy for first or second tier local optional revenue is less than its maximum levy limit for that tier, its aid must be proportionately reduced.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 13. Minnesota Statutes 2020, section 126C.10, subdivision 4, is amended to read:

Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the sum of:

1. compensatory revenue under subdivision 3; plus
2. English learner revenue under section 124D.65, subdivision 5, paragraph (e).
3. $250 times the English learner pupil units under section 126C.05, subdivision 17.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 14. Minnesota Statutes 2020, section 126C.10, subdivision 18a, is amended to read:

Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special school district's transportation sparsity revenue under subdivision 18 is increased by the greater of zero or 30 percent of the difference between:

1. the lesser of the district's total cost for regular and excess pupil transportation under section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal year or 105 percent of the district's total cost for the second previous fiscal year; and
2. the sum of:
   i. 4.66 percent of the district's basic revenue for the previous fiscal year;
   ii. transportation sparsity revenue under subdivision 18 for the previous fiscal year;
   iii. the district's charter school transportation adjustment for the previous fiscal year;
   and
   iv. the district's reimbursement for transportation provided under section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi).

(b) A charter school's pupil transportation adjustment equals the school district per pupil adjustment under paragraph (a).

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.
Sec. 15. Minnesota Statutes 2020, section 126C.15, subdivision 1, is amended to read:

Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10, subdivision 4, must be reserved and used to meet the educational needs of pupils who enroll under-prepared to learn and whose progress toward meeting state or local content or performance standards is below the level that is appropriate for learners of their age. Basic skills revenue may also be used for programs designed to prepare children and their families for entry into school whether the student first enrolls in kindergarten or first grade. **Any of the following may be provided to meet these learners' needs.** Evidence-based practices may be provided in the following areas:

1. **Direct Instructional Services** under the assurance of mastery program according to section 124D.66;
2. Remedial instruction in reading, language arts, mathematics, other content areas, or study skills to improve the achievement level of these learners;
3. Additional teachers and teacher aides to provide more individualized instruction to these learners through individual tutoring, lower instructor-to-learner ratios, or team teaching;
4. A longer school day or week during the regular school year or through a summer program that may be offered directly by the site or under a performance-based contract with a community-based organization;
5. Comprehensive and ongoing staff development consistent with district and site plans according to section 122A.60 and to implement plans under section 120B.12, subdivision 4a, for teachers, teacher aides, principals, and other personnel to improve their ability to identify the needs of these learners and provide appropriate remediation, intervention, accommodations, or modifications;
6. Instructional materials, digital learning, and technology appropriate for meeting the individual needs of these learners;
7. Programs to reduce truancy, encourage completion of high school, enhance self-concept, provide health services, provide nutrition services, provide a safe and secure learning environment, provide coordination for pupils receiving services from other governmental agencies, provide psychological services to determine the level of social, emotional, cognitive, and intellectual development, and provide counseling services, guidance services, and social work services;
8. Bilingual programs, bicultural programs, and programs for English learners;
9. All-day kindergarten.
(10) (9) early education programs, parent-training programs, school readiness programs,
kindergarten voluntary prekindergarten and school readiness plus programs for four-year-olds,
voluntary home visits under section 124D.13, subdivision 4, and other outreach efforts designed to prepare children for kindergarten;

(11) (10) extended school day and extended school year programs, including summer programs that may be offered directly by the site or under a performance-based contract with a community-based organization; and

(12) (11) substantial parent involvement in developing and implementing remedial education or intervention plans for a learner, including learning contracts between the school, the learner, and the parent that establish achievement goals and responsibilities of the learner and the learner's parent or guardian; and

(12) for transfer to the school nutrition fund for shortfalls for districts participating in the Community Eligibility Provision program.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 16. Minnesota Statutes 2020, section 126C.15, subdivision 2, is amended to read:

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

(b) Notwithstanding paragraph (a), a district or cooperative may allocate up to 50 percent of the amount of compensatory revenue that the district receives to school sites according to a plan adopted by the school board. The money reallocated under this paragraph must be spent for the purposes listed in subdivision 1, but may be spent on students in any grade, including students attending school readiness or other prekindergarten programs.

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

(d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue generated by students served at a cooperative unit shall be paid to the cooperative unit.

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

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 17. Minnesota Statutes 2020, 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 and provide a breakdown by functional
area. Using valid and reliable data and measurement criteria, the report also must determine
whether increased expenditures raised student achievement levels.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 18. Minnesota Statutes 2020, section 126C.17, is amended by adding a subdivision
to read:

Subd. 9b. Renewal by school board. (a) Notwithstanding the election requirements of
subdivision 9, a school board may renew an expiring referendum by board action if:

(1) the per-pupil amount of the referendum is the same as the amount expiring, or for
an expiring referendum that was adjusted annually by the rate of inflation, the same as the
per-pupil amount of the expiring referendum, adjusted annually for inflation in the same
manner as if the expiring referendum had continued;

(2) the term of the renewed referendum is no longer than the initial term approved by
the voters; and

(3) the school board has adopted a written resolution authorizing the renewal after holding
a meeting and allowing public testimony on the proposed renewal.

(b) The resolution must be adopted by the school board by June 15 of any calendar year
and becomes effective 60 days after its adoption.

(c) A referendum expires in the last fiscal year in which the referendum generates revenue
for the school district. A school board may renew an expiring referendum under this
subdivision not more than two fiscal years before the referendum expires.
(d) A district renewing an expiring referendum under this subdivision must submit a copy of the adopted resolution to the commissioner and to the county auditor no later than September 1 of the calendar year in which the levy is certified.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 19. Minnesota Statutes 2020, section 127A.49, subdivision 3, is amended to read:

Subd. 3. Excess tax increment. (a) If a return of excess tax increment is made to a district pursuant to sections 469.176, subdivision 2, and 469.177, subdivision 9, or upon decertification of a tax increment district, the school district's aid and levy limitations must be adjusted for the fiscal year in which the excess tax increment is paid under the provisions of this subdivision.

(b) An amount must be subtracted from the district's aid for the current fiscal year equal to the product of:

(1) the amount of the payment of excess tax increment to the district in the preceding year, times

(2) the ratio of:

(i) the sum of the amounts of the district's certified levy for the fiscal year in which the excess tax increment is paid in the third preceding year according to the following:

(A) section 123B.57, if the district received health and safety aid according to that section for the second preceding year;

(B) section 124D.20, if the district received aid for community education programs according to that section for the second preceding year;

(C) section 124D.135, subdivision 3, if the district received early childhood family education aid according to section 124D.135 for the second preceding year;

(D) section 126C.17, subdivision 6, if the district received referendum equalization aid according to that section for the second preceding year;

(E) section 126C.10, subdivision 13a, if the district received operating capital aid according to section 126C.10, subdivision 13b, in the second preceding year;

(F) section 126C.10, subdivision 29, if the district received equity aid according to section 126C.10, subdivision 30, in the second preceding year;

(G) section 126C.10, subdivision 32, if the district received transition aid according to section 126C.10, subdivision 33, in the second preceding year;
(H) section 123B.53, subdivision 5, if the district received debt service equalization aid
according to section 123B.53, subdivision 6, in the second preceding year;

(I) section 123B.535, subdivision 4, if the district received natural disaster debt service
equalization aid according to section 123B.535, subdivision 5, in the second preceding year;

(J) section 124D.22, subdivision 3, if the district received school-age care aid according
to section 124D.22, subdivision 4, in the second preceding year; and

(K) section 122A.415, subdivision 5, if the district received alternative teacher
compensation equalization aid according to section 122A.415, subdivision 6, paragraph (a),
in the second preceding year; to

(ii) the total amount of the district's certified levy for the fiscal year in the third preceding
year, plus or minus auditor's adjustments.

(c) An amount must be subtracted from the school district's levy limitation for the next
levy certified equal to the difference between:

(1) the amount of the distribution of excess increment; and

(2) the amount subtracted from aid pursuant to clause (a).

If the aid and levy reductions required by this subdivision cannot be made to the aid for
the fiscal year specified or to the levy specified, the reductions must be made from aid for
subsequent fiscal years, and from subsequent levies. The school district must use the payment
of excess tax increment to replace the aid and levy revenue reduced under this subdivision.

(d) This subdivision applies only to the total amount of excess increments received by
a district for a calendar year that exceeds $25,000.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 20. Minnesota Statutes 2020, section 290.0679, subdivision 2, is amended to read:

Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of
an anticipated refund for the current and future taxable years to a financial institution or a
qualifying organization. A financial institution or qualifying organization accepting
assignment must pay the amount secured by the assignment to a third-party vendor. The
commissioner of education shall, upon request from a third-party vendor, certify that the
vendor's products and services qualify for the education credit. A denial of a certification
is subject to the contested case procedure under chapter 14. A financial institution or qualifying organization that
accepts assignments under this section must verify as part of the assignment documentation
that the product or service to be provided by the third-party vendor has been certified by
the commissioner of education as qualifying for the education credit. The amount assigned
for the current and future taxable years may not exceed the maximum allowable education
credit for the current taxable year. Both the taxpayer and spouse must consent to the
assignment of a refund from a joint return.

Sec. 21. Minnesota Statutes 2020, section 469.176, subdivision 2, is amended to read:

Subd. 2. Excess increments. (a) The authority shall annually determine the amount of
excess increments for a district, if any. This determination must be based on the tax increment
financing plan in effect on December 31 of the year and the increments and other revenues
received as of December 31 of the year. The authority must spend or return the excess
increments under paragraph (c) within nine months after the end of the year.

(b) For purposes of this subdivision, "excess increments" equals the excess of:

(1) total increments collected from the district since its certification, reduced by any
excess increments paid under paragraph (c), clause (4), for a prior year, over

(2) the total costs authorized by the tax increment financing plan to be paid with
increments from the district, reduced, but not below zero, by the sum of:

(i) the amounts of those authorized costs that have been paid from sources other than
tax increments from the district;

(ii) revenues, other than tax increments from the district, that are dedicated for or
otherwise required to be used to pay those authorized costs and that the authority has received
and that are not included in item (i);

(iii) the amount of principal and interest obligations due on outstanding bonds after
December 31 of the year and not prepaid under paragraph (c) in a prior year; and

(iv) increased by the sum of the transfers of increments made under section 469.1763,
subdivision 6, to reduce deficits in other districts made by December 31 of the year.

(c) The authority shall use excess increment only to do one or more of the following:

(1) prepay any outstanding bonds;

(2) discharge the pledge of tax increment for any outstanding bonds;

(3) pay into an escrow account dedicated to the payment of any outstanding bonds; or
(4) return the excess amount to the county auditor who shall distribute the excess amount to the city or town, county, and school district in which the tax increment financing district is located in direct proportion to their respective local tax rates.

(d) For purposes of a district for which the request for certification was made prior to August 1, 1979, excess increments equal the amount of increments on hand on December 31, less the principal and interest obligations due on outstanding bonds or advances, qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year and not prepaid under paragraph (c).

(e) The county auditor must, prior to February 1 of each year, report to the commissioner of education the amount of any excess tax increment distributed to a school district within 30 days of the distribution for the preceding taxable year.

(f) For purposes of this subdivision, "outstanding bonds" means bonds which are secured by increments from the district.

(g) The state auditor may exempt an authority from reporting the amounts calculated under this subdivision for a calendar year, if the authority certifies to the auditor in its report that the total amount authorized by the tax increment plan to be paid with increments from the district exceeds the sum of the total increments collected for the district for all years by 20 percent.

Sec. 22. APPROPRIATIONS.

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

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

$ 7,563,143,000 ..... 2022

$ 7,801,734,000 ..... 2023

The 2022 appropriation includes $717,326,000 for 2021 and $6,845,817,000 for 2022.

The 2023 appropriation includes $760,646,000 for 2022 and $7,041,088,000 for 2023.

Subd. 3. Enrollment options transportation. For transportation of pupils attending postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:
Subd. 4. Abatement aid. For abatement aid under Minnesota Statutes, section 127A.49:

19.3 $2,897,000 ..... 2022
19.4 $3,558,000 ..... 2023

The 2022 appropriation includes $269,000 for 2021 and $2,628,000 for 2022.

The 2023 appropriation includes $291,000 for 2022 and $3,267,000 for 2023.

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

19.10 $309,000 ..... 2022
19.11 $373,000 ..... 2023

The 2022 appropriation includes $30,000 for 2021 and $279,000 for 2022.

The 2023 appropriation includes $31,000 for 2022 and $342,000 for 2023.

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

19.16 $17,173,000 ..... 2022
19.17 $17,864,000 ..... 2023

The 2022 appropriation includes $1,996,000 for 2021 and $15,177,000 for 2022.

The 2023 appropriation includes $1,686,000 for 2022 and $16,178,000 for 2023.

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

19.22 $19,692,000 ..... 2022
19.23 $19,809,000 ..... 2023

The 2022 appropriation includes $1,964,000 for 2021 and $17,728,000 for 2022.

The 2023 appropriation includes $1,969,000 for 2022 and $17,840,000 for 2023.

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

19.28 $65,000 ..... 2022
19.29 $65,000 ..... 2023
Subd. 9. **Career and technical aid**  For career and technical aid under Minnesota Statutes, section 124D.4531, subdivision 1b:

- **$2,700,000** .... 2022
- **$2,307,000** .... 2023

The 2022 appropriation includes $323,000 for 2021 and $2,377,000 for 2022.

The 2023 appropriation includes $264,000 for 2022 and $2,043,000 for 2023.

Subd. 10. **Pregnant and parenting pupil transportation reimbursement.** (a) To reimburse districts for transporting pregnant or parenting pupils under Minnesota Statutes, section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi):

- **$56,000** .... 2022
- **$55,000** .... 2023

(b) To receive reimbursement, districts must apply using the form and manner of application prescribed by the commissioner. If the appropriation is insufficient, the commissioner must prorate the amount paid to districts seeking reimbursement.

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

**ARTICLE 2**

**EDUCATION EXCELLENCE**

Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;
(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
by the commissioner of education, data that are relevant to a report of maltreatment and are
from charter school and school district investigations of alleged maltreatment of a student
must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;
(2) information regarding student and employee witnesses;
(3) information regarding the alleged perpetrator; and
(4) what corrective or protective action was taken, if any, by the school facility in response
to a report of maltreatment by an employee or agent of the school or school district;
(o) when the disclosure is of the final results of a disciplinary proceeding on a charge
of a crime of violence or nonforcible sex offense to the extent authorized under United
States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
34, sections 99.31 (a)(13) and (14);
(p) when the disclosure is information provided to the institution under United States
Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
under United States Code, title 20, section 1232g(b)(7);
(q) when the disclosure is to a parent of a student at an institution of postsecondary
education regarding the student's violation of any federal, state, or local law or of any rule
or policy of the institution, governing the use or possession of alcohol or of a controlled
substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
has an information release form signed by the student authorizing disclosure to a parent.
The institution must notify parents and students about the purpose and availability of the
information release forms. At a minimum, the institution must distribute the information
release forms at parent and student orientation meetings;
(r) with Tribal Nations about Tribally enrolled or descendant students to the extent
necessary for the Tribal Nation and school district or charter school to support the educational
attainment of the student.

Sec. 2. Minnesota Statutes 2020, 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, as well as pupil withdrawals, 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 2021-2022 school year and later.

Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

Subd. 9. Knowledge and skills. Instruction must be provided in at least the following subject areas:
(1) basic communication skills including reading and writing, literature, and fine arts;
(2) mathematics and science;
(3) social studies including history, geography, economics, government, and citizenship;
and
(4) health and physical education; and
(5) indigenous education.

Instruction, textbooks, and materials must be in the English language. Another language may be used pursuant to sections 124D.59 to 124D.61.

Sec. 4. Minnesota Statutes 2020, section 120A.22, subdivision 10, is amended to read:

Subd. 10. Requirements for instructors. A person who is providing instruction to a child must meet at least one of the following requirements:

(1) hold a valid Minnesota teaching license in the field and for the grade level taught;
(2) be directly supervised by a person holding a valid Minnesota teaching license;
(3) successfully complete a teacher competency examination;
(4) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;
(5) hold a baccalaureate degree; or
(6) be the parent of a child who is assessed according to the procedures in subdivision 11.

Any person providing instruction in a public school must meet the requirements of clause (1).

Sec. 5. Minnesota Statutes 2020, section 120B.02, subdivision 1, is amended to read:

Subdivision 1. Educational expectations. (a) The legislature is committed to establishing rigorous academic standards for Minnesota's public school students. To that end, the commissioner shall adopt in rule statewide academic standards. The commissioner shall not prescribe in rule or otherwise the delivery system, classroom assessments, or form of instruction that school sites must use.

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

(1) the rule is intended to raise academic expectations for students, teachers, and schools;
(2) the rule must be focused on the experiences and perspectives of all students, including Indigenous people and people of color, within and beyond the United States;

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

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

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

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

Sec. 6. Minnesota Statutes 2020, 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 indigenous education, 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; 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 five arts areas: dance; media arts; 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 may include child sexual abuse prevention instruction in a health
curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention
instruction may include age-appropriate instruction on recognizing sexual abuse and assault,
boundary violations, and ways offenders groom or desensitize victims, as well as strategies
to promote disclosure, reduce self-blame, and mobilize bystanders. 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 available resources.

(e) 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.

(f) The curriculum required for indigenous education must be:

(1) for students in prekindergarten through grade 12;

(2) related to the indigenous experience in Minnesota, including Tribal history,
sovereignty, culture, treaty rights, government, socioeconomic experiences, contemporary
issues, and current events;

(3) historically accurate, Tribally endorsed, culturally relevant, community based,
contemporary, and developmentally appropriate; and

(4) aligned with the academic content standards, including all yearly revisions that
include the contributions of Minnesota's Tribal nations and communities.
Sec. 7. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

Subd. 2. Standards development. (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:

(1) parents of school-age children and members of the public throughout the state;
(2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;
(3) currently serving members of local school boards and charter school boards throughout the state;
(4) faculty teaching core subjects at postsecondary institutions in Minnesota; and
(5) representatives of the Minnesota business community;
(6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal Nations and communities, including both Anishinaabe and Dakota;
(7) youth currently enrolled in kindergarten through grade 12 school districts and charter schools in Minnesota; and
(8) other stakeholders that represent the ethnic, racial, and geographic diversity of Minnesota, including gender and sexual orientation, immigrant status, and religious and linguistic background.

(b) Academic standards must:

(1) be clear, concise, objective, measurable, and grade-level appropriate;
(2) not require a specific teaching methodology or curriculum; and
(3) be consistent with the Constitutions of the United States and the state of Minnesota.

Sec. 8. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

Subd. 3. Rulemaking. The commissioner, consistent with the requirements of this section and section 120B.022, must adopt statewide rules under section 14.389 for implementing statewide rigorous core academic standards in language arts, mathematics, science, social studies, physical education, and the arts. After the rules authorized under this subdivision are initially adopted, the commissioner may not amend or repeal these rules nor adopt new
rules on the same topic without specific legislative authorization unless done pursuant to
subdivision 4.

Sec. 9. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

Subd. 4. Revisions and reviews required. (a) The commissioner of education must revise and appropriately embed indigenous education standards that include the contributions of American Indian Tribes and communities into the state academic standards and graduation requirements. These standards must be consistent with recommendations from the Tribal Nations Education Committee.

(b) The commissioner of education must revise and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a ten-year cycle to review and, consistent with the review, revise state academic standards and related benchmarks, consistent with this subdivision. During each ten-year review and revision cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for career and college readiness and advanced work in the particular subject area.

(c) The commissioner must include the contributions of Minnesota American Indian tribes and communities as related to the appropriately embed ethnic studies into all required state academic standards during the review and revision of the required academic standards.

(d) The commissioner must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).

The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2021-2022 school year and every ten years thereafter.

(e) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

(f) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

(g) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.
The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.

The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the 2022-2023 school year and every ten years thereafter.

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

Sec. 10. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

Subdivision 1. Graduation requirements. (a) Students beginning 9th grade in the 2011-2012 school year and later must successfully complete the following high school level credits for graduation:

(1) four credits of language arts sufficient to satisfy all of the academic standards in English language arts;

(2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;

(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics. The credit does not bear high school credit;

(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 credit for a course in government and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2022-2023 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under section 120B.021, subdivision 1a, and a combination of other credits encompassing at least indigenous education, 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) one-half credit of physical education sufficient to satisfy all of the academic standards in physical education; and

(7) (8) a minimum of seven six and one-half elective credits.

(b) A school district is encouraged to offer a course for credit in government and citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year and later, that satisfies the government and citizenship requirement in paragraph (a), clause (5). A school district must offer the course starting in the 2022-2023 school year.

Sec. 11. [120B.025] ETHNIC STUDIES.

Subdivision 1. Definition. "Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and race and racism's connections to the stratification of other groups, including stratification based on gender, class, sexual orientation, gender identity, and legal status.

Subd. 2. Department of Education. The Department of Education must employ dedicated ethnic studies staff to provide expertise for adopting ethnic studies standards into academic standards and providing assistance to school districts and charter schools in implementing ethnic studies standards. Duties of ethnic studies staff may include:

(1) supporting a school district or charter school in implementing ethnic studies courses and curriculum that fulfill ethnic studies standards;

(2) providing training for teachers and school district staff to successfully implement ethnic studies standards;

(3) assisting school districts and charter schools to annually evaluate the implementation of the ethnic studies curriculum by seeking feedback from students, parents or guardians, and community members; and

(4) making available to school districts and charter schools the following:

(i) an ethnic studies school survey for each school district and charter school to use as part of a school needs assessment;
(ii) a list of recommended materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota;

(iii) training materials for teachers and district and school staff, including an ethnic studies coordinator, to implement ethnic studies requirements, including a school needs assessment; and

(iv) other resources to assist districts and charter schools in successfully implementing ethnic studies standards.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 12. Minnesota Statutes 2020, 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) "Ethnic studies curriculum" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and race and racism's connections to the stratification of other groups, including stratification...
based on gender, class, sexual orientation, gender identity, and legal status. The ethnic
studies curriculum may be integrated in existing curricular opportunities or provided through
additional curricular offerings.

(f) "Anti-racist" means the active process of identifying and eliminating racism by
changing systems, organizational structures, policies, practices, attitudes, and dispositions
so that power and resources are redistributed and shared equitably.

(g) "Culturally sustaining" means integrating content and practices that infuse the culture
and language of Black, Indigenous, and People of Color communities who have been and
continue to be harmed and erased through schooling.

(h) "Institutional racism" means policies and practices within and across institutions that
produce outcomes that chronically favor white people and predictably disadvantage those
who are Black, Indigenous, and People of Color.

(i) "On track for graduation" means that at the end of grade 9, a student has earned at
least five credits and has received no more than one failing grade in a term in a language
arts, mathematics, science, or social studies course that fulfills a credit requirement under
section 120B.024. A student is off track for graduation if the student fails to meet either of
these criteria.

Sec. 13. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

Subd. 1a. **Performance measures.** (a) 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, rigorous course taking under section
120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and
talented programming, and enrichment experiences by student subgroup;

(2) student performance on the Minnesota Comprehensive Assessments;

(3) high school graduation rates; and

(4) career and college readiness under section 120B.30, subdivision 1; and

(5) the number and percentage of students, by student subgroup, who are on track for
graduation.

(b) A school district that offers advanced placement, international baccalaureate, or dual
enrollment programs must report on the following performance measures starting in the
2023-2024 school year:
(1) participation in postsecondary enrollment options and concurrent enrollment programs;

(2) the number of students who took an advanced placement exam and the number of students who passed the exam; and

(3) the number of students who took the international baccalaureate exam and the number of students who passed the exam.

(c) Performance measures under this subdivision must be reported for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 14. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

Subd. 2. Adopting plans and budgets. A school board, at a public meeting, shall 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 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, assess ethnic studies curriculum needs to determine priorities for integrating ethnic studies into existing courses or developing new courses, 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, including ethnic studies 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:

(i) the English and, where practicable, the native language development and the academic
achievement of English learners; and (ii) access to ethnic studies curriculum using culturally responsive methodologies for all learners;

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

(6) education effectiveness practices that:

(i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum that is rigorous, accurate, anti-racist, and culturally sustaining;

(ii) ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees; and

(iii) provide a collaborative professional culture that develops and supports seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and

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

(8) identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.

EFFECTIVE DATE. This section is effective for all strategic plans reviewed and updated after the day following final enactment.

Sec. 15. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

Subd. 3. District advisory committee. Each school board must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. The district advisory committee must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee must recommend to the school
board: rigorous academic standards; student achievement goals and measures consistent
with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district
assessments; means to improve students' equitable access to effective and more diverse
teachers; strategies to ensure the curriculum is rigorous, accurate, anti-racist, and culturally
sustaining; strategies to ensure that curriculum and learning and work environments validate,
affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic
groups; and program evaluations. School sites may expand upon district evaluations of
instruction, curriculum, assessments, or programs. Whenever possible, parents and other
community residents shall comprise at least two-thirds of advisory committee members.

Sec. 16. [120B.113] EQUITABLE SCHOOL ENHANCEMENT GRANTS.

Subdivision 1. Grant program established. The commissioner of education must
establish a grant program to support implementation of world's best workforce strategies
under section 120B.11, subdivision 2, clauses (4) and (6), to support collaborative efforts
that address issues of curricular, environmental, and structural inequities in schools that
create opportunity and achievement gaps for students, families, and staff who are of color
or who are American Indian.

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

(b) "Anti-racist" means the active process of identifying and eliminating racism by
changing systems, organizational structures, policies, practices, attitudes, and dispositions
so that power and resources are redistributed and shared equitably.

(c) "Curricular" means curriculum resources used and content taught as well as access
to levels of coursework or types of learning opportunities.

(d) "Environmental" means relating to the climate and culture of a school.

(e) "Equitable" means fairness by providing curriculum, instruction, support, and other
resources for learning based on the needs of individual students and groups of students to
succeed at school rather than treating all students the same. Equitable schools close
opportunity and achievement gaps.

(f) "Institutional racism" means policies and practices within and across institutions that
produce outcomes that chronically favor white people and predictably disadvantage those
who are Black, Indigenous, and People of Color.

(g) "Structural" means relating to the organization and systems of a school that have
been created to manage a school.
Subd. 3. Applications and grant awards. The commissioner must determine application procedures and deadlines, select schools to participate in the grant program, and determine the award amount and payment process of the grants. To the extent that there are sufficient applications, the commissioner must award an approximately equal number of grants between districts in greater Minnesota and those in the Twin Cities metropolitan area. If there are an insufficient number of applications received for either geographic area, the commissioner may award grants to meet the requests for funds wherever a district is located.

Subd. 4. Description. The grant program must provide funding that supports collaborative efforts that ensure school climate and curriculum incorporate equitable, anti-racist educational practices that:

1. validate, affirm, embrace, and integrate cultural and community strengths of students, families, and employees from all racial and ethnic backgrounds; and
2. address institutional racism with equitable school policies, structures, and practices, consistent with the requirements for long-term plans under section 124D.861, subdivision 2, paragraph (c).

Subd. 5. Report. Grant recipients must annually report to the commissioner by a date and in a form and manner determined by the commissioner on efforts planned and implemented that engaged students, families, educators, and community members of diverse racial and ethnic backgrounds in making improvements to school climate and curriculum. The report must assess the impact of those efforts as perceived by racially and ethnically diverse stakeholders, and must identify any areas needed for further continuous improvement. The commissioner must publish a report for the public summarizing the activities of grant recipients and what was done to promote sharing of effective practices among grant recipients and potential grant applicants.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 17. Minnesota Statutes 2020, section 120B.132, is amended to read:

120B.132 RAISED ACADEMIC ACHIEVEMENT; ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

Subdivision 1. Establishment; eligibility. (a) A program is established to raise kindergarten through grade 12 academic achievement through increased student participation in preadvanced placement, advanced placement, and international baccalaureate programs, consistent with section 120B.13. Schools and charter schools eligible to participate under this section:
(1) must have a three-year plan approved by the local school board to establish a new international baccalaureate program leading to international baccalaureate authorization, expand an existing program that leads to international baccalaureate authorization, or expand an existing authorized international baccalaureate program; or

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

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

(i) (1) increasing the availability of and all students' access to advanced placement or international baccalaureate courses or programs;

(ii) (2) expanding the breadth of advanced placement or international baccalaureate courses or programs that are available to students;

(iii) (3) increasing the number and the diversity of the students who participate in advanced placement or international baccalaureate courses or programs and succeed;

(iv) (4) providing low-income and other disadvantaged students with increased access to advanced placement or international baccalaureate courses and programs; or

(v) (5) increasing the number of high school students, including low-income and other disadvantaged students, who receive college credit by successfully completing advanced placement or international baccalaureate courses or programs and achieving satisfactory scores on related exams.

(b) Within 90 days of receiving a grant under this section, a school district or charter school must:

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

(2) adopt a three-year plan approved by the local school board to create a new program or expand an existing program to implement the college board advanced placement courses and exams or preadvanced placement initiative.

Subd. 2. Application and review process; funding priority. (a) Charter schools and school districts in which eligible schools under subdivision 1 are located may apply to the commissioner, in the form and manner the commissioner determines, for competitive funding
to further raise students' academic achievement. The application must detail the specific efforts the applicant intends to undertake in further raising students' academic achievement, consistent with subdivision 1, and a proposed budget detailing the district or charter school's current and proposed expenditures for advanced placement, preadvanced placement, and international baccalaureate courses and programs. The proposed budget must demonstrate that the applicant's efforts will support implementation of advanced placement, preadvanced placement, and international baccalaureate courses and programs. Expenditures for administration must not exceed five percent of the proposed budget. Priority for advanced placement grants must be given to grantees who add or expand offerings of advanced placement computer science principles. The commissioner may require an applicant to provide additional information.

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

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

(2) a compelling need for access to preadvanced placement, advanced placement, or international baccalaureate courses or programs;

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

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

(5) an intent to implement activities that target low-income and other disadvantaged students; or

(6) an intent to increase the advanced placement and international baccalaureate course offerings in science, technology, engineering, and math to low-income and other disadvantaged students.

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

1. $85 times the number of pupils enrolled at the participating sites on October 1 of the previous fiscal year;
2. the approved supplemental expenditures based on the budget submitted under subdivision 2. For charter schools in their first year of operation, the maximum funding award must be calculated using the number of pupils enrolled on October 1 of the current fiscal year. The commissioner may adjust the maximum funding award computed using prior year data for changes in enrollment attributable to school closings, school openings, grade level reconfigurations, or school district reorganizations between the prior fiscal year and the current fiscal year; or
3. $150,000 per district or charter school.

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

1. provide teacher training and instruction to more effectively serve students, including low-income and other disadvantaged students, who participate in preadvanced placement, advanced placement, or international baccalaureate courses or programs;
2. further develop preadvanced placement, advanced placement, or international baccalaureate courses or programs;
3. improve the transition between grade levels to better prepare students, including low-income and other disadvantaged students, for succeeding in preadvanced placement, advanced placement, or international baccalaureate courses or programs;
4. purchase books and supplies;
5. pay course or program fees;
6. increase students’ participation in and success with preadvanced placement, advanced placement, or international baccalaureate courses or programs;
7. expand students’ access to preadvanced placement, advanced placement, or international baccalaureate courses or programs through online learning;
8. hire appropriately licensed personnel to teach additional advanced placement or international baccalaureate courses or programs; or
9. engage in other activities to expand low-income or disadvantaged students' access to, participation in, and success with preadvanced placement, advanced placement, or
international baccalaureate courses or programs. Other activities may include but are not
limited to preparing and disseminating promotional materials to low-income and other
disadvantaged students and their families.

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

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

(c) Notwithstanding any law to the contrary, a grant under this section is available for three years from the date of the grant if the district or charter school meets the annual benchmarks in its plan under subdivision 1.

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

Sec. 18. Minnesota Statutes 2020, section 120B.15, is amended to read:

120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.

(a) School districts may identify students, locally develop programs and services addressing instructional and affective needs, provide staff development, and evaluate programs and services to provide gifted and talented students with challenging and appropriate educational programs and services.

(b) School districts must adopt guidelines for assessing and identifying students for participation in gifted and talented programs and services consistent with section 120B.11, subdivision 2, clause (2). The guidelines should include the use of:

(1) multiple and objective criteria; and
(2) assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures must be sensitive and equitable to underrepresented groups, including, but not limited to, low-income students, minority students of color and American Indian students, twice-exceptional students, students with section 504 plans, and English learners. Assessments and procedures must be coordinated to allow for optimal identification of programs and services for underrepresented groups.

(c) School districts must adopt procedures for the academic acceleration of gifted and talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures must include how the district will:

(1) assess a student’s readiness and motivation for acceleration; and

(2) match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

(d) School districts must adopt procedures consistent with section 124D.02, subdivision 1, for early admission to kindergarten or first grade of gifted and talented learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

Sec. 19. [120B.17] IMPLEMENTATION OF INDIGENOUS EDUCATION FOR ALL CURRICULUM.

(a) Any district with a school identified for support under the federal Elementary and Secondary Education Act, and any district identified under World’s Best Workforce as needing support and improvement, must:

(1) as a part of their needs assessment, assess the quality of implementation of indigenous education for all in the school or district;

(2) include any proposed changes, additions, or enhancements to the implementation of indigenous education for all in their school or district improvement plan;

(3) ensure that indigenous curriculum is included in plans and activities in years two and three for schools and districts identified for improvement plans;

(4) engage Tribal Nations and Indigenous families in the planning and implementation of improvement plans in schools and districts when a school or district has ten or more American Indian students; and

(5) provide evidence that implementation factors have been completed.

(b) The Department of Education must:
(1) provide monitoring and auditing personnel to coordinate within the department and
with all indigenous education for all programs in districts and schools;

(2) provide professional development to teachers instituting indigenous curriculum;

(3) provide monitoring of high-quality curriculum materials and teaching practices
regarding Tribal history, culture, and government of local Tribes for mutual awareness
between Tribes and districts and understanding the importance of accurate and Tribally
endorsed curriculum;

(4) provide ongoing support to all schools and districts on curricula and best teaching
practices and to school boards to identify and adopt curriculum that includes Tribal
experiences and perspectives to engage Indigenous students and ensure that all students
learn about the history, culture, government, and experiences of their Indigenous peers and
neighbors;

(5) refer noncompliance with indigenous curriculum requirements to the Department of
Human Rights;

(6) by December 1, 2022, and every two years thereafter, report to the commissioner of
education regarding the progress made in the development of effective
government-to-government relations, narrowing of the achievement gap, and identification
and adoption of curriculum including Tribal history, culture, and government. The report
must include information about the adoption of curriculum regarding Tribal history, culture,
and government, and must address any obstacles encountered and any strategies being
developed to overcome the obstacles; and

(7) publicly submit the report to the chairs and ranking minority members of the
legislative committees with jurisdiction over education and to Minnesota's Tribal leaders,
including the Tribal National Education Committee, the Minnesota Chippewa Tribe, and
the Minnesota Indian Affairs Council.

Sec. 20. Minnesota Statutes 2020, 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:


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.

(e) (a) 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.

(b) The commissioner must ensure that for annual computer-adaptive assessments:
(1) individual student performance data and achievement reports are available 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.

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.

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.

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.

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.
Sec. 21. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision to read:

Subd. 7. Remote testing. The commissioner must develop and publish security and privacy policies and procedures for students and educators to support remote testing.

Sec. 22. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision to read:

Subd. 8. National and international education comparisons. Each public district and school selected to participate in the national assessment of educational progress must do so pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10, 2015, or similar national or international assessments, both for the national sample and for any state-by-state comparison programs that may be initiated, as directed by the commissioner. The assessments must be conducted using the data collection procedures, student surveys, educator surveys, and other instruments included in the National Assessment of Educational Progress or similar national or international assessments being administered in Minnesota. The administration of the assessments must be in addition to and separate from the administration of the statewide, standardized assessments.

Sec. 23. Minnesota Statutes 2020, 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, as soon as practicable, 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. These groups must be determined by a ten-year cycle using the American Community Survey of the total Minnesota population. The determination must be based on the most recent five-year dataset starting with the 2021-2025 dataset. Additional categories must include 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 growth model that compares the difference in students' achievement scores over time, and includes criteria for identifying schools and school districts that demonstrate academic progress. 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 growth consistent with this paragraph; 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.

**EFFECTIVE DATE.** This section is effective the day following final enactment. The next update to the data used to determine the most populous groups must be implemented in 2026 using the 2021-2025 dataset.

Sec. 24. Minnesota Statutes 2020, section 120B.35, subdivision 4, is amended to read:

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.
Sec. 25. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.

Subdivision 1. Prohibition. (a) A public school may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the district or school within the district.

(b) A public school may seek an exemption to paragraph (a) by submitting a request in writing to the Tribal Nations Education Committee and the Indian Affairs Council, which jointly shall have discretion to grant such an exemption. A public school that has a mascot prohibited by this section must request an exemption by January 1, 2022.

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

(b) "American Indian" means an individual who is:

(1) a member of an Indian Tribe or band, as membership is defined by the Tribe or band, including:

(i) any Tribe or band terminated since 1940; and

(ii) any Tribe or band recognized by the state in which the Tribe or band resides;

(2) a descendant, in the first or second degree, of an individual described in clause (1);

(3) considered by the Secretary of the Interior to be an Indian for any purpose;

(4) an Eskimo, Aleut, or other Alaska Native; or

(5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

(c) "District" means a district under section 120A.05, subdivision 8.

(d) "Mascot" means any human, nonhuman animal, or object used to represent a school and its population.

(e) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.

Sec. 26. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

Subd. 10. Suspension. (a) "In-school suspension" means an instance in which a pupil is temporarily removed from the pupil's regular classroom for at least half a day for disciplinary purposes but remains under the direct supervision of school personnel. Direct
supervision means school personnel are physically present in the same location as the pupil under supervision.

(b) "Out-of-school suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less than one school day, except as provided in federal law for a student with a disability. Each suspension action may must include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 27. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to read:

**Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or section 504 evaluations, academic screening for title one services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4, paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph (p); and 122A.627, clause (3).
Sec. 28. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to read:

Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal or written agreement between a school or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. A pupil withdrawal agreement expires at the end of a 12-month period.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 29. Minnesota Statutes 2020, section 121A.425, is amended to read:

121A.425 FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND PREKINDERGARTEN EARLY LEARNING.

Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following is not subject to dismissals under this chapter:

(1) a preschool or prekindergarten program, including a child participating in early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; may not be subject to dismissals under this chapter; or

(2) kindergarten through grade 3.

(b) Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary discipline must include at least one of the following:

(1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;

(2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or

(3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.
EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 30. Minnesota Statutes 2020, 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 use 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 2021-2022 school year and later.

Sec. 31. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

Subd. 4. Suspension pending expulsion or exclusion hearing. Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five consecutive school days.

EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 32. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. Student suspensions exceeding five consecutive school days. A school administrator must ensure that alternative educational services are provided when a pupil is suspended for more than five consecutive school days.

EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 33. Minnesota Statutes 2020, 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 period of 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 all school work assignments and receive teachers' feedback.
EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 34. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

(a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
(b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
(c) state the date, time, and place of the hearing;
(d) be accompanied by a copy of sections 121A.40 to 121A.56;
(e) describe alternative educational services, the nonexclusionary disciplinary policies and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
(f) inform the pupil and parent or guardian of the right to:
(1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall 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 website;
(2) examine the pupil's records before the hearing;
(3) present evidence; and
(4) confront and cross-examine witnesses.

EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 35. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

Subd. 14. Admission or readmission plan. (a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may 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 section 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 than one school day, 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 2021-2022 school year and later.

Sec. 36. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

**Subdivision 1. Exclusions and expulsions; student withdrawals; and 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 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 2021-2022 school year and later.

Sec. 37. Minnesota Statutes 2020, section 121A.55, is amended to read:

**121A.55 POLICIES TO BE ESTABLISHED.**

(a) The commissioner of education shall promulgate guidelines including guidance on how to appropriately and equitably engage stakeholders to review and revise discipline policies that are restorative and responsive 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 and individual detection of problems and shall address prevent students' inappropriate behavior from recurring.

(b) The policies shall recognize the school's continuing responsibility of the school for the education of the pupil during the dismissal period.

(1) A school is responsible for ensuring that the alternative educational services, if the pupil wishes to take advantage of them, provided to a pupil 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 in accordance with section 121A.46, subdivision 5.

(2) For expulsions and exclusionary dismissals, as well as for pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

(i) A 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. A school district must communicate on a regular basis with the pupil's parent to ensure the pupil is completing the work assigned through the alternative educational services.

(ii) Nothing in this section prohibits a school-linked mental health provider from continuing to provide services after the student enrolls in a new school district.

(iii) A school district must provide to the pupil's parent or guardian information on how to access mental health services, including a list of any free or sliding fee providers in the community. The information must also be posted on the district or charter school website.

(b) (c) 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.

(c) (d) 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 2021-2022 school year and later.
Sec. 38. Minnesota Statutes 2020, section 121A.58, is amended to read:

121A.58 CORPORAL PUNISHMENT.

Subdivision 1. Definition. (a) For the purpose of this section, "corporal punishment" means conduct involving:

(1) hitting or spanking a person with or without an object; or

(2) unreasonable physical force that causes bodily harm or substantial emotional harm.

(b) For the purposes of this section, "prone restraint" means placing a pupil in a face-down position.

Subd. 2. Corporal punishment not allowed. An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.

Subd. 2a. Prone restraint not allowed. An employee or agent of a district, including a school resource officer or police officer contracted with the district, must not inflict prone restraint or cause prone restraint to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct. Further, an employee or agent of a district, including a school resource officer or police officer contracted with the district, must not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.

Subd. 3. Violation. Conduct that violates subdivision 2 or 2a is not a crime under section 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter 609.

Sec. 39. Minnesota Statutes 2020, section 121A.61, is amended to read:

121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.

Subdivision 1. Required policy. Each school board must adopt, and annually review and revise, a written districtwide school discipline policy which includes written rules a student code of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class and parameters for when input into discipline decisions by all those involved in an incident is allowed. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service...
agencies, and such other individuals or organizations as the board determines appropriate.

A school site council may adopt additional provisions to the policy subject to the approval of the school board.

Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds for which a student 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's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten 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: at least include provisions pertaining to addressing

(a) 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 in a class or with the ability of other students to learn;

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

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

Subd. 3. **Policy components.** The policy must include at least the following components:

(a) rules governing student conduct and procedures for informing students of the rules;

(b) the grounds for removal of a student from a class;

(c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;

(d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;

(e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;

(f) provisions relating to the responsibility for and custody of a student removed from a class;

(g) the procedures for return of a student to the specified class from which the student has been removed;
(h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;

(i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;

(j) any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) any procedures determined appropriate for referring a student in need of special education services to those services;

(l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;

(m) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;

(n) the minimum consequences for violations of the code of conduct;

(o) procedures for immediate timely and appropriate interventions tied to violations of the code;

(p) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

(q) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and

(r) a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher; and

(r) a prohibition on the use of exclusionary practices to address attendance and truancy issues.

EFFECTIVE DATE. This section is effective July 1, 2022.
Sec. 40. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

Subd. 3. Definitions. For purposes of this section, the following terms have the meanings given to them.

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. An eligible institution cannot require or base any part of the admission decision on a student's race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, disability, or gender.

(b) "Course" means a course or program.

(c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under section 124D.091.

Sec. 41. Minnesota Statutes 2020, section 124D.09, subdivision 5, is amended to read:

Subd. 5. Authorization; notification. Notwithstanding any other law to the contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that postsecondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify:

(1) the pupil about payment in the customary manner used by the institution; and

(2) the pupil's school as soon as practicable if the student withdraws from the course or stops attending the course.

EFFECTIVE DATE. This section is effective July 1, 2021.
Sec. 42. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

Subd. 7. Dissemination of information; Notification of intent to enroll. By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, a district must provide up-to-date information on the district’s website and in materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the district in planning, a pupil must inform the district by May 30 of each year of the pupil’s intent to enroll in postsecondary courses during the following school year. A pupil is bound by notifying or not notifying the district by May 30 term. A pupil who does not notify the district of their intent to enroll by May 30 for the fall term or October 30 for the spring term may not enroll in postsecondary courses under this section.

Sec. 43. Minnesota Statutes 2020, section 124D.09, subdivision 8, is amended to read:

Subd. 8. Limit on participation. A pupil who first enrolls in grade 9 may not enroll in postsecondary courses under this section for secondary credit for more than the equivalent of four academic years. A pupil who first enrolls in grade 10 may not enroll in postsecondary courses under this section for secondary credit for more than the equivalent of three academic years. A pupil who first enrolls in grade 11 may not enroll in postsecondary courses under this section for secondary credit for more than the equivalent of two academic years. A pupil who first enrolls in grade 12 may not enroll in postsecondary courses under this section for secondary credit for more than the equivalent of one academic year. If a pupil in grade 9, 10, 11, or 12 first enrolls in a postsecondary course for secondary credit during the school year, the time of participation shall be reduced proportionately. If a pupil is in a learning year or other year-round program and begins each grade in the summer session, summer sessions shall not be counted against the time of participation. If a school district determines a pupil is not on track to graduate, the limit on participation does not apply to that pupil. A pupil who has graduated from high school cannot participate in a program under this section. A pupil who has completed course requirements for graduation but who has not received a diploma may participate in the program under this section may only participate in the program under this section until the earlier of the end of the school year in which those requirements are met or the school year in which the pupil's peers graduated.
Sec. 44. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

Subd. 12. Credits; grade point average weighting policy. (a) A pupil must not audit a course under this section.

(b) A district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for postsecondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits shall be final.

(c) A school board must adopt a policy regarding weighted grade point averages for any high school or dual enrollment course. The policy must state whether the district offers weighted grades. A school board must annually publish on its website a list of courses for which a student may earn a weighted grade.

(d) The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grades in each course taken for secondary credit under this section, including interim or nonfinal grades earned during the academic term. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record must indicate that the credits were earned at a postsecondary institution.

(e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution must award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.
(f) The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota must, and private nonprofit and proprietary postsecondary institutions should, award postsecondary credit for any successfully completed courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships offered according to an agreement under subdivision 10. Consistent with section 135A.101, subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who completes for postsecondary credit a postsecondary course or program that is part or all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a MnSCU institution after leaving secondary school. Once one MnSCU institution certifies as completed a secondary student's postsecondary course or program that is part or all of a goal area or a transfer curriculum, every MnSCU institution must consider the student's course or program for that goal area or the transfer curriculum as completed.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 45. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

Subd. 13. Financial arrangements. For a pupil enrolled in a course under this section, the department must make payments according to this subdivision for courses that were taken for secondary credit.

The department must not make payments to a school district or postsecondary institution for a course taken for postsecondary credit only. The department must not make payments to a postsecondary institution for a course from which a student officially withdraws during the first 14 ten business days of the postsecondary institution's quarter or semester or who has been absent from the postsecondary institution for the first 15 consecutive school ten business days of the postsecondary institution's quarter or semester and is not receiving instruction in the home or hospital.

A postsecondary institution shall receive the following:

(1) for an institution granting quarter credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the formula allowance minus $425, multiplied by 1.2, and divided by 45; or

(2) for an institution granting semester credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the general revenue formula allowance minus $425, multiplied by 1.2, and divided by 30.

The department must pay to each postsecondary institution 100 percent of the amount in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter.
or semester. If changes in enrollment occur during a quarter or semester, the change shall
be reported by the postsecondary institution at the time the enrollment information for the
succeeding quarter or semester is submitted. At any time the department notifies a
postsecondary institution that an overpayment has been made, the institution shall promptly
remit the amount due.

Sec. 46. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

(a) "Digital learning" is learning facilitated by technology that offers students an element
of control over the time, place, path, or pace of their learning and includes blended and
online learning.

(b) "Blended learning" is a form of digital learning that occurs when a student learns
part time in a supervised physical setting and part time through digital delivery of instruction,
or a student learns in a supervised physical setting where technology is used as a primary
method to deliver instruction.

(c) "Online learning" is a form of digital learning delivered by an approved online
learning provider under paragraph (d)(e).

(d) "Hybrid learning" uses blended learning in a way that combines scheduled in-person
instruction and distance learning.

(e) "Online learning provider" is a school district, an intermediate school district, an
organization of two or more school districts operating under a joint powers agreement, or
a charter school located in Minnesota that provides online learning to students and is approved
by the department to provide online learning courses.

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

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

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

(i) "Supplemental online learning" means an online learning course taken in place
of a course period at a local district school.
"Full-time online learning provider" means an enrolling school authorized by the department to deliver comprehensive public education at any or all of the elementary, middle, or high school levels.

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

Sec. 47. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

Subd. 7. Department of Education. (a) The department must review and approve or disapprove online learning providers within 90 calendar days of receiving an online learning provider’s completed application. The commissioner, using research-based standards of quality for online learning programs, must review all approved online learning providers on a cyclical three-year basis. Approved online learning providers annually must submit program data to, confirm statements of assurances for, and provide program updates including a current course list to the commissioner.

(b) The online learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. The online learning provider, other than a digital learning provider offering digital learning to its enrolled students only under subdivision 4, paragraph (d), must give the commissioner written assurance that: (1) all courses meet state academic standards; and (2) the online learning curriculum, instruction, and assessment, expectations for actual teacher-contact time or other student-to-teacher communication, and academic support meet nationally recognized professional standards and are described as such in an online learning course syllabus that meets the commissioner's requirements. Once an online learning provider is approved under this paragraph, all of its online learning course offerings are eligible for payment under this section unless a course is successfully challenged by an enrolling district or the department under paragraph (c).

(c) An enrolling district may challenge the validity of a course offered by an online learning provider. The department must review such challenges based on the approval procedures under paragraph (b). The department may initiate its own review of the validity of an online learning course offered by an online learning provider.
(d) The department may collect a fee not to exceed $250 for approving online learning providers or $50 per course for reviewing a challenge by an enrolling district.

(e) The department must develop, publish, and maintain a list of online learning providers that it has reviewed and approved.

(f) The department may review a complaint about an online learning provider, or a complaint about a provider based on the provider’s response to notice of a violation. If the department determines that an online learning provider violated a law or rule, the department may:

(1) create a compliance plan for the provider; or

(2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42. The department must notify an online learning provider in writing about withholding funds and provide detailed calculations.

(g) An online learning program fee administration account is created in the special revenue fund. Funds retained under paragraph (d) shall be deposited in the account. Money in the account is appropriated to the commissioner for costs associated with administering and monitoring online and digital learning programs.

Sec. 48. Minnesota Statutes 2020, 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. 49. Minnesota Statutes 2020, section 124D.128, subdivision 3, is amended to read:

Subd. 3. Student planning. A district, charter school, or state-approved alternative program must inform all pupils and their parents about the learning year program and that participation in the program is optional. A continual learning plan must be developed at least annually for each pupil with the participation of the pupil, parent or guardian, teachers, and other staff; each participant must sign and date the plan. The plan must specify the learning experiences that must occur during the entire fiscal year and are necessary for grade progression or, for secondary students, graduation. The plan must include:
(1) the pupil's learning objectives and experiences, including courses or credits the pupil
plans to complete each year and, for a secondary pupil, the graduation requirements the
student must complete;
(2) the assessment measurements used to evaluate a pupil's objectives;
(3) requirements for grade level or other appropriate progression; and
(4) for pupils generating more than one average daily membership in a given grade, an
indication of which objectives were unmet.

The plan may be modified to conform to district schedule changes. The district may not
modify the plan if the modification would result in delaying the student's time of graduation.

Sec. 50. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. Program described. American Indian education programs are programs
in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal,
charter, or alternative schools enrolling American Indian children designed to:
(1) support postsecondary preparation for pupils;
(2) support the academic achievement of American Indian students;
(3) make the curriculum relevant to the needs, interests, and cultural heritage of American
Indian pupils;
(4) provide positive reinforcement of the self-image of American Indian pupils;
(5) develop intercultural awareness among pupils, parents, and staff; and
(6) supplement, not supplant, state and federal educational and cocurricular programs.

Program services designed to increase completion and graduation rates of American Indian
students must emphasize academic achievement, retention, and attendance; development
of support services for staff, including in-service training and technical assistance in methods
of teaching American Indian pupils; research projects, including innovative teaching
approaches and evaluation of methods of relating to American Indian pupils; provision of
career counseling to American Indian pupils; modification of curriculum, instructional
methods, and administrative procedures to meet the needs of American Indian pupils; and
supplemental instruction in American Indian language, literature, history, and culture.

Districts offering programs may make contracts for the provision of program services by
establishing cooperative liaisons with Tribal programs and American Indian social service
agencies. These programs may also be provided as components of early childhood and
family education programs.

Sec. 51. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

Subd. 3. Enrollment of other children; shared time enrollment. To the extent it is
economically feasible that the unique educational and culturally related academic needs of
American Indian people are met and American Indian student accountability factors are the
same or higher than their non-Indian peers, a district or participating school may make
provision for the voluntary enrollment of non-American Indian children in the instructional
components of an American Indian education program in order that they may acquire an
understanding of the cultural heritage of the American Indian children for whom that
particular program is designed. However, in determining eligibility to participate in a
program, priority must be given to American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a
shared time basis in American Indian education programs.

Sec. 52. Minnesota Statutes 2020, section 124D.78, subdivision 1, is amended to read:

Subdivision 1. Parent committee. School boards and American Indian schools must
provide for the maximum involvement of parents of children enrolled in education programs,
programs for elementary and secondary grades, special education programs, and support
services. Accordingly, the board of a school district in which there are ten or more American
Indian students enrolled and each American Indian school must establish an American
Indian education parent advisory committee. For purposes of this section, American Indian
students are defined as persons having origins in any of the original peoples of North America
who maintain cultural identification through Tribal affiliation or community recognition.
If a committee whose membership consists of a majority of parents of American Indian
children has been or is established according to federal, Tribal, or other state law, that
committee may serve as the committee required by this section and is subject to, at least,
the requirements of this subdivision and subdivision 2.

The American Indian education parent advisory committee must develop its
recommendations in consultation with the curriculum advisory committee required by
section 120B.11, subdivision 3. This committee must afford parents the necessary information
and the opportunity effectively to express their views concerning all aspects of American
Indian education and the educational needs of the American Indian children enrolled in the
school or program. The school board or American Indian school must ensure that programs

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are planned, operated, and evaluated with the involvement of and in consultation with parents of students served by the programs.

Sec. 53. Minnesota Statutes 2020, section 124D.78, subdivision 3, is amended to read:

Subd. 3. **Membership.** The American Indian education parent advisory committee must be composed of parents of children eligible to be enrolled in American Indian education programs; secondary students eligible to be served; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A majority of each committee must be parents of American Indian children enrolled or eligible to be enrolled in the programs. The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.

Sec. 54. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

Subd. 4. **Duties; powers.** The Indian education director shall **oversee:**

1. **serve as the liaison for the department relations with the Tribal Nations Education Committee, the 11 Tribal communities in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;**

2. **evaluate the evaluation of the state of American Indian education in Minnesota;**

3. **engage the engagement of Tribal bodies, community groups, parents of children eligible to be served by American Indian education programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, the Tribally controlled schools, and other persons knowledgeable in the field of American Indian education and seek their advice on policies that can improve the quality of American Indian education;**

4. **advise advice to the commissioner on American Indian education issues, including:**

   (i) issues facing American Indian students;

   (ii) policies for American Indian education;

   (iii) awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian education grants to school districts; and
(iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and
other programs for the education of American Indian people;

(5) propose proposals to the commissioner on legislative changes that will improve the
quality of American Indian education;

(6) develop development of a strategic plan and a long-term framework for American
Indian education, in conjunction with the Minnesota Indian Affairs Council, that is updated
every five years and implemented by the commissioner, with goals to:

(i) increase American Indian student achievement, including increased levels of
proficiency and growth on statewide accountability assessments;

(ii) increase the number of American Indian teachers in public schools;

(iii) close the achievement gap between American Indian students and their more
advantaged peers;

(iv) increase the statewide graduation rate for American Indian students; and

(v) increase American Indian student placement in postsecondary programs and the
workforce; and

(7) keep keeping the American Indian community informed about the work of the
department by reporting to the Tribal Nations Education Committee at each committee
meeting.

Sec. 55. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND
OBJECTS OF CULTURAL SIGNIFICANCE.

A school district or charter school must not prohibit an American Indian student from
wearing American Indian regalia, Tribal regalia, or objects of cultural significance at
graduation ceremonies.

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

Sec. 56. Minnesota Statutes 2020, section 124D.81, is amended to read:

124D.81 AMERICAN INDIAN EDUCATION AID.

Subdivision 1. Procedures. A school district, charter school, cooperative unit as defined
in section 123A.24, subdivision 2, or American Indian-controlled tribal contract or grant
school enrolling at least 20 American Indian students on October 1 of the previous school
year and operating an American Indian education program according to section 124D.74 is
eligible for Indian education aid if it meets the requirements of this section. Programs may
provide for contracts for the provision of program components by nonsectarian nonpublic,
community, tribal, charter, or alternative schools. The commissioner shall prescribe the
form and manner of application for aids, and no aid shall be made for a program not
complying with the requirements of sections 124D.71 to 124D.82.

Subd. 2. Plans. To qualify for aid, an eligible district, charter school, cooperative unit
as defined in section 123A.24, subdivision 2, or tribal contract school must develop and
submit a plan for approval by the Indian education director that shall:
(a) Identify the measures to be used to meet the requirements of sections 124D.71 to
124D.82;
(b) Identify the activities, methods and programs to meet the identified educational needs
of the children to be enrolled in the program;
(c) Describe how district goals and objectives as well as the objectives of sections
124D.71 to 124D.82 are to be achieved;
(d) Demonstrate that required and elective courses as structured do not have a
discriminatory effect within the meaning of section 124D.74, subdivision 5;
(e) Describe how each school program will be organized, staffed, coordinated, and
monitored; and
(f) Project expenditures for programs under sections 124D.71 to 124D.82.

Subd. 2a. American Indian education aid. (a) The American Indian education aid
allowance equals $358 for fiscal years 2022 and 2023. The American Indian education aid
allowance for fiscal year 2024 and later equals the product of $358 times the ratio of the
formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the
formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

(b) The American Indian education aid minimum equals $20,000 for fiscal years 2022
and 2023. The American Indian education aid minimum for fiscal year 2024 and later equals
the product of $20,000 times the ratio of the formula allowance under section 126C.10,
subdivision 2, for the current fiscal year to the formula allowance under section 126C.10,
subdivision 2, for fiscal year 2023.

(c) The American Indian education aid for an eligible district, cooperative unit, or
tribal contract school equals the greater of (1) the sum of $20,000 and the American Indian
education aid minimum plus the product of $358 times the difference between the number of American Indian students enrolled
on October 1 of the previous school year and 20; or (2) if the district or school received a
grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

(d) Notwithstanding paragraph (c), the American Indian education aid must not exceed the district, cooperative unit, or tribal contract school's actual expenditure according to the approved plan under subdivision 2.

Subd. 3. Additional requirements. Each district or cooperative unit receiving aid under this section must each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. Participating schools must maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. Nondiscrimination; testing. In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment, and classification of American Indian children must be selected and administered so as not to be racially or culturally discriminatory and must be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. Records. Participating schools and districts, and cooperative units must keep records and afford access to them as the commissioner finds necessary to ensure that American Indian education programs are implemented in conformity with sections 124D.71 to 124D.82. Each school district, cooperative unit, or participating school must keep accurate, detailed, and separate revenue and expenditure accounts for pilot American Indian education programs funded under this section.

Subd. 6. Money from other sources. A district, cooperative unit, or participating school providing American Indian education programs shall be eligible to receive moneys for these programs from other government agencies and from private sources when the moneys are available.

Subd. 7. Exceptions. Nothing in sections 124D.71 to 124D.82 shall be construed as prohibiting a district, cooperative unit, or school from implementing an American Indian education program which is not in compliance with sections 124D.71 to 124D.82 if the proposal and plan for that program is not funded pursuant to this section.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.
Sec. 57. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

Subd. 2. Plan implementation; components. (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05; subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds.

(b) The plan must contain goals for:

(1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and

(2) increasing racial and economic diversity and integration in schools and districts.

(c) The plan must include strategies to validate, affirm, embrace, and integrate cultural and community strengths of all students, families, and employees in the district's curriculum as well as learning and work environments, and to address issues of institutional racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement gaps for students, families, and staff who are of color or American Indian. Examples of institutional racism experienced by students who are of color or American Indian include policies and practices that intentionally or unintentionally result in disparate discipline referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower-level coursework, inequitable participation in cocurricular activities, inequitable parent involvement, and lack of equitable access to racially and ethnically diverse teachers.
who reflect the racial or ethnic diversity of students because it has not been a priority to
hire or retain such teachers.

(d) School districts must use local data, to the extent practicable, to develop plan
components and strategies. Plans may include:

(1) innovative and integrated prekindergarten through grade 12 learning environments
that offer students school enrollment choices;

(2) family engagement initiatives that involve families in their students' academic life
and success and improve relations between home and school;

(3) opportunities for students, families, staff, and community members who are of color
or American Indian to share their experiences in the school setting with school staff and
administration and to inform development of specific proposals for making school
environments more validating, affirming, embracing, and integrating of their cultural and
community strengths:

(4) professional development opportunities for teachers and administrators focused on
improving the academic achievement of all students, including knowledge, skills, and
dispositions needed to be anti-racist and culturally sustaining as defined in section 120B.11,
subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

(5) recruitment and retention of teachers, administrators, cultural and family liaisons,
paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented
in the student population to strengthen relationships with all students, families, and other
members of the community;

(6) collection, examination, and evaluation of academic and discipline data for
institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and
practices that result in the education disparities, in order to propose anti-racist changes as
defined in section 120B.11, subdivision 1, that increase access, meaningful participation,
representation, and positive outcomes for students of color and American Indian students;

(7) increased programmatic opportunities and effective and more diverse instructors
focused on rigor and college and career readiness for students who are impacted by racial,
gender, linguistic, and economic disparities, including students enrolled in area learning
centers or alternative learning programs under section 123A.05, state-approved alternative
programs under section 126C.05, subdivision 15, and contract alternative programs under
section 124D.69, among other underserved students;
ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide all students with opportunities to learn about their own and others' cultures and historical experiences; or

examination and revision of district curricula in all subjects to be inclusive of diverse racial and ethnic groups while meeting state academic standards and being culturally sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied about any group is accurate and based in knowledge from that group.

Among other requirements, an eligible district must implement effective, research-based interventions that include formative multiple measures of assessment practices and engagement in order to reduce the eliminate academic disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and for students impacted by racial, gender, linguistic, and economic inequities as aligned with section 120B.11.

Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

EFFECTIVE DATE. This section is effective for all plans reviewed and updated after the day following final enactment.

Sec. 58. Minnesota Statutes 2020, section 125A.094, is amended to read:

125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH DISABILITIES.

The use of restrictive procedures for children with disabilities for all pupils attending public school is governed by sections 125A.0941 and 125A.0942.

Sec. 59. Minnesota Statutes 2020, section 125A.0942, is amended to read:

125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.

Subdivision 1. Restrictive procedures plan. (a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities that at least:

(1) lists the restrictive procedures the school intends to use;
(2) describes how the school will implement a range of positive behavior strategies and provide links to mental health services;

(3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;

(4) describes how the school will monitor and review the use of restrictive procedures, including:

(i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause (5); and

(ii) convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; disproportionality or racial disparities in the usage of restrictive procedures; the usage of school resource officer's handling of the behaviors; student documentation to determine if the staff followed the standards for using restrictive procedures and if there is updated information about whether the restrictive procedures are contraindicated for the particular student; and proposed actions to minimize the use of restrictive procedures; and

(5) includes a written description and documentation of the training staff completed under subdivision 5.

(b) Schools annually must publicly identify oversight committee members who must at least include:

(1) a mental health professional, school psychologist, or school social worker;

(2) an expert in positive behavior strategies;

(3) a special education administrator; and

(4) a general education administrator.

**Subd. 2. Restrictive procedures.** (a) Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional
under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

(b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).

(c) The district must hold a meeting of the individualized education program team, if the student is a student with a disability, or a meeting of relevant members of the student's team including a parent, if the student is not a student with a disability, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual individualized education program meeting when the child's individualized education program provides for using restrictive procedures in an emergency.

(d) If the individualized education program meeting team under paragraph (c) determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.

(e) At the individualized education program meeting under paragraph (c), the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.
An individualized education program team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

Subd. 3. Physical holding or seclusion. (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:

1. physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
2. physical holding or seclusion is not used to discipline a noncompliant child;
3. physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;
4. staff directly observes the child while physical holding or seclusion is being used;
5. each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:
   i. a description of the incident that led to the physical holding or seclusion;
   ii. why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
   iii. the time the physical holding or seclusion began and the time the child was released; and
   iv. a brief record of the child's behavioral and physical status; and
   v. a brief description of the post-use debriefing process that occurred following the use of the restrictive procedure;
6. the room used for seclusion must:
   i. be at least six feet by five feet;
   ii. be well lit, well ventilated, adequately heated, and clean;
   iii. have a window that allows staff to directly observe a child in seclusion;
(iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;

(v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and

(vi) not contain objects that a child may use to injure the child or others; and

(7) before using a room for seclusion, a school must:

(i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion.

The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

Subd. 4. Prohibitions. The following actions or procedures are prohibited:

(1) engaging in conduct prohibited under section 121A.58;
(2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;

(3) totally or partially restricting a child's senses as punishment;

(4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;

(5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;

(6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under chapter 260E;

(7) withholding regularly scheduled meals or water;

(8) denying access to bathroom facilities;

(9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and

(10) prone restraint; and

(11) utilizing a restrictive procedure on any child under the age of five.

Subd. 5. Training for staff. (a) To meet the requirements of subdivision 1, staff who use restrictive procedures, including paraprofessionals, shall complete training in the following skills and knowledge areas:

(1) positive behavioral interventions;

(2) communicative intent of behaviors;

(3) relationship building;

(4) alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;

(5) de-escalation methods;

(6) standards for using restrictive procedures only in an emergency;
(7) obtaining emergency medical assistance;

(8) the physiological and psychological impact of physical holding and seclusion;

(9) monitoring and responding to a child's physical signs of distress when physical holding is being used;

(10) recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;

(11) district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and

(12) schoolwide programs on positive behavior strategies.

Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.

(b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school year and later, districts must collect and submit to the commissioner summary data, consistent with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section.

Sec. 60. Minnesota Statutes 2020, section 144.4165, is amended to read:

**144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

(a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.
81.1 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of
81.2 a traditional Indian spiritual or cultural ceremony. An American Indian may carry a medicine
81.3 pouch containing loose tobacco intended in observance of traditional spiritual or cultural
81.4 practices. For purposes of this section, an Indian is a person who is a member of an Indian
81.5 Tribe as defined in section 260.755, subdivision 12, or a person who maintains cultural
81.6 identification through Tribal affiliation or community recognition.
81.7 Sec. 61. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 5,
81.8 as amended by Laws 2020, chapter 116, article 6, section 9, is amended to read:
81.9 Subd. 5. Tribal contract school aid. For tribal contract school aid under Minnesota
81.10 Statutes, section 124D.83:
81.11 $ 2,766,000 ..... 2020
81.12 $ 3,106,000
81.13 $ 2,319,000 ..... 2021
81.14 The 2020 appropriation includes $299,000 for 2019 and $2,467,000 for 2020.
81.15 The 2021 appropriation includes $274,000 for 2020 and $2,832,000 $2,045,000 for
81.16 2021.
81.17 EFFECTIVE DATE. This section is effective the day following final enactment.
81.18 Sec. 62. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision
81.19 27, is amended to read:
81.20 Subd. 27. Singing-based pilot program to improve student reading. (a) For a grant
81.21 to pilot a research-supported, computer-based educational program that uses singing to
81.22 improve the reading ability of students in grades 2 through 5:
81.23 $ 230,000
81.24 $ 155,000 ..... 2020
81.25 (b) The commissioner of education shall award a grant to the Rock 'n' Read Project to
81.26 implement a research-supported, computer-based educational program that uses singing to
81.27 improve the reading ability of students in grades 2 through 5. The grantee shall be responsible
81.28 for selecting participating school sites; providing any required hardware and software,
81.29 including software licenses, for the duration of the grant period; providing technical support,
81.30 training, and staff to install required project hardware and software; providing on-site
81.31 professional development and instructional monitoring and support for school staff and
81.32 students; administering preintervention and postintervention reading assessments; evaluating
81.33 the impact of the intervention; and other project management services as required. To the
extent practicable, the grantee must select participating schools in urban, suburban, and
greater Minnesota, and give priority to schools in which a high proportion of students do
not read proficiently at grade level and are eligible for free or reduced-price lunch.

(c) By February 15, 2021, the grantee must submit a report detailing expenditures and
outcomes of the grant to the commissioner of education and the chairs and ranking minority
members of the legislative committees with primary jurisdiction over kindergarten through
grade 12 education policy and finance.

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

(e) This is a one-time appropriation. $75,000 of the initial fiscal year 2020 appropriation
is canceled to the general fund on June 29, 2021.

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

Sec. 63. ONETIME AMERICAN INDIAN TRIBAL CONTRACT COMPENSATORY
AID; FISCAL YEAR 2022.

Notwithstanding Minnesota Statutes, section 124D.83, for fiscal year 2022 only,
American Indian Tribal contract aid shall be increased by an amount equal to the greater
of zero or the product of:

(1) the number of pupils enrolled at the school on October 1, 2020; and

(2) the difference between the amount generated for fiscal year 2021 by compensation
revenue pupil units divided by the pupils enrolled on October 1, 2019, and the amount
generated for fiscal year 2022 by compensation revenue pupil units divided by the pupils
enrolled on October 1, 2020.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022.

Sec. 64. EXTENSION FOR POSTING STUDENT PROGRESS AND OTHER DATA.

Notwithstanding Minnesota Statutes, section 120B.36, subdivision 2, for the 2020-2021
school year only, the commissioner must post federal expectations and state student, learning,
and outcome data to the department’s public website no later than October 1, 2021.

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

Sec. 65. INSTRUCTION MODEL WORKING GROUP.

Subdivision 1. Working group. A working group is established to review how school
districts and charter schools implemented distance and hybrid instruction due to disruptions

Article 2 Sec. 65. 82
to on-site instruction caused by COVID-19 and make recommendations to increase flexibility
for school districts and charter schools to implement instruction models that meet students'
diverse learning needs.

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

(b) "Distance instruction" means instruction provided to students remotely, with students
and teachers interacting through synchronous and other online interactions, and students
being provided appropriate education materials.

(c) "Hybrid instruction" means a manner of instruction that includes both on-site
instruction and distance instruction.

(d) "On-site instruction" means instruction delivered in person by a teacher at a school
facility.

Subd. 3. Duties. (a) The working group must study the outcomes, challenges, and
successes of distance instruction during the 2019-2020 and 2020-2021 school years. In
particular, the group must consider:

(1) the impact of lower class sizes on student engagement and academic growth;

(2) how modifications to the school calendar would affect learning retention and student
engagement;

(3) the impact of distance instruction on students requiring special education services
and supports, students identified as English learners, and students experiencing homelessness
or who are highly mobile;

(4) the effect of distance instruction on students' social and emotional growth, student
discipline, and bullying;

(5) how students' educational needs vary by age group; and

(6) students' access to technology.

(b) The working group must report its findings and recommendations to the chairs and
ranking minority members of the legislative committees with jurisdiction over kindergarten
through grade 12 education by January 17, 2022. The report must be submitted in accordance
with Minnesota Statutes, section 3.195.

(c) The commissioner of education must provide technical assistance and public data
on student academic needs and performance, to the extent it is available, to help the working
group make evidence-based recommendations.
(d) The working group expires January 18, 2022.

Subd. 4. Members. (a) The commissioner of education or the commissioner's designee must serve as a member of the working group. In addition, by July 1, 2021, the commissioner of education must review applications to be named to the group and appoint the following group members:

1. two superintendents;
2. two elementary school teachers;
3. two secondary school teachers;
4. one special education teacher;
5. one teacher in a state-approved alternative program;
6. one school counselor;
7. two school board members;
8. two students;
9. one curriculum director;
10. one assessment coordinator;
11. one technology director;
12. one technology coordinator;
13. one parent of a student enrolled in a school district or charter school;
14. one special education director; and
15. one teacher and one administrator from an online learning provider approved under Minnesota Statutes, section 124D.095.

(b) When appointing members to the working group, the commissioner must consider whether the working group represents communities of color, American Indian communities, and communities from throughout Minnesota.

Subd. 5. Meetings. (a) The commissioner of education must convene the first meeting of the working group no later than August 30, 2021. The working group must select a chair or co-chairs from among its members at the first meeting. The working group must meet periodically.

(b) The commissioner must provide technical and administrative assistance to the working group upon request.
(c) Working group members are not eligible to receive expenses or per diem payments for serving on the working group.

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

Sec. 66. **DISTANCE AND HYBRID LEARNING.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Distance learning" means learning in which a student has access to appropriate educational materials and interacts with a licensed teacher.

(c) "Hybrid learning" means learning that combines distance learning with scheduled in-person instruction by a licensed teacher in a supervised physical setting.

Subd. 2. **Distance and hybrid learning options.** (a) In response to the COVID-19 pandemic, a school district or charter school may offer distance and hybrid learning options to enrolled students. A student may participate in distance or hybrid learning options only if the student and family so choose. Districts and charter schools must provide students participating in distance or hybrid learning options the option to participate in in-person instruction on the same basis as other enrolled students subject to reasonable limits on students changing between in-person and distance or hybrid learning options. Districts and charter schools must not prevent students from enrolling in courses offered by online learning providers approved under Minnesota Statutes, section 124D.095.

(b) A school district or charter school offering distance or hybrid learning options must:

(1) ensure that students and families in a distance or hybrid learning options program have access to digital devices, in-home broadband that meets or exceeds Federal Communications Commission's recommendations of 25 megabytes to download and three megabytes to upload, and digital literacy skills support;

(2) employ or contract with another district or a cooperative unit for licensed teachers to provide online instruction to no more than 40 students in an online learning course. The contract of a teacher employed by a district must meet the requirements of Minnesota Statutes, section 122A.40 or 122A.41, and a charter school must employ or contract with a teacher in accordance with Minnesota Statutes, section 124E.12, subdivision 1;

(3) provide direct supervision and control of the education program by an administrator holding an appropriate license;
(4) provide a curriculum that meets state academic standards under Minnesota Statutes, section 120B.021, and locally established learning goals consistent with those provided in the in-person school settings;

(5) provide instruction that meets the school calendar's instructional days and hours requirements;

(6) provide a student with a disability with special instruction and services as defined in Minnesota Statutes, section 125A.03, in accordance with Minnesota Statutes, chapter 125A, Minnesota Rules, chapter 3525, and the Individuals with Disabilities Education Act, including special education evaluation and development of individualized education programs under Minnesota Statutes, section 125A.08. A district offering distance or hybrid learning options must develop systems designed to identify pupils with disabilities under Minnesota Rules, part 3525.0750;

(7) provide students identified as English learners with instruction by a teacher licensed to teach bilingual education or English as a second language, and differentiated instruction in all courses consistent with state and federal law, and communicate with the families of students identified as English learners and encourage their involvement in the students' educational program; and

(8) provide meals for students participating in distance learning, including an option for delivery of weekly meals.

(c) A school district or charter school that offers distance learning does not generate revenue as an online learning provider and is not subject to application approval under Minnesota Statutes, section 124D.095.

(d) A school district or charter school offering distance or hybrid learning options must not require a teacher to provide simultaneous instruction to students in person and doing online learning at the same time.

(e) A district or charter school must provide an additional 30 minutes of daily preparation time to a teacher providing instruction to students in person and to students doing online learning at different times in one day. The district or charter school must provide the additional preparation time in one or two uninterrupted blocks of time during the regular school day. A district or charter school and the exclusive representative of teachers may agree to waive, limit, or modify the additional preparation time requirement.

EFFECTIVE DATE. This section is effective for the 2021-2022 school year only.
Sec. 67. PROFESSIONAL DEVELOPMENT ON LITERACY INSTRUCTION.

Notwithstanding any law to the contrary, a district must use up to 0.5 percent of its staff development revenue under Minnesota Statutes, section 122A.61, or its literacy incentive aid under Minnesota Statutes, section 124D.98, on rigorous professional development for teachers based on the science of reading that includes:

1. explicit, systematic, and sequential instruction in foundational reading skills and higher-order literacy skills;
2. instruction on using structured, phonemic, phonetic multisensory methods to teach students to read; and
3. instruction on assessing student needs and interpreting student assessment data.

EFFECTIVE DATE. This section is effective for the 2021-2022 and 2022-2023 school years only.

Sec. 68. ONETIME AMERICAN INDIAN TRIBAL CONTRACT DECLINING ENROLLMENT AID; FISCAL YEAR 2021.

Notwithstanding Minnesota Statutes, section 124D.83, for fiscal year 2021 only, American Indian Tribal contract aid shall be increased by an amount equal to the greater of zero or the product of:

1. 20.5 percent of the formula allowance for fiscal year 2021; and
2. the difference between the adjusted pupil units for fiscal year 2020 and the adjusted pupil units for fiscal year 2021.

EFFECTIVE DATE. This section is effective the day following final enactment for fiscal year 2021.

Sec. 69. ACADEMIC STANDARDS.

Subdivision 1. Social studies standards. (a) The commissioner of education must ensure that the revised social studies standards adopted as a result of the review beginning in the 2020-2021 school year include personal finance standards that improve students' financial literacy. The related benchmarks must address creating a household budget, taking out loans and accruing debt, how interest works, home mortgages, how to file taxes, the impact of student loan debt, and how to read a paycheck and payroll deductions. In developing the standards and benchmarks, the commissioner must consider the needs of young adults, low-income individuals, immigrants, and American Indian students or students of color.
The commissioner is encouraged to consult with the Minnesota Council on Economic Education, the University of Minnesota Extension, and community-based organizations that promote financial literacy in underserved communities.

(b) The commissioner of education must ensure that the revised social studies standards adopted as a result of the review beginning in the 2020-2021 school year include benchmarks in government and citizenship in 11th or 12th grade.

Subd. 2. Other standards. Notwithstanding Minnesota Statutes, section 120B.021, the commissioner of education must suspend the review and revision of academic standards and related benchmarks in mathematics and the implementation of revised physical education and arts academic standards under Minnesota Statutes, section 120B.021, until June 1, 2022. This suspension does not prevent the commissioner from supporting schools and districts with future implementation, continuing with current rulemaking activities, or developing future statewide assessments in science or reading. The commissioner must implement a review and revision of the academic standards and related benchmarks in mathematics beginning in the 2022-2023 school year.

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

Sec. 70. APPROPRIATIONS.

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

Subd. 2. Achievement and integration aid. For achievement and integration aid under Minnesota Statutes, section 124D.862:

<table>
<thead>
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The 2022 appropriation includes $7,912,000 for 2021 and $76,145,000 for 2022.

The 2023 appropriation includes $8,460,000 for 2022 and $74,971,000 for 2023.

Subd. 3. American Indian education aid. For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

<table>
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<tr>
<td>2023</td>
<td>$11,775,000</td>
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</tbody>
</table>

The 2022 appropriation includes $1,087,000 for 2021 and $10,264,000 for 2022.
The 2023 appropriation includes $1,140,000 for 2022 and $10,635,000 for 2023.

Subd. 4. Charter school building lease aid. For building lease aid under Minnesota Statutes, section 124E.22:

$ 93,547,000 .... 2022
$ 99,819,000 .... 2023

The 2022 appropriation includes $8,806,000 for 2021 and $84,741,000 for 2022.

The 2023 appropriation includes $9,415,000 for 2022 and $90,404,000 for 2023.

Subd. 5. Civic education grants. (a) For the Minnesota Civic Education Coalition for grants to Youth in Government, the Learning Law and Democracy Foundation, and the YMCA Center for Youth Voice to support civic education programs for youth age 18 and under to provide teacher professional development, educational resources, and program support:

$ 75,000 .... 2022
$ 75,000 .... 2023

(b) The programs must instruct students in:

(1) the constitutional principles and the democratic foundation of our national, state, and local institutions; and

(2) the political processes and structures of government, grounded in the understanding of constitutional government and individual rights.

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

(d) The base for fiscal year 2024 is $0.

Subd. 6. College entrance examination reimbursement. (a) To reimburse districts for the costs of college entrance examination fees of free or reduced-price meal eligible students who take the ACT or SAT test under Minnesota Statutes, section 120B.30, subdivision 1, paragraph (e):

$ 1,011,000 .... 2022
$ 1,011,000 .... 2023

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

Subd. 7. Concurrent enrollment aid. (a) For concurrent enrollment aid under Minnesota Statutes, section 124D.091:
Subd. 8. Early childhood literacy programs. (a) For early childhood literacy programs under Minnesota Statutes, section 119A.50, subdivision 3:

(b) Up to $7,950,000 each year is for leveraging federal and private funding to support AmeriCorps members serving in the Minnesota reading corps program established by ServeMinnesota, including costs associated with training and teaching early literacy skills to children ages three through grade 3 and evaluating the impact of the program under Minnesota Statutes, sections 124D.38, subdivision 2, and 124D.42, subdivision 6.

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

Subd. 9. Equitable school enhancement grants. (a) To support schools in their efforts to close opportunity and achievement gaps under Minnesota Statutes, section 120B.113:

(b) The department may use up to five percent of this appropriation to administer the grant program.

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

Subd. 10. Examination fees; teacher training and support programs. (a) For students' advanced placement and international baccalaureate examination fees under Minnesota Statutes, section 120B.13, subdivision 3, and the training and related costs for teachers and other interested educators under Minnesota Statutes, section 120B.13, subdivision 1:

(b) The advanced placement program shall receive 75 percent of the appropriation each year and the international baccalaureate program shall receive 25 percent of the appropriation each year. The department, in consultation with representatives of the advanced placement and international baccalaureate programs selected by the Advanced Placement Advisory
Council and International Baccalaureate Minnesota, respectively, shall determine the amounts of the expenditures each year for examination fees and training and support programs for each program.

(c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least $500,000 each year is for teachers to attend subject matter summer training programs and follow-up support workshops approved by the advanced placement or international baccalaureate programs. The amount of the subsidy for each teacher attending an advanced placement or international baccalaureate summer training program or workshop shall be the same. The commissioner shall determine the payment process and the amount of the subsidy.

(d) The commissioner shall pay all examination fees for all students of low-income families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent of available appropriations, shall also pay examination fees for students sitting for an advanced placement examination, international baccalaureate examination, or both.

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

Subd. 11. Expand rigorous coursework for Black students, Indigenous students, students of color, and students in greater Minnesota. (a) For grants to expand rigorous coursework primarily for but not limited to disadvantaged and underrepresented students and students in greater Minnesota, such as through advanced placement courses, international baccalaureate programs, career and technical education, and concurrent enrollment courses:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
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<tbody>
<tr>
<td>2022</td>
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<tr>
<td>2023</td>
<td>$3,730,000</td>
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</tbody>
</table>

(b) Eligible recipients include school districts, charter schools, intermediate school districts, and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

(e) Of this amount, $1,300,000 each year is for grants to support professional development and incentives for high school teachers to develop and expand course offerings approved by the state. An eligible recipient must offer the professional development or course through a regional partnership or statewide program. Compensation for teachers to teach courses beyond the contract day or year is an allowable expenditure. Funds may supplement, but not replace, current state and federal program funds. Grants are limited to $50,000 per recipient.

(d) Of this amount, $2,430,000 each year is for matching grants to support rigorous course expansion and statewide career and technical education program quality.
improvements. The department must provide technical support and guidance. Funds may
supplement, but not replace, current state and federal program funds. Grants are limited to
$100,000 per recipient.

c) The department must require an applicant for grant funds to submit a plan that
describes how the applicant would use grant funds to increase participation by disadvantaged
and underrepresented students in rigorous coursework. The department must consider an
applicant's goals, strategies, and capacity to increase participation by disadvantaged and
underrepresented students when awarding funds.

f) At least 50 percent of the funds in this subdivision must be appropriated to grant
recipients in greater Minnesota.

g) Up to five percent of this appropriation is available for program and grant
administration.

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

(i) The base for fiscal year 2024 and later is $3,530,000.

Subd. 12. Full-service community schools. (a) For comprehensive program support
for full-service community schools:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Fiscal Year</th>
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</thead>
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<td>2022</td>
</tr>
<tr>
<td>2023</td>
<td>$5,000,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

(b) Of this amount, priority must be given to programs in the following order:

(1) current grant recipients issued under Minnesota Statutes, section 124D.231;
(2) schools identified as low-performing under the federal Every Student Succeeds Act;
and
(3) any other applicants.

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

Subd. 13. Girls in Action grant. (a) For a grant to the Girls in Action program to enable
Girls in Action to continue to provide and expand Twin Cities metropolitan area school and
community-based programs that encourage and support low-income girls of color:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Fiscal Year</th>
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<tbody>
<tr>
<td>2022</td>
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</tr>
<tr>
<td>2023</td>
<td>$0</td>
<td>2023</td>
</tr>
</tbody>
</table>
(b) Of the appropriated funds, $1,000,000 must be used to sustain 16 current Girls in Action program sites and expand to reach an additional four sites in inner ring suburban communities with growing ethnic diversity among students.

c) Of the appropriated funds, $500,000 must be used to sustain three community-based Girls in Action programs for Asian, East African, and Latina girls in Hennepin, Ramsey, and Dakota Counties, and to expand an additional two community-based programs in these counties to reach Native American and African American girls.

d) Girls in Action programs supported by these funds must include programs focused on:

1. increasing academic performance, high school graduation rates, and enrollment in postsecondary education for girls faced with social, demographic, racial, and economic barriers and challenges;

2. increasing mentoring, literacy, career development, positive community engagement, and number of qualified female employees of color in the workforce pipeline, particularly in the science, technology, engineering, and mathematics fields;

3. providing coaching, mentoring, health and wellness counseling, resources to girls whose experience with sexual assault has negatively impacted their academics and behavior, and culturally sensitive therapy resources and counseling services to sexual assault victims;

and

4. increasing financial literacy and knowledge of options for financing college or postsecondary education.

e) This is a onetime appropriation.

(f) Any balance in the first year does not cancel but is available until June 30, 2024.

Subd. 14. Grants to increase science, technology, engineering, and math course offerings. (a) For grants to schools to encourage low-income and other underserved students to participate in advanced placement and international baccalaureate programs according to Minnesota Statutes, section 120B.132:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
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<td>$250,000</td>
</tr>
<tr>
<td>2023</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

(b) The commissioner must consider grant applications from schools located in greater Minnesota and from schools located in the seven-county metropolitan area.

c) Any balance in the first year does not cancel but is available in the second year.
Subd. 15. Indigenous education for all. (a) For the implementation of indigenous education for all legislation based on the standards and benchmarks in place with the contributions of Minnesota's Tribal Nations and communities under Minnesota Statutes, section 120B.17:

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<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>2022</td>
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<td>2023</td>
<td>$437,000</td>
</tr>
</tbody>
</table>

(b) Of this amount, $450,000 in 2022 is for onetime competitive grants to provide curricular resources to schools.

(c) Of this amount, $150,000 annually is for a grant to the Tribal Nations Education Committee.

(d) Of this amount, $287,000 annually is for department administration and implementation of the standards.

Subd. 16. Interdistrict desegregation or integration transportation grants. For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

<table>
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<tr>
<td>2023</td>
<td>$14,823,000</td>
</tr>
</tbody>
</table>

Subd. 17. Literacy incentive aid. For literacy incentive aid under Minnesota Statutes, section 124D.98:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>2023</td>
<td>$45,968,000</td>
</tr>
</tbody>
</table>

The 2022 appropriation includes $4,463,000 for 2021 and $40,612,000 for 2022.

The 2023 appropriation includes $4,512,000 for 2022 and $41,456,000 for 2023.

Subd. 18. Minnesota Council on Economic Education. (a) For a grant to the Minnesota Council on Economic Education:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2022</td>
<td>$250,000</td>
</tr>
<tr>
<td>2023</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

(b) The grant must be used to:

(1) provide professional development to Minnesota's kindergarten through grade 12 teachers implementing state graduation standards in learning areas related to economic education;
(2) support the direct-to-student ancillary economic and personal finance programs that Minnesota teachers supervise and coach; and

(3) provide support to geographically diverse affiliated higher education-based centers for economic education, including those based at Minnesota State University Mankato, Minnesota State University Moorhead, St. Cloud State University, St. Catherine University, and the University of St. Thomas, as their work relates to activities in clauses (1) and (2).

(c) By February 15 of each year following the receipt of a grant, the Minnesota Council on Economic Education must report to the commissioner of education on the number and type of in-person and online teacher professional development opportunities provided by the Minnesota Council on Economic Education or its affiliated state centers for economic education. The report must include a description of the content, length, and location of the programs; the number of preservice and licensed teachers receiving professional development through each of these opportunities; and a summary of evaluations of teacher professional opportunities.

(d) On August 15, 2021, the Department of Education must pay the full amount of the grant for fiscal year 2022 to the Minnesota Council on Economic Education. On August 15, 2022, the Department of Education must pay the full amount of the grant for fiscal year 2023 to the Minnesota Council on Economic Education. The Minnesota Council on Economic Education must submit its fiscal reporting in the form and manner specified by the commissioner. The commissioner may request additional information as necessary.

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

(f) The base for fiscal year 2024 is $0.

Subd. 19. Minnesota Independence College and Community. (a) For transfer to the Office of Higher Education for grants to Minnesota Independence College and Community for tuition reduction and institutional support:

$ 625,000 ..... 2022
$ 625,000 ..... 2023

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

Subd. 20. Minnesota math corps program. (a) For the Minnesota math corps program under Minnesota Statutes, section 124D.42, subdivision 9:

$ 2,500,000 ..... 2022
$ 2,500,000 ..... 2023

(b) Any balance in the first year does not cancel but is available in the second year.
Subd. 21. *Minnesota Principals Academy.* (a) For grants to the University of Minnesota College of Education and Human Development for the operation of the Minnesota Principals Academy:

*b* $200,000 .... 2022

*b* $200,000 .... 2023

(b) Of these amounts, $50,000 must be used to pay the costs of attendance for principals and school leaders from schools identified for intervention under the state's accountability system as implemented to comply with the federal Every Student Succeeds Act. To the extent funds are available, the Department of Education is encouraged to use up to $200,000 of federal Title II funds to support additional participation in the Principals Academy by principals and school leaders from schools identified for intervention under the state's accountability system as implemented to comply with the federal Every Student Succeeds Act.

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

Subd. 22. *Minnesota Youth Council.* (a) For grants to the Minnesota Alliance With Youth for the activities of the Minnesota Youth Council:

*b* $187,000 .... 2022

*b* $187,000 .... 2023

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

Subd. 23. *Multitiered systems of support.* (a) For the Minnesota Department of Education to support schools in reinforcing systemic approaches to meet the needs of individual students and ensure effective implementation of multitiered systems of support in the areas of academics, social and emotional learning, and physical health services:

*b* $5,000,000 .... 2022

*b* $5,000,000 .... 2023

(b) Of this amount, $3,200,000 is for regional centers of excellence under the Minnesota service cooperatives to fund staff to support the implementation of multitiered systems of support, ensuring research-validated models are supported for prekindergarten through grade 12 in school districts and charter schools.

(c) Of this amount, $1,800,000 is reserved for grants to school districts and charter schools to partner with community-based organizations and programs.

(d) Grant funds must be used for implementation of evidence-based policies, procedures, and practices within the multitiered systems of support prioritizing before and after school
programming for historically underserved students and access to mental health services for
students.

(c) Eligible grantees include school districts, charter schools, intermediate school districts,
and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

(f) Up to five percent of this appropriation is available for program and grant
administration.

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

Subd. 24. **Museums and education centers.** (a) For grants to museums and education
centers:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$610,000</td>
<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$610,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) $269,000 each year is for the Minnesota Children's Museum.

(c) $50,000 each year is for the Minnesota Children's Museum, Rochester.

(d) $50,000 each year is for the Duluth Children's Museum.

(e) $41,000 each year is for the Minnesota Academy of Science.

(f) $50,000 each year is for the Headwaters Science Center.

(g) $50,000 each year is for the Children's Museum of Southern Minnesota.

(h) $50,000 each year is for the Works Museum in Bloomington.

(i) $50,000 each year is for the Children's Discovery Museum of Grand Rapids.

(j) A recipient of a grant under this subdivision must use the funds to encourage and
increase access for historically underserved communities.

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

Subd. 25. **P-TECH schools.** (a) For P-TECH support grants under Minnesota Statutes,
section 124D.093, subdivision 5:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$791,000</td>
<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$791,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) The amounts in this subdivision are for grants to a public-private partnership that
includes Independent School District No. 535, Rochester.

(c) Any balance in the first year does not cancel but is available in the second year.
Subd. 26. **Recovery program grants.** (a) For recovery program grants under Minnesota Statutes, section 124D.695:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$750,000</td>
<td>2022</td>
</tr>
<tr>
<td>2023</td>
<td>$750,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

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

Subd. 27. **Rural career and technical education consortium.** (a) For rural career and technical education consortium grants:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$3,000,000</td>
<td>2022</td>
</tr>
<tr>
<td>2023</td>
<td>$3,000,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

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

Subd. 28. **Sanneh Foundation.** (a) For grants to the Sanneh Foundation for purposes of subdivision 3:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$2,000,000</td>
<td>2022</td>
</tr>
<tr>
<td>2023</td>
<td>$2,000,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

(b) The grants to the Sanneh Foundation must be directed toward programs for low-performing and chronically absent students with a focus on low-income students and students of color. The goals of the grants include decreasing absenteeism, encouraging school engagement, improving grades, and improving graduation rates. The grants may be used to:

1. provide all-day, in-school academic and behavioral interventions and social and emotional learning throughout the school year;
2. provide year-round, out-of-school behavioral, social, and emotional learning interventions and enrichment activities;
3. enhance career exploration opportunities, including exposure to businesses and business activities; and
4. develop pathways in cooperation with businesses or higher education partners for participants to pursue careers in education and youth development.

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

(d) The base for fiscal year 2024 is $1,000,000.

Subd. 29. **ServeMinnesota program.** (a) For funding ServeMinnesota programs under Minnesota Statutes, sections 124D.37 to 124D.45:
(b) A grantee organization may provide health and child care coverage to the dependents of each participant enrolled in a full-time ServeMinnesota program to the extent such coverage is not otherwise available.

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

Subd. 30. Singing-based pilot program to improve student reading. (a) For a grant to pilot a research-supported, computer-based educational program that uses singing to improve the reading ability of students in grades 2 through 5:

   $ 75,000 ..... 2022

(b) The commissioner of education shall award a grant to the Rock ‘n’ Read Project to implement a research-supported, computer-based educational program that uses singing to improve the reading ability of students in grades 2 through 5. The grantee shall be responsible for selecting participating school sites; providing any required hardware and software, including software licenses, for the duration of the grant period; providing technical support, training, and staff to install required project hardware and software; providing on-site professional development and instructional monitoring and support for school staff and students; administering preintervention and postintervention reading assessments; evaluating the impact of the intervention; and other project management services as required. To the extent practicable, the grantee must select participating schools in urban, suburban, and greater Minnesota, and give priority to schools in which a high proportion of students do not read proficiently at grade level and are eligible for free or reduced-price lunch.

(c) By February 15, 2023, the grantee must submit a report detailing expenditures and outcomes of the grant to the commissioner of education and the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education policy and finance.

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

(e) This is a onetime appropriation.

Subd. 31. Starbase MN. (a) For a grant to Starbase MN for a rigorous science, technology, engineering, and math (STEM) program providing students in grades 4 through 6 with a multisensory learning experience and a hands-on curriculum in an aerospace environment using state-of-the-art technology:
<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$500,000</td>
<td>.....</td>
</tr>
<tr>
<td>2023</td>
<td>$500,000</td>
<td>.....</td>
</tr>
</tbody>
</table>

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

Subd. 32. **Statewide testing and reporting system.** (a) For the statewide testing and reporting system under Minnesota Statutes, section 120B.30:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$9,692,000</td>
<td>.....</td>
</tr>
<tr>
<td>2023</td>
<td>$9,692,000</td>
<td>.....</td>
</tr>
</tbody>
</table>

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

(c) The base in 2024 and 2025 is $10,892,000 per year.

Subd. 33. **Student organizations.** (a) For student organizations:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$768,000</td>
<td>.....</td>
</tr>
<tr>
<td>2023</td>
<td>$768,000</td>
<td>.....</td>
</tr>
</tbody>
</table>

(b) $46,000 each year is for student organizations serving health occupations (HOSA).

(c) $100,000 each year is for student organizations serving trade and industry occupations (Skills USA, secondary and postsecondary).

(d) $95,000 each year is for student organizations serving business occupations (BPA, secondary and postsecondary).

(e) $193,000 each year is for student organizations serving agriculture occupations (FFA, PAS).

(f) $185,000 each year is for student organizations serving family and consumer science occupations (FCCLA). Notwithstanding Minnesota Rules, part 3505.1000, subparts 28 and 31, the student organizations serving FCCLA shall continue to serve students younger than grade 9.

(g) $109,000 each year is for student organizations serving marketing occupations (DECA and DECA collegiate).

(h) $40,000 each year is for the Minnesota Foundation for Student Organizations.

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

Subd. 34. **Tribal contract school aid.** For Tribal contract school aid under Minnesota Statutes, section 124D.83, and Tribal contract onetime compensatory aid:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
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<td>.....</td>
</tr>
<tr>
<td>2023</td>
<td>$3,138,000</td>
<td>.....</td>
</tr>
</tbody>
</table>
The 2022 appropriation includes $227,000 for 2021 and $2,548,000 for 2022.

The 2023 appropriation includes $283,000 for 2022 and $2,855,000 for 2023.

Sec. 71. **REVISOR INSTRUCTION.**

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering. The revisor shall also make any technical language and other changes necessitated by the renumbering and cross-reference changes in this act.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>120B.30, subdivision 1a, paragraph (h)</td>
<td>120B.30, subdivision 1</td>
</tr>
<tr>
<td>120B.30, subdivision 1, paragraph (q)</td>
<td>120B.30, subdivision 2</td>
</tr>
<tr>
<td>120B.30, subdivision 1a, paragraph (g)</td>
<td>120B.30, subdivision 3</td>
</tr>
<tr>
<td>120B.30, subdivision 1b</td>
<td>120B.30, subdivision 4</td>
</tr>
<tr>
<td>120B.30, subdivision 1, paragraph (n)</td>
<td>120B.30, subdivision 5, paragraph (a)</td>
</tr>
<tr>
<td>120B.30, subdivision 1, paragraph (a)</td>
<td>120B.30, subdivision 5, paragraph (b)</td>
</tr>
<tr>
<td>120B.30, subdivision 1a, paragraph (e)</td>
<td>120B.30, subdivision 6, paragraph (a)</td>
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<td>120B.30, subdivision 2, paragraph (a)</td>
<td>120B.30, subdivision 6, paragraph (b)</td>
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<tr>
<td>120B.30, subdivision 2, paragraph (b), clauses (1) and (2)</td>
<td>120B.30, subdivision 6, paragraph (c)</td>
</tr>
<tr>
<td>120B.30, subdivision 2</td>
<td>120B.30, subdivision 6, paragraph (d)</td>
</tr>
<tr>
<td>120B.30, subdivision 4</td>
<td>120B.30, subdivision 7</td>
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<td>120B.30, subdivision 6</td>
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<tr>
<td>120B.30, subdivision 1, paragraph (e)</td>
<td>120B.30, subdivision 10</td>
</tr>
</tbody>
</table>

**General Requirements Test Design**

| 120B.30, subdivision 1a, paragraph (a), clauses (1) to (5) | 120B.301, subdivision 1 |
| 120B.30, subdivision 1, paragraph (a) | 120B.301, subdivision 2 |
| 120B.30, subdivision 1, paragraph (b) | 120B.301, subdivision 3, paragraph (a) |
| 120B.30, subdivision 1, paragraph (n) | 120B.301, subdivision 3, paragraph (b) |
| 120B.30, subdivision 1a, paragraph (b) | 120B.301, subdivision 3, paragraph (c) |
| 120B.30, subdivision 1a, paragraph (c), clauses (1) and (2) | 120B.301, subdivision 3, paragraph (d) |

**Assessment Graduation Requirements**

| 120B.30, subdivision 1, paragraph (c), clauses (1) and (2) | 120B.304, subdivision 1 |
| 120B.30, subdivision 1, paragraph (d) | 120B.304, subdivision 2 |
Sec. 72. REPEALER.

Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

ARTICLE 3

TEACHERS

Section 1. [120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.

Subdivision 1. Purpose. This section sets short-term and long-term state goals for increasing the percentage of teachers of color and American Indian teachers in Minnesota and for ensuring all students have equitable access to effective and racially and ethnically diverse teachers who reflect the diversity of students. The goals and report required under this section are also important for meeting state goals for the world's best workforce under section 120B.11, achievement and integration under section 124D.861, and higher education
attainment under section 135A.012, all of which have been established to close persistent
opportunity and achievement gaps that limit students' success in school and life and impede
the state's economic growth.

Subd. 2. Equitable access to racially and ethnically diverse teachers. The percentage
of teachers who are of color or American Indian in Minnesota should increase at least two
percentage points per year to have a teaching workforce that more closely reflects the state's
increasingly diverse student population and to ensure all students have equitable access to
effective and diverse teachers by 2040.

Subd. 3. Rights not created. The attainment goal in this section is not to the exclusion
of any other goals and does not confer a right or create a claim for any person.

Subd. 4. Reporting. Beginning in 2022 and every even-numbered year thereafter, the
Professional Educator Licensing and Standards Board must collaborate with the Department
of Education and the Office of Higher Education to publish a summary report of each of
the programs they administer and any other programs receiving state appropriations that
have or include an explicit purpose of increasing the racial and ethnic diversity of the state's
teacher workforce to more closely reflect the diversity of students. The report must include
programs under sections 122A.094, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,
136A.1275, and 136A.1791, along with any other programs or initiatives that receive state
appropriations to address the shortage of teachers of color and American Indian teachers.
The board must, in coordination with the Office of Higher Education and Department of
Education, provide policy and funding recommendations related to state-funded programs
to increase the recruitment, preparation, licensing, hiring, and retention of racially and
ethnically diverse teachers and the state's progress toward meeting or exceeding the goals
of this section. The report must also include recommendations for state policy and funding
needed to achieve the goals of this section, as well as plans for sharing the report and
activities of grant recipients, and opportunities among grant recipients of various programs
to share effective practices with each other. The 2022 report must include a recommendation
of whether a state advisory council should be established to address the shortage of racially
and ethnically diverse teachers and what the composition and charge of such an advisory
council would be if established. The board must consult with the Indian Affairs Council
and other ethnic councils along with other community partners, including students of color
and American Indian students, in developing the report. By November 1 of each
even-numbered year, the board must submit the report to the chairs and ranking minority
members of the legislative committees with jurisdiction over education and higher education
policy and finance. The report must be available to the public on the board's website.
EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. [120B.25] CURRICULUM POLICY.

A school board must adopt a written policy that prohibits discrimination or discipline for a teacher or principal on the basis of incorporating into curriculum contributions by persons in a federally protected class or protected class under section 363A.13, consistent with local collective bargaining agreements.

Sec. 3. [122A.04] LICENSE REQUIRED.

Pursuant to section 120A.22, subdivision 10, a teacher must hold a license or a permission aligned to the content area and scope of the teacher's assignment to provide instruction in a public school or a charter school.

Sec. 4. Minnesota Statutes 2020, section 122A.06, subdivision 2, is amended to read:

Subd. 2. Teacher. "Teacher" means a classroom teacher or other similar professional employee required by law to hold a license or permission from the Professional Educator Licensing and Standards Board.

Sec. 5. Minnesota Statutes 2020, section 122A.06, subdivision 5, is amended to read:

Subd. 5. Field. A "field," "licensure area," or "subject area" means the content area in which a teacher may become licensed to teach.

Sec. 6. Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

Subd. 6. Shortage area. "Shortage area" means:

1. licensure fields and economic development regions reported by the commissioner of education Office of Higher Education or the Professional Educator Licensing and Standards Board as experiencing a teacher shortage; and

2. economic development regions where there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region, the aggregate percentage of Indigenous teachers and teachers of color in the region is lower than the aggregate percentage of kindergarten through grade 12 Indigenous students and students of color in that region.

Only individuals who close the gap between these percentages qualify as filling a shortage by this definition.
Sec. 7. Minnesota Statutes 2020, section 122A.06, subdivision 7, is amended to read:

Subd. 7. Teacher preparation program. "Teacher preparation program" means a program approved by the Professional Educator Licensing and Standards Board for the purpose of preparing individuals for a specific teacher licensure field in Minnesota. Teacher preparation programs include traditional programs delivered by postsecondary institutions, alternative teacher preparation programs, and nonconventional teacher preparation programs.

Sec. 8. Minnesota Statutes 2020, section 122A.06, subdivision 8, is amended to read:

Subd. 8. Teacher preparation program provider. "Teacher preparation program provider" or "unit" means an entity that has primary responsibility for overseeing and delivering a teacher preparation program. Teacher preparation program providers include postsecondary institutions and alternative teacher preparation providers aligned to section 122A.094.

Sec. 9. Minnesota Statutes 2020, section 122A.06, is amended by adding a subdivision to read:

Subd. 9. District. "District" means a public school district or charter school.

Sec. 10. [122A.094] TEACHER PREPARATION PROVIDERS.

Subdivision 1. Purpose. Teacher preparation providers must be approved by the Professional Educator Licensing and Standards Board to prepare candidates for teacher licensure in Minnesota. To provide alternative pathways toward Minnesota teacher licensure outside of the traditional means, improve ethnic and cultural diversity in the classroom, and to close the achievement gap, the Professional Educator Licensing and Standards Board must approve qualified teacher preparation providers and programs under this section that are a means to acquire a Tier 2 license under section 122A.182 and prepare for acquiring a Tier 3 license under section 122A.183.

Subd. 2. Eligibility. The following organizations are eligible to seek approval to be a teacher preparation provider:

(1) Minnesota institutions of higher education;

(2) school districts;

(3) charter schools; and

(4) nonprofit corporations organized under chapter 317A for an education-related purpose.
Subd. 3. **Requirements for provider approval.** An eligible entity must be approved as a provider before being approved to provide programs toward licensure. The Professional Educator Licensing and Standards Board must approve an eligible entity under subdivision 3 that meets the following requirements:

1. has evidence and history of fiscal solvency, capacity, and operation;
2. possesses necessary infrastructure to provide accurate, timely, and secure data for the purposes of admission, candidate monitoring, testing, and program completion requirements;
3. has policies and procedures in place ensuring the security of candidate records under the federal Family Educational Rights and Privacy Act;
4. has developed a research-based, results-oriented curriculum that focuses on the skills teachers need to be effective;
5. provides a clinical experience that meets criteria set in rule for initial and additional licensure programs;
6. includes a common core of teaching knowledge and skills. The Professional Educator Licensing and Standards Board must adopt and revise rules to maintain a common core of teaching knowledge and skills;
7. includes instruction on the knowledge and skills needed to provide appropriate instruction to English learners to support and accelerate their academic literacy, including oral academic language and achievement in content areas in a regular classroom setting;
8. includes culturally competent training on instructional strategies consistent with section 120B.30, subdivision 1, paragraph (q), and Minnesota Rules, part 8710.0310, subpart 1, item D.

Subd. 4. **Program approval.** The board must adopt and revise rules outlining the criteria by which programs offered by approved providers may be approved. If the board determines that a teacher preparation provider or licensure program fails to meet or is deficient in any of the requirements in rule, it may suspend or revoke the approval of the provider or program after it notifies the provider of the deficiencies and gives the provider an opportunity to remedy the deficiencies.

Subd. 5. **Specialized credentials.** The board may adopt and revise rules creating flexible, specialized teaching licenses, credentials, and other endorsement forms.
107.1 Subd. 6. Teacher educators. (a) The board must adopt and revise rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary and secondary teaching environments.

(b) The board must adopt and revise rules for the qualifications for teacher educators. The board may use nontraditional criteria to determine qualifications of teacher educators, including permitting instructors to hold a baccalaureate degree only. Nontraditional criteria may include previous work experiences, teaching experiences, educator evaluations, industry-recognized certifications, and other equivalent demonstrations of qualifications.

Subd. 7. Reading strategies. (a) A teacher preparation provider approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in its teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure candidate to teach reading in the candidate's content areas. Teacher candidates must be instructed in using students' native languages as a resource in creating effective differentiated instructional strategies for English learners developing literacy skills. A teacher preparation provider must also prepare early childhood and elementary teacher candidates for Tier 3 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering assessment of reading instruction.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in applying comprehensive, scientifically based or evidence-based, and structured reading instruction programs that:

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

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

(c) Board-approved teacher preparation programs for teachers of elementary education, early childhood education, special education, and reading intervention must include instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation programs may consult with the Department of Education, including the dyslexia specialist under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia
must be modeled on practice standards of the International Dyslexia Association and must address:

1. the nature and symptoms of dyslexia;
2. resources available for students who show characteristics of dyslexia;
3. evidence-based instructional strategies for students who show characteristics of dyslexia, including the structured literacy approach; and
4. outcomes of intervention and lack of intervention for students who show characteristics of dyslexia.

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

Subd. 8. Technology strategies. All preparation providers approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in their teacher preparation programs the knowledge and skills teacher candidates need to engage students with technology and deliver digital and blended learning and curriculum.

Subd. 9. Reports. (a) The Professional Educator Licensing and Standards Board must report annually to the education committees of the legislature on the performance of teacher candidates aligned to section 122A.091, subdivision 1.

(b) The board must also submit a biennial report on the alternative teacher preparation providers to legislative committees with jurisdiction over kindergarten through grade 12 education policy and finance by January 15 of each odd-numbered year.

Sec. 11. Minnesota Statutes 2020, section 122A.15, subdivision 1, is amended to read:

Subdivision 1. Teachers. The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, school counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists, school speech-language pathologists. This definition does not apply to sections 122A.05 to 122A.093.
Sec. 12. Minnesota Statutes 2020, section 122A.16, is amended to read:

**122A.16 QUALIFIED TEACHER DEFINED.**

A qualified teacher is one holding a valid license or permission under this chapter, to perform the particular service for which the teacher is employed in a public school.

Sec. 13. Minnesota Statutes 2020, section 122A.18, subdivision 7a, is amended to read:

Subd. 7a. **Permission License to substitute teach.** (a) The Professional Educator Licensing and Standards Board must issue licenses to substitute teach to applicants who meet the qualifications prescribed in this subdivision and in Minnesota Rules.

(b) The Professional Educator Licensing and Standards Board may allow a person issue a short-call substitute teaching license to an applicant who otherwise qualifies for a Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and making satisfactory progress in a board-approved state-approved teacher program and who has successfully completed student teaching to be employed as a short-call substitute teacher.

(c) The Professional Educator Licensing and Standards Board may issue a lifetime qualified short-call or long-call substitute teaching license to a person an applicant who:

1. was a qualified teacher under section 122A.16 while holding a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, and receives a retirement annuity from the Teachers Retirement Association or the St. Paul Teachers Retirement Fund Association;

2. holds an out-of-state teaching license and receives a retirement annuity as a result of the person's teaching experience; or

3. held a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, taught at least three school years in an accredited nonpublic school in Minnesota, and receives a retirement annuity as a result of the person's teaching experience.

A person holding a lifetime qualified short-call or long-call substitute teaching license is not required to complete continuing education clock hours. A person holding this license may reapply to the board for either:

1. a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, and must again complete continuing education clock hours renewal requirements pursuant to section 122A.187 one school year after receiving the Tier 3 or Tier 4 teaching license; or
(ii) a Tier 1 license under section 122A.181, provided that the candidate applicant has a bachelor's degree, an associate's degree, or an appropriate professional credential in the content area the candidate applicant will teach, in accordance with section 122A.181, subdivision 2.

Sec. 14. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

Subd. 8. Background checks studies. (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators must initiate a criminal history background check study on all first-time teaching applicants for educator licenses under their jurisdiction. Applicants must include with their licensure applications:

1. (1) an executed criminal history consent form, including fingerprints; and
2. (2) payment to conduct the background check. The Professional Educator Licensing and Standards Board must deposit payments received under this subdivision in an account in the special revenue fund. Amounts in the account are annually appropriated to the Professional Educator Licensing and Standards Board to pay for the costs of background checks on applicants for licensure.

(b) The background check for all first-time teaching applicants for licenses must include a review of information from the Bureau of Criminal Apprehension, including criminal history data as defined in section 13.87, and must also include a review of the national criminal records repository. The superintendent of the Bureau of Criminal Apprehension is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a).

(c) The Professional Educator Licensing and Standards Board must contract with and the Board of School Administrators may initiate criminal background studies through the commissioner of human services to conduct background checks and obtain background check data required under this chapter.

Sec. 15. Minnesota Statutes 2020, section 122A.18, subdivision 10, is amended to read:

Subd. 10. Licensure via portfolio. (a) The Professional Educator Licensing and Standards Board must adopt and revise rules establishing a process for an eligible candidate applicant to obtain an initial Tier 3 license under subdivision 1, or to add a licensure field, to a Tier 3 or Tier 4 license via portfolio. The portfolio licensure application process must be consistent with the requirements in this subdivision.
(b) A candidate An applicant for an initial Tier 3 license via portfolio must submit to the board one portfolio demonstrating pedagogical competence and one portfolio demonstrating content competence.

(c) A candidate An applicant seeking to add a licensure field via portfolio must submit to the board one portfolio demonstrating content competence for each licensure field the candidate seeks to add.

(d) The board must notify a candidate an applicant who submits a portfolio under paragraph (b) or (c) within 90 120 calendar days after the portfolio is received whether or not the portfolio is approved. If the portfolio is not approved, the board must immediately inform the candidate applicant how to revise the portfolio to successfully demonstrate the requisite competence. The candidate applicant may resubmit a revised portfolio at any time within two years and the board must approve or disapprove the revised portfolio within 60 90 calendar days of receiving it.

(e) A candidate An applicant must pay a fee for a portfolio in accordance with section 122A.21, subdivision 4.

Sec. 16. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

Subdivision 1. Application requirements. The Professional Educator Licensing and Standards Board must approve a request from a district or charter school to issue a Tier 1 license in a specified content area to a candidate an application for a Tier 1 license in a specified content area if:

(1) the application has been submitted jointly by the applicant and the district;

(2) the application has been paid for by the district or the applicant;

(3) the candidate applicant meets the professional requirement in subdivision 2;

(2) (4) the district or charter school affirms that the candidate applicant has the necessary skills and knowledge to teach in the specified content area; and

(3) (5) the district or charter school demonstrates that—(i) a criminal background check under section 122A.18, subdivision 8, has been completed on the candidate applicant; and

(4) (6) the district or charter school has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.
Sec. 17. Minnesota Statutes 2020, section 122A.181, subdivision 2, is amended to read:

Subd. 2. Professional requirements. (a) A candidate for a Tier 1 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study, unless specifically exempt by state statute or rule.

(b) A candidate for a Tier 1 license must have one of the following credentials in a relevant content area to teach a class in a career and technical education or career pathways course of study:

(1) an associate's degree;

(2) a professional certification; or

(3) five years of relevant work experience.

Sec. 18. Minnesota Statutes 2020, section 122A.181, is amended by adding a subdivision to read:

Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision 2:

(1) an applicant for a Tier 1 license to teach career and technical education or career pathways courses of study if the applicant has:

(i) an associate's degree;

(ii) a professional certification; or

(iii) five years of relevant work experience;

(2) an applicant for a Tier 1 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language;

(3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater), 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant has at least five years of relevant work experience; and

(4) an applicant for a Tier 1 license who is enrolled in a state-approved teacher preparation program classified as a residency model aligned to the scope and field of the assignment. The residency program must lead to a bachelor's degree unless the program is aligned to one of the licensure areas outlined in this subdivision.
(b) The Professional Educator Licensing and Standards Board must adopt and revise rules regarding the qualifications and determinations for applicants exempt from paragraph (a).

Sec. 19. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

Subd. 3. Term of license and renewal. (a) The Professional Educator Licensing and Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license may be renewed subject to paragraphs (b) and (c). The board may submit written comments to the district or charter school that requested the renewal regarding the candidate.

(b) The Professional Educator Licensing and Standards Board must renew a Tier 1 license if:

(1) the district or charter school requesting the renewal demonstrates that it has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position;

(2) the teacher holding the Tier 1 license took a content examination in accordance with section 122A.185 and submitted the examination results to the teacher's employing district or charter school within one year of the board approving the request for the initial Tier 1 license;

(3) the teacher holding the Tier 1 license participated in cultural competency training consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board approving the request for the initial Tier 1 license; and

(4) the teacher holding the Tier 1 license met the mental illness training renewal requirement under section 122A.187, subdivision 6; and

The requirement in clause (2) does not apply to a teacher that teaches a class in a career and technical education or career pathways course of study.

(4) the district demonstrates professional development opportunities and other supports provided to move the teacher from a Tier 1 license to a higher tier.

(c) A Tier 1 license must not be renewed more than three times, unless the requesting district or charter school can show good cause for additional renewals. A Tier 1 license issued to teach (1) a class or course in a career and technical education or career pathway course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may be renewed without limitation.
Sec. 20. Minnesota Statutes 2020, section 122A.181, subdivision 4, is amended to read:

Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept and review applications for a Tier 1 teaching license beginning July 1 of the school year for which the license is requested and must issue or deny the Tier 1 teaching license within 30 days of receiving the completed application, unless permitted by the board to accept and review applications earlier.

Sec. 21. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and limited to the district or charter school that requested the initial Tier 1 license.

(b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

(c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.

Sec. 22. Minnesota Statutes 2020, section 122A.181, subdivision 6, is amended to read:

Subd. 6. **Mentorship and evaluation.** (a) A teacher holding a Tier 1 license must participate in the employing district or charter school's mentorship program and professional development. A district that hires a Tier 1 teacher must provide mentorship aligned to board-adopted criteria and professional development opportunities to that teacher.

(b) A teacher holding a Tier 1 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5.

Sec. 23. Minnesota Statutes 2020, section 122A.182, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must approve a request from a district or charter school to issue an application for a Tier 2 license in a specified content area to a candidate if:

1. the candidate meets the educational or professional requirements in paragraph (b) or (c) of the application has been submitted jointly by the applicant and the district;

2. the candidate:

   (i) has completed the coursework required under subdivision 2;
(ii) is enrolled in a Minnesota-approved teacher preparation program; or

(iii) has a master's degree in the specified content area; and

(3) the district or charter school demonstrates that a criminal background check under section 122A.18, subdivision 8, has been completed on the candidate.

(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside a career and technical education or career pathways course of study.

(c) A candidate for a Tier 2 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:

(1) an associate's degree;

(2) a professional certification; or

(3) five years of relevant work experience.

(2) the application has been paid for by the district or the applicant;

(3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;

(4) the district demonstrates that a criminal background check under section 122A.18, subdivision 8, has been completed for the applicant; and

(5) the applicant:

(i) has a master's degree in the specified content area;

(ii) is enrolled in a state-approved teacher preparation program; or

(iii) for a license to teach career and technical education and career pathways, has completed two years of field-specific teaching experience on a Tier 1 license and completed training in classroom management, cultural competency, and teacher ethics.

Sec. 24. Minnesota Statutes 2020, section 122A.182, subdivision 2, is amended to read:

Subd. 2. Coursework Exemptions from a bachelor's degree. (a) A candidate for a Tier 2 license must meet the coursework requirement by demonstrating completion of two of the following:

(1) at least eight upper division or graduate level credits in the relevant content area;

(2) field-specific methods of training, including coursework;
(3) at least two years of teaching experience in a similar content area in any state, as determined by the board;

(4) a passing score on the pedagogy and content exams under section 122A.185; or

(5) completion of a state-approved teacher preparation program.

(b) For purposes of paragraph (a), "upper division" means classes normally taken at the junior or senior level of college which require substantial knowledge and skill in the field. Candidates must identify the upper division credits that fulfill the requirement in paragraph (a), clause (1).

(a) The following applicants for a Tier 2 license are exempt from the requirement to hold a bachelor's degree in subdivision 1:

(1) an applicant for a Tier 2 license to teach career and technical education or career pathways courses of study when the applicant has:

(i) an associate's degree;

(ii) a professional certification; or

(iii) five years of relevant work experience;

(2) an applicant for a Tier 2 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language.

(3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater), 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), when the applicant has at least five years of relevant work experience.

(b) The Professional Educator Licensing and Standards Board must adopt and revise rules regarding the qualifications and determinations for applicants exempt from the requirement to hold a bachelor's degree in subdivision 1.

Sec. 25. Minnesota Statutes 2020, section 122A.182, subdivision 3, is amended to read:

Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license may be renewed three times. The board must adopt rules establishing good cause justifications for additional renewals after the initial license has been renewed two times.

(b) A teacher holding a Tier 2 license in career and technical education or career pathways course of study may receive unlimited renewals.
(c) Before a Tier 2 license is renewed for the first time, a teacher holding a Tier 2 license must participate in cultural competency training consistent with section 120B.30, subdivision 1, paragraph (q), and mental illness training under section 122A.187, subdivision 6. The board must issue rules setting forth the conditions for additional renewals after the initial license has been renewed three times; and the district demonstrates professional development opportunities and other supports provided to move the teacher to a higher tier.

Sec. 26. Minnesota Statutes 2020, section 122A.182, subdivision 4, is amended to read:

Subd. 4. Application. The Professional Educator Licensing and Standards Board must accept and review applications for a Tier 2 teaching license beginning July 1 of the school year for which the license is requested and must issue or deny the Tier 2 teaching license within 30 days of receiving the completed application, unless permitted by the board to accept and review applications earlier.

Sec. 27. Minnesota Statutes 2020, section 122A.182, subdivision 7, is amended to read:

Subd. 7. Mentorship and evaluation. (a) A teacher holding a Tier 2 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan that includes cultural competency under section 120B.30, subdivision 1, paragraph (q). A district that hires a teacher holding a Tier 2 license must provide mentorship aligned to board-adopted criteria to that teacher and professional development opportunities. (b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

Sec. 28. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

Subdivision 1. Requirements. (a) The Professional Educator Licensing and Standards Board must issue a Tier 3 license to a candidate an applicant who provides information sufficient to demonstrate all of the following:

(1) the candidate meets the educational or professional requirements in paragraphs (b) and (e);

(2) the candidate has obtained a passing score on the required licensure exams under section 122A.185; and
the applicant for a Tier 3 license must have a bachelor's degree to teach a class or course, unless specifically exempt by state statute or rule; and

(3) (2) the candidate applicant has completed the coursework required under subdivision 2.

(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.

c) A candidate for a Tier 3 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:

(1) an associate's degree;
(2) a professional certification; or
(3) five years of relevant work experience.

In consultation with the governor's Workforce Development Board established under section 116L.665, the board must establish a list of qualifying certifications, and may add additional professional certifications in consultation with school administrators, teachers, and other stakeholders.

Sec. 29. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

Subd. 2. Coursework. A candidate applicant for a Tier 3 license must meet the coursework requirement by demonstrating one of the following:

(1) completion of a Minnesota-approved teacher preparation program;
(2) completion of a state-approved teacher preparation program approved by another state, territory, or country, including culturally specific Minority Serving Institutions in the United States, such as Historically Black Colleges and Universities, Tribal Colleges, or Hispanic-Serving Institutions including those in Puerto Rico, that includes field-specific student teaching equivalent to field-specific student teaching in Minnesota-approved teacher preparation programs. The field-specific student teaching requirement does not apply to a candidate applicant that has two years of field-specific teaching experience;
(3) submission of a content-specific licensure portfolio;
(4) a professional teaching license from another state, evidence that the candidate applicant's license is in good standing, and two years of field-specific teaching experience; or
the applicant fills a shortage area under section 122A.06, subdivision 6, clause (2), and has three years of teaching experience under a Tier 2 license and evidence of summative teacher evaluations that did not result in placing or otherwise keeping the teacher on an improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

Sec. 30. Minnesota Statutes 2020, section 122A.183, is amended by adding a subdivision to read:

Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision 1:

(1) an applicant for a Tier 3 license to teach career and technical education or career pathways courses of study when the applicant has:

(i) an associate's degree;

(ii) a professional certification; or

(iii) five years of relevant work experience;

(2) an applicant for a Tier 3 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and

(3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater), 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant has at least five years of relevant work experience.

(b) The Professional Educator Licensing and Standards Board must adopt and revise rules regarding the qualifications and determinations for applicants exempt from subdivision 1.

Sec. 31. Minnesota Statutes 2020, section 122A.183, subdivision 3, is amended to read:

Subd. 3. Term of license and renewal. The Professional Educator Licensing and Standards Board must issue an initial Tier 3 license for a term of three years. Before a Tier 3 license is renewed for the first time, the applicant must meet initial teacher renewal requirements in section 122A.187. A Tier 3 license may be renewed every three years without limitation.
Sec. 32. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a **candidate** an applicant who provides information sufficient to demonstrate all of the following:

(1) the **candidate applicant** meets all requirements for a Tier 3 license under section 122A.183, and has completed a teacher preparation program under section 122A.183, subdivision 2, clause (1) or (2);

(2) the **candidate applicant** has at least three years of **field-specific** teaching experience in Minnesota as a teacher of record;

(3) the **candidate applicant** has obtained a passing score on all required licensure exams under section 122A.185; and

(4) the candidate’s most recent summative teacher evaluation did not result in placing or otherwise keeping the teacher in an improvement process pursuant to section 122A.40, subdivision 8, or 122A.41, subdivision 5 if the applicant previously held a Tier 3 license under section 122A.183, the applicant has completed the initial teacher renewal requirements in section 122A.187.

Sec. 33. Minnesota Statutes 2020, section 122A.184, subdivision 2, is amended to read:

Subd. 2. **Term of license and renewal.** The Professional Educator Licensing and Standards Board must issue an initial Tier 4 license for a term of five years. A Tier 4 license may be renewed every five years without limitation if the applicant meets the continuing teacher renewal requirements in section 122A.187.

Sec. 34. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.

(b) (a) The board must adopt and revise rules requiring candidates applicants for Tier 3 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical
knowledge and examinations of licensure field specific content, including an examination taken in another state, if the applicant has not completed a board-approved preparation program assuring candidates from the program recommended for licensure meet content and pedagogy licensure standards in Minnesota. The content examination requirement does not apply if no relevant content exam exists. Applicants who have satisfactorily completed a preparation program in another state and passed licensure examinations in that state are not additionally required to pass similar examinations required in Minnesota.

(c) Candidates (b) Applicants for initial Tier 3 and Tier 4 licenses to teach elementary students must pass test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4.

(d) The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.

(c) All testing centers in the state must provide regular opportunities for extended time content and pedagogy examinations. These opportunities must be advertised on the test registration website. The board must require the exam vendor to provide other equitable opportunities to pass exams, including providing financial assistance for test takers who qualify for federal grants; providing free, multiple, full-length practice tests for each exam and free, comprehensive study guides on the test registration website; making content and pedagogy exams available in languages other than English for teachers seeking licensure to teach in language immersion programs; and providing a free, detailed exam results analysis by test objective to assist candidates who do not pass an exam in identifying areas for improvement. Any candidate who has not passed a required exam after two attempts must be allowed to retake the exam, including new versions of the exam, without being charged an additional fee.
Sec. 35. Minnesota Statutes 2020, section 122A.185, subdivision 4, is amended to read:

Subd. 4. Remedial assistance. (a) A board-approved teacher preparation program must make available upon request remedial assistance that includes a formal diagnostic component to persons enrolled in their teacher preparation program who did not achieve a qualifying score on a board-adopted skills examination, including those for whom English is a second language. The teacher preparation programs must make available assistance in the specific academic areas of candidates' deficiency. Teacher preparation providers must report annually on supports provided, number of candidates supported, and demographic data of those candidates.

(b) School districts may make available upon request similar, appropriate, and timely remedial assistance that includes a formal diagnostic component to those persons employed by the district who completed their teacher education program, who did not achieve a qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2, or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in Minnesota.

Sec. 36. Minnesota Statutes 2020, section 122A.187, is amended to read:

122A.187 EXPIRATION AND RENEWAL.

Subdivision 1. License form requirements. Each license issued under this chapter must bear the date of issue and the name of the state-approved teacher training provider or alternative teaching program, as applicable. Licenses must expire and be renewed according to rules adopted by the Professional Educator Licensing and Standards Board or the Board of School Administrators. The rules adopted by the Professional Educator Licensing and Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, must include showing satisfactory evidence of successful teaching or administrative experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or completing such additional preparation as required under this section, or as the Professional Educator Licensing and Standards Board prescribes. The Board of School Administrators shall establish requirements for renewing the licenses of supervisory personnel except athletic coaches. The Professional Educator Licensing and Standards Board shall establish requirements for renewing the licenses of athletic coaches.

Subd. 2. Local committees. The Professional Educator Licensing and Standards Board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.
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.

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

(c) The board may adopt and revise rule setting criteria for initial Tier 3 license renewal requirements that must be completed before a teacher may move to a Tier 4 license.

Subd. 4. **Behavior interventions.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

Subd. 5. **Reading preparation.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

Subd. 6. **Mental illness health.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers renewing a teaching license under sections 122A.181 to 122A.184 to include in the renewal requirements at least one hour of suicide prevention best practices training in each licensure renewal period based
on nationally recognized evidence-based programs and practices, among the continuing
education credits required to renew a license under this subdivision. Initial training must
include understanding the key warning signs of early-onset mental illness in children and
adolescents, and during subsequent licensure renewal periods, training must include a more
in-depth understanding of students' mental illness trauma, accommodations for students'
mental illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum
Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures,
and de-escalation methods, among other similar topics.

Subd. 7. Cultural competency. The Professional Educator Licensing and Standards
Board must adopt and revise rules that require all licensed teachers renewing a Tier 3 or
Tier 4 license under sections 122A.183 and 122A.184, respectively, to include cultural
competency training.

Subd. 8. Meeting needs of multilingual learners. The Professional Educator Licensing
and Standards Board must adopt and revise rules requiring all licensed teachers renewing
a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, to include
a training on meeting the varied needs of multilingual learners from young children to adults
under section 124D.59, subdivisions 2 and 2a.

Subd. 9. Mandatory renewal requirements. The board must adopt and revise rules
setting forth standards that meet all mandatory renewal requirements. All trainings meeting
the renewal requirements for subdivisions 4 to 8 must align to board-adopted criteria. Any
training provided outside of a district, charter school, cooperative unit, or state agency must
be approved by the board to be accepted to meet this renewal requirement.

Sec. 37. Minnesota Statutes 2020, section 122A.19, subdivision 4, is amended to read:

Subd. 4. Teacher preparation programs. (a) For the purpose of licensing bilingual
and English as a second language teachers, the board may approve teacher preparation
programs at colleges or universities designed for their training.

(b) Programs that prepare English as a second language teachers must provide instruction
in implementing research-based practices designed specifically for English learners. The
programs must focus on developing English learners' academic language proficiency in
English, including oral academic language, giving English learners meaningful access to
the full school curriculum, developing culturally relevant teaching practices appropriate for
immigrant students, and providing more intensive instruction and resources to English
learners with lower levels of academic English proficiency and varied needs, consistent
with section 124D.59, subdivisions 2 and 2a.
Sec. 38. Minnesota Statutes 2020, section 122A.26, subdivision 2, is amended to read:

Subd. 2. Exceptions. (a) A person who teaches in a community education program which qualifies for aid pursuant to section 124D.52 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which qualifies for community education aid pursuant to section 124D.20 or early childhood and family education aid pursuant to section 124D.135 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which qualifies for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher.

(b) A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the Professional Educator Licensing and Standards Board or be subject to section 171.35. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause paragraph (a).

Sec. 39. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

Subd. 5. Probationary period. (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the
nature and the extent of such supervision furnished the teacher during the employment by
the board, within ten days after receiving such request. The school board may, after a hearing
held upon due notice, discharge a teacher during the probationary period for cause, effective
immediately, under section 122A.44.

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

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

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

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

(f) Notwithstanding any law to the contrary, a teacher who has taught for three
consecutive years in a single school district or charter school in Minnesota or another state
must serve a one-year probationary period in a Minnesota school district.

(g) A board may renew a probationary teacher while placing teachers with continuing
contract on unrequested leave of absence pursuant to a plan adopted under subdivisions 10
and 10a.

EFFECTIVE DATE. Paragraph (f) is effective for collective bargaining agreements
effective July 1, 2021, and thereafter. Paragraph (g) is effective the day following final
enactment.

Sec. 40. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

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

(b) To develop, improve, and support qualified teachers and effective teaching practices, improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

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

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;

(3) must be based on professional teaching standards established in rule or revise a rubric of performance standards for teacher practice that (i) is based on professional teaching standards established in rule, (ii) includes culturally responsive methodologies, and (iii) provides common descriptions of effectiveness using at least three levels of performance;

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

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

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

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or...
school and who reflect the diversity of students under section 120B.35, subdivision 3,
paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating
evidence of reflection and professional growth, consistent with section 122A.187, subdivision
3, and include teachers' own performance assessment based on student work samples and
examples of teachers' work, which may include video among other activities for the
summative evaluation;

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

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

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

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

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

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

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

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13. EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 41. Minnesota Statutes 2020, section 122A.40, subdivision 10, is amended to read:

Subd. 10. Negotiated unrequested leave of absence. (a) The school board and the exclusive bargaining representative of the teachers must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts.

(b) A plan may include a process to exempt up to five percent of the teachers in the district from unrequested leave of absence or nonrenewal regardless of a teacher's probationary status or seniority if the plan meets the requirements of subdivision 10a, and
if the board and the exclusive representative of the teachers agree in writing to the process by October 1 of each school year.

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

Sec. 42. Minnesota Statutes 2020, section 122A.40, is amended by adding a subdivision to read:

(Subd. 10a. **Unrequested leave of absence exemption process.** (a) A plan to exempt up to five percent of the teachers in the district from unrequested leave of absence or nonrenewal must establish a committee to select teachers to receive the exemption. The committee must have an equal number of representatives selected by the superintendent and the exclusive representative, and must have at least three representatives appointed by the superintendent and three representatives appointed by the exclusive representative. School districts and exclusive representatives are strongly encouraged to include members of underrepresented communities as their committee representatives. The committee must complete comprehensive anti-racism training by a training provider approved by the Professional Educator Licensing and Standards Board before beginning the selection process.

(b) A teacher selected for exemption from unrequested leave of absence or nonrenewal must have demonstrated excellent teaching or professional performance, as determined by colleagues, mentors, and administrators. In addition, the teacher must be a member of a protected class that:

(1) is underrepresented among either (i) teachers in the district relative to the percentage of students in the protected class enrolled in the district, or (ii) licensed teachers in Minnesota; and

(2) has experienced systemic barriers to entering and remaining in the teaching profession, as determined by the committee.

(c) The district and exclusive representative may negotiate additional criteria for the committee to consider, including licensure tier. The committee may annually determine by majority vote the percentage of teachers eligible for the exemption, not to exceed five percent of teachers in the district.

(d) The committee must make final decisions and notify affected teachers no later than February 1 of each school year. The exemption is valid for the school year in which the exemption is granted unless the committee renews the exemption in a subsequent year. The committee may, by majority vote, grant a teacher a two-year exemption from nonrenewal.
(e) If the committee is unable to reach a consensus regarding its selections, the committee must vote on each candidate for the exemption. The candidates receiving the most votes must be granted the exemption until the number of teachers receiving the exemption reaches the lower of five percent of the teachers in the district or the percentage determined by majority vote of the committee.

(f) Data on individual teachers collected, created, received, maintained, or disseminated by the committee are private personnel data pursuant to section 13.43.

(g) A dispute over violations of procedures under this section is subject to the grievance procedure in the applicable collective bargaining agreement.

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

Sec. 43. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers’ workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

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

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

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

(e) Notwithstanding any law to the contrary, a teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state must serve a one-year probationary period in a Minnesota school district.

(f) A board may renew a probationary teacher while placing teachers with continuing contract on unrequested leave of absence pursuant to a plan adopted under subdivisions 14a and 14b.

EFFECTIVE DATE. Paragraph (e) is effective for collective bargaining agreements effective July 1, 2021, and thereafter. Paragraph (f) is effective the day following final enactment.

Sec. 44. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

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

(b) To develop, improve, and support qualified teachers and effective teaching practices and improve student learning and success, and provide all enrolled students in a district or
school with improved and equitable access to more effective and diverse teachers, the annual
evaluation process for teachers:

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

(2) must establish a three-year professional review cycle for each teacher that includes
an individual growth and development plan, a peer review process, and at least one
summative evaluation performed by a qualified and trained evaluator such as a school
administrator;

(3) must be based on professional teaching standards established in rule create, adopt,
or revise a rubric of performance standards for teacher practice that (i) is based on
professional teaching standards established in rule, (ii) includes culturally responsive
methodologies, and (iii) provides common descriptions of effectiveness using at least three
levels of performance;

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

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

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

(7) may include mentoring and induction programs for teachers, including teachers who
are members of populations underrepresented among the licensed teachers in the district or
school and who reflect the diversity of students under section 120B.35, subdivision 3,
paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating
evidence of reflection and professional growth, consistent with section 122A.187, subdivision
3, and include teachers’ own performance assessment based on student work samples and
examples of teachers’ work, which may include video among other activities for the
summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic
standards and must use state and local measures of student growth and literacy that may
include value-added models or student learning goals to determine 35 percent of teacher
evaluation results;
(10) must use longitudinal data on student engagement and connection and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of English learners;

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

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

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

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

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

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2023.

Sec. 45. Minnesota Statutes 2020, section 122A.41, subdivision 14a, is amended to read:

Subd. 14a. Negotiated unrequested leave of absence. (a) The school board and the exclusive bargaining representative of the teachers must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts.

(b) A plan may include a process to exempt up to five percent of the teachers in the district from unrequested leave of absence or nonrenewal regardless of a teacher's probationary status or seniority if the plan meets the requirements of subdivision 10a, and if the board and the exclusive representative of the teachers agree in writing to the process by October 1 of each school year.

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

Sec. 46. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision to read:

Subd. 14b. Unrequested leave of absence exemption process. (a) A plan to exempt up to five percent of the teachers in the district from unrequested leave of absence or nonrenewal must establish a committee to select teachers to receive the exemption. The committee must have an equal number of representatives selected by the superintendent and the exclusive representative, and must have at least three representatives appointed by the superintendent and three representatives appointed by the exclusive representative.

School districts and exclusive representatives are strongly encouraged to include members...
of underrepresented communities as their committee representatives. The committee must complete comprehensive anti-racism training by a training provider approved by the Professional Educator Licensing and Standards Board before beginning the selection process.

(b) A teacher selected for exemption from unrequested leave of absence or nonrenewal must have demonstrated excellent teaching or professional performance, as determined by colleagues, mentors, and administrators. In addition, the teacher must be a member of a protected class that:

(1) is underrepresented among either (i) teachers in the district relative to the percentage of students in the protected class enrolled in the district, or (ii) licensed teachers in Minnesota; and

(2) has experienced systemic barriers to entering and remaining in the teaching profession, as determined by the committee.

(c) The district and exclusive representative may negotiate additional criteria for the committee to consider, including licensure tier. The committee may annually determine by majority vote the percentage of teachers eligible for the exemption, not to exceed five percent of teachers in the district.

(d) The committee must make final decisions and notify affected teachers no later than February 1 of each school year. The exemption is valid for the school year in which the exemption is granted unless the committee renews the exemption in a subsequent year. The committee may, by majority vote, grant a teacher a two-year exemption from nonrenewal.

(e) If the committee is unable to reach a consensus regarding its selections, the committee must vote on each candidate for the exemption. The candidates receiving the most votes must be granted the exemption until the number of teachers receiving the exemption reaches the lower of five percent of the teachers in the district or the percentage determined by majority vote of the committee.

(f) Data on individual teachers collected, created, received, maintained, or disseminated by the committee are private personnel data pursuant to section 13.43.

(g) A dispute over violations of procedures under this section is subject to the grievance procedure in the applicable collective bargaining agreement.

**EFFECTIVE DATE.** This section is effective the day following final enactment.
Sec. 47. [122A.59] COME TEACH IN MINNESOTA HIRING BONUSES.

Subdivision 1. Purpose. This section establishes a program to support districts and schools recruiting and offering hiring bonuses for licensed teachers who are American Indian or a person of color from another state or country in order to meet staffing needs in shortage areas in economic development regions in Minnesota.

Subd. 2. Eligibility. A district or school must verify that the hiring bonus is given to teachers licensed in another state who:

(1) qualify for a Tier 3 or Tier 4 Minnesota license;

(2) have moved to the economic development region in Minnesota where they were hired; and

(3) belong to a racial or ethnic group that is underrepresented among teachers compared to students in the district or school under section 120B.35, subdivision 3, paragraph (b), clause (2).

Subd. 3. Bonus amount. A district or school may offer a signing and retention bonus of a minimum of $2,500 and a maximum of $5,000 to a teacher who meets the eligibility requirements. A teacher who meets the eligibility requirements and meets a licensure shortage area in the economic development region of the state where the school is located may be offered a signing bonus of a minimum of $4,000 and a maximum of $8,000. A teacher must be paid half of the bonus when starting employment and half after completing four years of service in the hiring district or school if the teacher has demonstrated teaching effectiveness and is not on a professional improvement plan under section 122A.40, subdivision 8, paragraph (b), clause (12) or (13), or section 122A.41, subdivision 5, paragraph (b), clause (12) or (13), or is not being considered for termination under section 122A.40, subdivision 9. A teacher who does not complete their first school year upon receiving a hiring bonus must repay the hiring bonus.

Subd. 4. Administration. The commissioner must establish a process for districts or schools to seek reimbursement for hiring bonuses given to teachers in shortage areas moving to and working in Minnesota schools experiencing specific shortages. The commissioner must provide guidance for districts to seek repayment of a hiring bonus from a teacher who does not complete the first year of employment. The department may conduct a pilot program with a small number of teachers during the 2022-2023 biennium to establish feasibility. The department must submit a report by December 1, 2022, to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade
Subd. 5. Account established. A Come Teach in Minnesota Hiring Bonus program account is created in the special revenue fund for depositing money appropriated to or received by the department for this program. Money deposited in the account is appropriated to the commissioner, does not cancel, and is continuously available for reimbursements to districts under this section.

EFFECTIVE DATE. This section applies to teacher contracts entered into on or after July 1, 2021.

Sec. 48. Minnesota Statutes 2020, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. Staff development revenue. (a) A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for:

(1) teacher development and evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(2) principal development and evaluation under section 123B.147, subdivision 3;

(3) professional development under section 122A.60; and

(4) in-service education for programs under section 120B.22, subdivision 2; and

(5) teacher mentorship under section 122A.70, subdivision 1.

(b) To the extent extra funds remain, staff development revenue may be used for staff development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teachers' mentoring under section 122A.70 and evaluation, teachers' workshops, teacher conferences, the cost of substitute teachers for staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts.

(c) A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs.

EFFECTIVE DATE. This section is effective July 1, 2021.
Sec. 49. Minnesota Statutes 2020, section 122A.63, subdivision 6, is amended to read:

Subd. 6. Eligibility for scholarships. Eligible students. (a) The following American Indian people are eligible for scholarships. An eligible student is a person who:

(1) a student having has origins in any of the original peoples of North America and maintaining maintains cultural identification through tribal affiliation or community recognition; and

(2) is:

(i) a student, including a teacher aide employed by a district receiving a joint grant or their contracted partner school, who intends to become a teacher or who is interested in the field of education, and who is enrolled in a postsecondary institution or their contracted partner institutions receiving a joint grant;

(3) (ii) a licensed employee of a district receiving a joint grant or a contracted partner institution, who is enrolled in a master of education program; and or

(4) (iii) a student who, after applying for federal and state financial aid and an American Indian scholarship according to section 136A.126, has financial needs that remain unmet. Financial need must be determined according to the congressional methodology for needs determination or as otherwise set in federal law.

(b) Priority must be given first to a student eligible students who are tribally enrolled in a federally or state recognized Tribe and then to first- and second-generation descendants.

Sec. 50. Minnesota Statutes 2020, section 122A.63, subdivision 9, is amended to read:

Subd. 9. Eligible programming. (a) The grantee institutions and their contracted partner institutions may provide scholarships to eligible students progressing toward educational goals in any area of teacher licensure, including an associate's, bachelor's, master's, or doctoral degree in the following:

(1) any educational certification necessary for employment;

(2) early childhood family education or prekindergarten licensure;

(3) elementary and secondary education;

(4) school administration; or

(5) any educational program that provides services to American Indian students in prekindergarten through grade 12.
(b) Scholarships may be used to cover an eligible student's cost of attendance under section 136A.126, subdivision 3.

(b) (c) For purposes of recruitment, the grantees or their contracted partner institutions must agree to work with their respective organizations to hire an American Indian work-study student or other American Indian staff to conduct initial information queries and to contact persons working in schools to provide programming regarding education professions to high school students who may be interested in education as a profession.

(d) At least 80 percent of the grants awarded under this section must be used for student scholarships. No more than 20 percent of the grants awarded under this section may be used for recruitment or administration of the student scholarships.

Sec. 51. Minnesota Statutes 2020, section 122A.635, subdivision 3, is amended to read:

Subd. 3. Grant program administration. The Professional Educator Licensing and Standards Board may enter into an interagency agreement with the Office of Higher Education. The agreement may include a transfer of funds to the Office of Higher Education to help establish and administer the competitive grant process. The board must award grants to institutions located in various economic development regions throughout the state, but must not predetermine the number of institutions to be awarded grants under this section or set a limit for the amount that any one institution may receive as part of the competitive grant application process. All grants must be awarded by August 15 of the fiscal year in which the grants are to be used except that, for initial competitive grants awarded for fiscal year 2020, grants must be awarded by September 15. Grants awarded after fiscal year 2021 must be awarded for a two-year grant period. An institution that receives a grant under this section may use the grant funds over a two- to four-year period to support teacher candidates.

Sec. 52. Minnesota Statutes 2020, section 122A.635, subdivision 4, is amended to read:

Subd. 4. Report. (a) By January 15 June 30 of each year, an institution awarded a grant under this section must prepare for the legislature and the board a detailed report regarding the expenditure of grant funds, including the amounts used to recruit, retain, and induct teacher candidates of color or who are American Indian. The report must include the total number of teacher candidates of color, disaggregated by race or ethnic group, who are recruited to the institution, are newly admitted to the licensure program, are enrolled in the licensure program, have completed student teaching, have graduated, are licensed, and are newly employed as Minnesota teachers in their licensure field. A grant recipient must report the total number of teacher candidates of color or who are American Indian at each stage.
from recruitment to licensed teaching as a percentage of total candidates seeking the same
licensure at the institution.

(b) By September 1 of each year, the board must post a report on its website summarizing
the activities and outcomes of grant recipients and results that promote sharing of effective
practices among grant recipients.

Sec. 53. Minnesota Statutes 2020, section 122A.70, is amended to read:

**122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE TEACHERS.**

Subdivision 1. Teacher mentoring, induction, and retention programs. (a) School
districts are encouraged to develop teacher mentoring programs for teachers new to
the profession or district, including teaching residents, teachers of color, teachers who are
American Indian, teachers in license shortage areas, teachers with special needs, or
experienced teachers in need of peer coaching.

(b) Teacher mentoring programs must be included in or aligned with districts’ teacher
evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,
subdivision 5. A district may use staff development revenue under section 122A.61, special
grant programs established by the legislature, or another funding source to pay a stipend to
a mentor who may be a current or former teacher who has taught at least three years and is
not on an improvement plan. Other initiatives using such funds or funds available under
sections 124D.861 and 124D.862 may include:

1. additional stipends as incentives to mentors of color or who are American Indian;

2. financial supports for professional learning community affinity groups across schools
within and between districts for teachers from underrepresented racial and ethnic groups to
come together throughout the school year. For purposes of this section, "affinity groups"
are groups of educators who share a common racial or ethnic identity in society as persons
of color or who are American Indian;

3. programs for induction aligned with the district or school mentorship program during
the first three years of teaching, especially for teachers from underrepresented racial and
ethnic groups; or

4. grants supporting licensed and nonlicensed educator participation in professional
development, such as workshops and graduate courses, related to increasing student
achievement for students of color and American Indian students in order to close opportunity
and achievement gaps.
(c) A school or district that receives a grant must negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

Subd. 2. Applications Board grants. The Professional Educator Licensing and Standards Board must make application forms available to sites interested in developing or expanding a mentorship program. A school district; a group of school districts; a coalition of districts, teachers, and teacher education institutions; or a coalition of schools, teachers, or nonlicensed educators may apply for a program grant. The Professional Educator Licensing and Standards Board, in consultation with the teacher mentoring task force, must approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring, professional development, and retention components, and be geographically distributed throughout the state. The Professional Educator Licensing and Standards Board must encourage the selected sites to consider the use of its assessment procedures.

Subd. 3. Criteria for selection. At a minimum, applicants for grants under subdivision 2 must express commitment to:

1. allow staff participation;
2. assess skills of both beginning and mentor teachers;
3. provide appropriate in-service to needs identified in the assessment;
4. provide leadership to the effort;
5. cooperate with higher education institutions;
6. provide facilities and other resources;
7. share findings, materials, and techniques with other school districts; and
8. retain teachers of color and teachers who are American Indian.

Subd. 4. Additional funding. Grant applicants are required to seek additional funding and assistance from sources such as school districts, postsecondary institutions, foundations, and the private sector.
Subd. 5. **Program implementation.** New and expanding mentorship sites that are funded receive a board grant under subdivision 2 to design, develop, implement, and evaluate their program must participate in activities that support program development and implementation. The Professional Educator Licensing and Standards Board must provide resources and assistance to support new sites in their program efforts. These activities and services may include, but are not limited to: planning, planning guides, media, training, conferences, institutes, and regional and statewide networking meetings. Nonfunded schools or districts interested in getting started may participate. Fees may be charged for meals, materials, and the like.

Subd. 6. **Report.** By June 30 of each year after receiving a grant, recipients must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 54. Minnesota Statutes 2020, section 122A.76, is amended to read:

122A.76 STATEWIDE CONCURRENT ENROLLMENT TEACHER TRAINING PROGRAM PARTNERSHIP.

Subdivision 1. **Definition.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Northwest Regional Partnership" "Concurrent Enrollment Teacher Partnership" means a voluntary association of the Lakes Country Service Cooperative, the Northwest Service Cooperative, and the Metropolitan Education Cooperative Service Unit, Minnesota State University-Moorhead, and other interested Minnesota State Colleges and Universities that work together to provide coordinated higher learning opportunities for teachers.

(c) "State Partnership" means a voluntary association of the Northwest Regional Partnership and the Metropolitan Educational Cooperative Service Unit.

(d) "Eligible postsecondary institution" means a public or private postsecondary institution that awards graduate credits.

(e) (d) "Eligible teacher" means a licensed teacher of secondary school courses for postsecondary credit.

Subd. 1a. **Fiscal host.** Lakes Country Service Cooperative is the fiscal host for the Concurrent Enrollment Teacher Partnership.
Subd. 2. Establishment. (a) Lakes Country Service Cooperative, in consultation with
the Northwest Service Cooperative, the Concurrent Enrollment Teacher Partnership may
develop a continuing education program to allow eligible teachers to attain the requisite
graduate credits necessary to be qualified to teach secondary school courses for postsecondary
credit.

(b) If established, the State Partnership must contract with one or more eligible postsecondary institutions to establish a continuing education credit program to allow eligible teachers to attain sufficient graduate credits to qualify to teach secondary school courses for postsecondary credit. Members of the State Concurrent Enrollment Teacher Partnership must work to eliminate duplication of service and develop the continuing education credit program efficiently and cost-effectively.

Subd. 3. Curriculum development. The continuing education program must use flexible
delivery models, such as an online education curriculum, that allow eligible secondary
school teachers to attain graduate credit at a reduced credit rate. Information about the
curriculum, including course length and course requirements, must be posted on the website
of the eligible institution offering the course at least two weeks before eligible teachers are
required to register for courses in the continuing education program.

Subd. 4. Funding for course participation; course development; scholarships;
stipends participation incentives. (a) Lakes Country Service Cooperative, in consultation
with the other members of the Northwest Regional Concurrent Enrollment Teacher
Partnership, shall:

(1) provide funding for course development for eligible teachers to participate in the program
for up to 18 credits in applicable postsecondary subject areas;

(2) provide scholarships for eligible teachers to enroll in the continuing education
program; and

(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize participation in the continuing education program.

(b) If established, the State Partnership must:

(1) provide funding for course development for up to 18 credits in applicable
postsecondary subject areas;

(2) provide scholarships for eligible teachers to enroll in the continuing education
program; and
(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize participation in the continuing education program.

(b) The Concurrent Enrollment Teacher Partnership may:

(1) provide funding for course development in applicable postsecondary subject areas;

(2) work with school districts to develop incentives for teachers to participate in the program; and

(3) enroll college faculty, as space permits, and provide financial assistance if state aid remains available.

Subd. 5. Private funding. The partnerships may receive private resources to supplement the available public money. All money received in fiscal year 2017 shall be administered by the Lakes Country Service Cooperative. All money received in fiscal year 2018 and later shall be administered by the State Partnership.

Subd. 6. Report required. (a) The Northwest Regional Partnership must submit a report by January 15, 2018, on the progress of its activities to the legislature, commissioner of education, and Board of Trustees of the Minnesota State Colleges and Universities. The report shall contain a financial report for the preceding year.

(b) If established, the State The Concurrent Enrollment Teacher Partnership must submit an annual joint report to the legislature and the Office of Higher Education by January 15 of each year on the progress of its activities. The report must include the number of teachers participating in the program, the geographic location of the teachers, the number of credits earned, and the subject areas of the courses in which participants earned credit. The report must include a financial report for the preceding year.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 55. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

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

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

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

(2) support and improve a principal's culturally responsive leadership practices that
create inclusive and respectful teaching and learning environments for all students, families,
and employees;

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

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

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

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

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

(8) be linked to professional development that emphasizes improved teaching and
learning, curriculum and instruction, student learning, culturally responsive leadership
practices, and a collaborative professional culture; and

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

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

EFFECTIVE DATE. This section is effective July 1, 2023.
Sec. 56. Minnesota Statutes 2020, section 125A.08, is amended to read:

125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.

(a) At the beginning of each school year, each school district shall have in effect, for each child with a disability, an individualized education program.

(b) As defined in this section, every district must ensure the following:

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individualized education program team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individualized education program. The individualized education program team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26.

Before a school district evaluation team makes a determination of other health disability under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation team must seek written documentation of the student's medically diagnosed chronic or acute health condition signed by a licensed physician or a licensed health care provider acting within the scope of the provider's practice. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individualized education program. The program must address the student's need to develop skills to live and work as independently as possible within the community. The individualized education program team must consider positive behavioral interventions, strategies, and supports that address behavior needs for children. During grade 9, the program must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living. In developing the program, districts must inform parents of the full range of transitional goals and related services that should be considered. The program must include a statement of the needed transition services, including a statement of the interagency responsibilities or linkages or both before secondary services are concluded. If the individualized education program meets the plan components in section 120B.125, the individualized education program satisfies the requirement and no additional transition plan is needed;
(2) children with a disability under age five and their families are provided special instruction and services appropriate to the child's level of functioning and needs;

(3) children with a disability and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment including assistive technology assessment, and educational placement of children with a disability;

(4) eligibility and needs of children with a disability are determined by an initial evaluation or reevaluation, which may be completed using existing data under United States Code, title 20, section 33, et seq.;

(5) to the maximum extent appropriate, children with a disability, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with a disability from the regular educational environment occurs only when and to the extent that the nature or severity of the disability is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

(6) in accordance with recognized professional standards, testing and evaluation materials, and procedures used for the purposes of classification and placement of children with a disability are selected and administered so as not to be racially or culturally discriminatory; and

(7) the rights of the child are protected when the parents or guardians are not known or not available, or the child is a ward of the state.

(c) For all paraprofessionals employed to work in programs whose role in part is to provide direct support to students with disabilities, the school board in each district shall ensure that:

(1) before or beginning at the time of employment, each paraprofessional must develop sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs, especially disability-specific and behavioral needs, of the students with whom the paraprofessional works;

(2) before beginning work alone with an individual student with a disability, the assigned paraprofessional must be either given paid time, or time during the school day, to review a student's individualized education program or be briefed on the student's specific needs by appropriate staff, and in the case of a student transferring into the school during the school
year, the assigned paraprofessional must be given up to five days after the student's transfer to review the student's individualized education program;

(2) annual training opportunities are required to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, the unique and individual needs of each student according to the student's disability and how the disability affects the student's education and behavior, following lesson plans, and implementing follow-up instructional procedures and activities; and

(4) a minimum of 16 hours of paid orientation or professional development must be provided annually to all paraprofessionals, Title I aides, and other instructional support staff. Eight of the 16 hours must be completed before the first instructional day of the school year or within 30 days of hire. The orientation or professional development must be relevant to the employee's occupation and may include collaboration time with classroom teachers and planning for the school year. For paraprofessionals who provide direct support to students, at least 50 percent of the professional development or orientation must be dedicated to meeting the requirements of this section. Professional development for paraprofessionals may also address the requirements of section 120B.363, subdivision 3. A school administrator must keep a record of, and provide to each paraprofessional, an annual certification of compliance with this requirement; and

(5) a districtwide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

(d) A school district may conduct a functional behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting a comprehensive evaluation of the student in accordance with prior written notice provisions in section 125A.091, subdivision 3a. A parent or guardian may request that a school district conduct a comprehensive evaluation of the parent's or guardian's student.

Sec. 57. [125A.755] PARAPROFESSIONAL TRAINING AID.

Beginning in fiscal year 2022, each school district, charter school, and cooperative organization serving pupils is eligible for paraprofessional training aid. Professional training aid equals $196 times the number of paraprofessionals, Title I aides, and other instructional support staff employed by the school district, charter school, or cooperative organization during the previous school year. A school district must reserve paraprofessional training aid and spend it only on the training required in section 125A.08.
150.1 **EFFECTIVE DATE.** This section is effective for fiscal year 2022 and later.

150.2 Sec. 58. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

150.3 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits except retirement contributions or benefits other than employer payment of, or contributions to, premiums for group insurance coverage of retired employees or severance pay, class sizes in Minnesota school districts and charter schools, student testing, student-to-personnel ratios in Minnesota school districts, and the employer's personnel policies affecting the working conditions of the employees. In the case of professional employees the term does not mean educational policies of a school district. "Terms and conditions of employment" is subject to section 179A.07.

150.12 Sec. 59. **GRANTS FOR GROW YOUR OWN PROGRAMS.**

150.13 Subdivision 1. **Establishment.** The commissioner of education must award grants for the three types of Grow Your Own programs established under this section in order to develop a teaching workforce that more closely reflects the state's increasingly diverse student population and ensure all students have equitable access to effective and diverse teachers.

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

150.20 (b) "Eligible district" means a school district, charter school, or cooperative unit under section 123A.24, subdivision 2.

150.22 (c) "Grow Your Own program" means a program established by an eligible district in partnership with a Professional Educator Licensing and Standards Board-approved teacher preparation program provider or by a Head Start program under section 119A.50 to provide a pathway for candidates to enter the teaching profession and teach at any level from early childhood to secondary school.

150.27 (d) "Residency program" means a Professional Educator Licensing and Standards Board-approved teacher preparation program established by an eligible district and a board-approved teacher preparation program provider that uses a cohort-based model and includes a yearlong clinical experience integrating coursework and student teaching.

150.31 (e) "Resident" means a teacher candidate participating in a residency program.
Subd. 3. Grants for residency programs. (a) An eligible district may apply for grants to develop, maintain, or expand effective residency programs. A residency program must pair a resident with a teacher of record who must hold a Tier 3 or Tier 4 license. The residency program must provide the teacher of record with ongoing professional development in co-teaching, mentoring, and coaching skills and must ensure that the resident and teacher of record co-teach and participate in required teacher professional development activities for at least 80 percent of the contracted week for a full academic year.

(b) A grant recipient must use at least 80 percent of grant funds to provide tuition scholarships or stipends to enable employees or community members seeking a teaching license, who are of color or American Indian, to participate in a residency program. A grant recipient may request permission from the commissioner to use the remaining grant funds to provide tuition scholarships to employees who are not persons of color or American Indian and who seek to teach in a licensure area in which the eligible district has a shortage of Tier 3 or Tier 4 licensed teachers.

(c) An eligible district using grant funds under this subdivision to provide financial support to teacher candidates may require a commitment from a candidate to teach in the eligible district for a reasonable amount of time not to exceed five years.

Subd. 4. Grants for programs serving adults. (a) An eligible district or Head Start program under section 119A.50 may apply for grants to provide financial assistance, mentoring, and other experiences to support persons of color or American Indian persons to become licensed teachers or preschool teachers.

(b) An eligible district or Head Start program must use grant funds awarded under this subdivision for:

1. tuition scholarships or stipends to eligible Tier 2 licensed teachers, education assistants, cultural liaisons, or other nonlicensed employees who are of color or American Indian and are enrolled in undergraduate or graduate-level coursework that is part of a board-approved teacher preparation program leading to a Tier 3 teacher license;

2. developing and implementing pathway programs with local community-based organizations led by and for communities of color or American Indian communities that provide stipends or tuition scholarships to parents and community members who are of color or American Indian to change careers and obtain a Tier 3 license or other credential needed to teach in a Head Start program; or

3. collaborating with a board-approved teacher preparation program provided by a postsecondary institution to develop and implement innovative teacher preparation programs.
that lead to Tier 2 or Tier 3 licensure, involve more intensive and extensive clinical experiences with more professional coaching or mentorship than are typically required in traditional college or university campus-based teacher preparation programs, provide candidates with support that is responsive to the unique needs of candidates who are of color or American Indian, and have more than half of their candidates identify as persons of color or American Indian.

(c) An eligible district or Head Start program providing financial assistance to individuals under this subdivision may require a commitment from candidates to teach in the eligible school or Head Start program for a reasonable amount of time not to exceed five years.

Subd. 5. Grants for programs serving secondary school students. (a) In addition to grants for developing and offering dual-credit postsecondary course options in schools for "Introduction to Teaching" or "Introduction to Education" courses under section 124D.09, subdivision 10, a school district or charter school may apply for grants under this section to offer other innovative programs that encourage secondary school students, especially students of color and American Indian students, to pursue teaching. To be eligible for a grant under this subdivision, a school district or charter school must ensure that the aggregate percentage of secondary school students of color and American Indian students participating in the program is equal to or greater than the aggregate percentage of students of color and American Indian students in the school district or charter school.

(b) A grant recipient must use grant funds awarded under this subdivision for:

(1) supporting future teacher clubs or service-learning opportunities that provide middle and high school students who are of color or American Indian with experiential learning that supports the success of younger students or peers and increases students' interest in pursuing a teaching career;

(2) providing direct support, including wrap-around services, for students who are of color or American Indian to enroll and be successful in postsecondary enrollment options courses under section 124D.09 that would meet degree requirements for teacher licensure; or

(3) offering scholarships to graduating high school students who are of color or American Indian to enroll in board-approved undergraduate teacher preparation programs at a college or university in Minnesota.

Subd. 6. Grant procedure. (a) An eligible district or Head Start program must apply for a grant under this section in the form and manner specified by the commissioner. The
commissioner must give priority to eligible districts or Head Start programs with the highest
total number or percentage of students who are of color or American Indian.

(b) For the 2022-2023 school year and later, grant applications for new and existing
programs must be received by the commissioner no later than January 15 of the year prior
to the school year in which the grant will be used. The commissioner must review all
applications and notify grant recipients by March 15 or as soon as practicable of the
anticipated amount awarded. If the commissioner determines that sufficient funding is
unavailable for the grants, the commissioner must notify grant applicants by June 30 or as
soon as practicable that there are insufficient funds.

(c) For the 2021-2022 school year, the commissioner must set a timetable for awarding
grants as soon as practicable.

Subd. 7. Account established. A Grow Your Own program account is created in the
special revenue fund for depositing money appropriated to or received by the department
for Grow Your Own programs. Money deposited in the account is appropriated to the
commissioner, does not cancel, and is continuously available for grants under this section.
Grant recipients may apply to use grant money over a period of up to 60 months.

Subd. 8. Report. Grant recipients must annually report to the commissioner in the form
and manner determined by the commissioner on their activities under this section, including
the number of participants, the percentage of participants who are of color or American
Indian, and an assessment of program effectiveness, including participant feedback, areas
for improvement, the percentage of participants continuing to pursue teacher licensure, and
where applicable, the number of participants hired in the school or district as teachers after
completing preparation programs. The commissioner must publish a report for the public
that summarizes the activities and outcomes of grant recipients and what was done to promote
sharing of effective practices among grant recipients and potential grant applicants.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 60. APPROPRIATIONS; DEPARTMENT OF EDUCATION.

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

Subd. 2. Black Men Teach Twin Cities grant. (a) For a grant to Black Men Teach
Twin Cities:
(b) Grant funds must be used to establish partnerships with eight school district elementary schools or elementary charter schools with a goal of increasing the number of black male teachers to 20 percent of the teachers at each school site. (c) The grant recipient must provide a detailed report to the chairs and ranking minority members of the legislative committees having jurisdiction over kindergarten through grade 12 education and higher education by January 15 of each year until 2027 describing how the grant funds were used. The report must describe the progress made toward the goal of increasing the number of black male teachers at each school site and strategies used. (d) Any balance does not cancel but is available until June 30, 2024.

Subd. 3. Concurrent enrollment teacher partnership. (a) To the Lakes Country Service Cooperative for the concurrent enrollment teacher partnership under Minnesota Statutes, section 122A.76:

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

Subd. 4. Grow Your Own. (a) For grants to develop, continue, or expand Grow Your Own new teacher programs:

(b) Of this amount in each fiscal year, at least $3,000,000 is for teacher residency programs. (c) The department may retain up to $100,000 of the appropriation amount to monitor and administer the grant program. (d) Any balance in the first year does not cancel but is available in the second year.

Subd. 5. Equity, diversity, and inclusion anti-bias professional development. (a) For grants to districts and charter schools to implement professional development for staff focused on anti-bias instructional practices:

(b) The department must develop tools and programs on anti-bias instructional practices.
(c) Eligible grantees include school districts, charter schools, intermediate school districts, and cooperative units as defined in section 123A.24, subdivision 2.

(d) The department may retain up to five percent of the appropriation to administer the program and grants.

(e) This is a onetime appropriation.

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

Subd. 6. Nonexclusionary discipline. (a) For grants to school districts and charter schools to provide training for school staff on nonexclusionary disciplinary practices:

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<thead>
<tr>
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<th>Amount</th>
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<tr>
<td>2022</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2023</td>
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(b) Up to $475,000 is to develop training and to work with schools to train staff on nonexclusionary disciplinary practices that maintain the respect, trust, and attention of students and help keep students in classrooms. These funds may also be used for grant administration.

(c) Eligible grantees include school districts, charter schools, intermediate school districts, and cooperative units as defined in section 123A.24, subdivision 2.

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

Subd. 7. Expanded concurrent enrollment grants. (a) For grants to institutions offering "Introduction to Teaching" or "Introduction to Education" college in the schools courses under Minnesota Statutes, section 124D.09, subdivision 10, paragraph (b):

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
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<tr>
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<td>$500,000</td>
</tr>
</tbody>
</table>

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

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

Subd. 8. Alternative teacher compensation aid. (a) For alternative teacher compensation aid under Minnesota Statutes, section 122A.415, subdivision 4:

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<td>2023</td>
<td>$88,898,000</td>
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</tbody>
</table>

(b) The 2022 appropriation includes $8,877,000 for 2021 and $80,019,000 for 2022.

(c) The 2023 appropriation includes $8,891,000 for 2022 and $80,007,000 for 2023.
Subd. 9. Agricultural educator grants. (a) For agricultural educator grants under Laws 2017, First Special Session chapter 5, article 2, section 51:

- $250,000 for year 2022
- $250,000 for year 2023

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

Subd. 10. American Indian teacher preparation grants. (a) For joint grants to assist people who are American Indian to become teachers under Minnesota Statutes, section 122A.63:

- $600,000 for year 2022
- $600,000 for year 2023

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

Subd. 11. Come Teach in Minnesota hiring bonuses. (a) For the Come Teach in Minnesota hiring bonuses pilot program under Minnesota Statutes, section 122A.59:

- $350,000 for year 2022
- $350,000 for year 2023

(b) The department may use up to $35,000 of the appropriation amount to develop and administer the program under this subdivision.

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

Subd. 12. Minnesota Science Teachers Association. (a) For a grant to the Minnesota Science Teachers Association to provide professional development for up to 1,150 teachers to implement the 2019 revised science standards:

- $611,000 for year 2022

(b) Grant funds must be used for current high school teachers to prepare to take the content test for additional licensure in earth science, and to provide pedagogical and content professional development to 6th grade and high school teachers to be effective teachers of earth and space science. Professional development must be offered at multiple locations across the state, including outside the seven-county metropolitan area, and online.

(c) This appropriation is available until June 30, 2023.

(d) The department may use up to five percent of this appropriation for administrative costs.
Subd. 13. **Paraprofessional training.** For costs associated with paid orientation and professional development for paraprofessionals under Minnesota Statutes, section 125A.08:

- $6,300,000 .... 2022
- $7,000,000 .... 2023

(b) The 2022 appropriation includes $0 for 2021 and $6,300,000 for 2022.

(c) The 2023 appropriation includes $700,000 for 2022 and $6,300,000 for 2023.

Subd. 14. **Tribal relations training.** (a) For grants to school districts and charter schools to provide Tribal relations training to school leaders:

- $250,000 .... 2022
- $250,000 .... 2023

(b) Eligible grantees include school districts, charter schools, intermediate school districts, and cooperative units as defined in section 123A.24, subdivision 2.

(c) Up to five percent of this amount is available to the department for grant and program administration costs.

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

Sec. 61. **APPROPRIATIONS; PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD.**

Subdivision 1. **Professional Educator Licensing and Standards Board.** The sums indicated in this section are appropriated from the general fund to the Professional Educator Licensing and Standards Board for the fiscal years designated.

Subd. 2. **Collaborative urban and greater Minnesota educators of color grants.** (a) For collaborative urban and greater Minnesota educators of color competitive grants under Minnesota Statutes, section 122A.635:

- $1,500,000 .... 2022
- $1,500,000 .... 2023

(b) Any balance does not cancel but is available in the following fiscal year.

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

Subd. 3. **Mentoring, induction, and retention incentive program grants for teachers of color.** (a) For the development and expansion of mentoring, induction, and retention
programs designed for teachers of color or American Indian teachers under Minnesota Statutes, section 122A.70:

$3,000,000 .... 2022

$3,000,000 .... 2023

(b) Any balance does not cancel but is available in the following fiscal year.

(c) The base appropriation for grants under Minnesota Statutes, section 122A.70, for fiscal year 2024 and later is $4,500,000, of which at least $3,500,000 each fiscal year must be granted for the development and expansion of mentoring, induction, and retention programs designed for teachers of color or American Indian teachers.

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

Subd. 4. Reports on increasing percentage of teachers of color and American Indian teachers. For a report on the efforts and impact of all state-funded programs to increase the percentage of teachers of color and American Indian teachers in Minnesota schools developed in consultation with the Department of Education, Office of Higher Education, grant recipients, and stakeholders:

$15,000 .... 2022

The base appropriation for fiscal year 2024 and each even-numbered later fiscal year is $15,000.

Subd. 5. Teacher recruitment marketing campaign. (a) To develop two contracts to develop and implement an outreach and marketing campaign under this subdivision:

$500,000 .... 2022

$500,000 .... 2023

(b) The Professional Educator Licensing and Standards Board must issue a request for proposals to develop and implement an outreach and marketing campaign to elevate the profession and recruit teachers, especially teachers of color and American Indian teachers. Outreach efforts should include and support current and former Teacher of the Year finalists interested in being recruitment fellows to encourage prospective educators throughout the state.

(c) The outreach and marketing campaign must focus on making the following individuals become interested in teaching in Minnesota public schools:
(1) high school and college students of color or American Indian students who have not
chosen a career path; or

(2) adults from racial or ethnic groups underrepresented in the teacher workforce who
may be seeking to change careers.

d) The board must award two $250,000 grants each year to firms or organizations that
demonstrate capacity to reach wide and varied audiences of prospective teachers based on
a work plan with quarterly deliverables. Preferences should be given to firms or organizations
that are led by people of color and that have people of color working on the campaign with
a proven record of success. The grant recipients must recognize current pathways or programs
to become a teacher and must partner with educators, schools, institutions, and racially
diverse communities. The grant recipients are encouraged to provide in-kind contributions
or seek funds from nonstate sources to supplement the grant award.

e) The board may use no more than three percent of the appropriation amount to
administer the program under this subdivision, and may have an interagency agreement
with the Department of Education including transfer of funds to help administer the program.

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

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 62. REPEALER.

Minnesota Statutes 2020, sections 122A.091, subdivisions 3 and 6; 122A.092; 122A.18,
subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; and 122A.2451, are
repealed.

ARTICLE 4

CHARTER SCHOOLS

Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

124E.02 DEFINITIONS.

(a) For purposes of this chapter, the terms defined in this section have the meanings
given them.

(b) "Affidavit" means a written statement the authorizer submits to the commissioner
for approval to establish a charter school under section 124E.06, subdivision 4, attesting to
its review and approval process before chartering a school.
(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(d) "Charter management organization" means any nonprofit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a charter school's educational design or implementation or a charter school's administrative, financial, business, or operational functions.

(e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

(f) "Education management organization" means any for-profit entity that provides, manages, or oversees all or substantially all of the educational design or implementation for a charter school or a charter school's administrative, financial, business, or operational functions.

(g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

(h) "Online education service provider" means an organization that provides an online learning management system, virtual learning environment, or online student management system for a charter school and services for the implementation and operation of an online education program for the charter school.

(i) "Person" means an individual or entity of any kind.

(j) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

(k) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.

Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

Subd. 2. Certain federal, state, and local requirements. (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.
(d) A charter school is a district for the purposes of tort liability under chapter 466.

(e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.

(g) A charter school must comply with continuing truant notification under section 260A.03.

(h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

(i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world’s best workforce.

(j) A charter school is subject to and must comply with section 121A.575 and the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.

(k) A charter school is subject to and must comply with the uniform municipal contracting law according to section 471.345 in the same manner as school districts.

Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to read:

Subd. 8. English learners. A charter school is subject to and must comply with the Education for English Learners Act, sections 124D.58 to 124D.64, as though it were a district.

Sec. 4. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to read:

Subd. 9. Corporal punishment. A charter school is subject to and must comply with section 121A.58 as though it were a district.
Sec. 5. Minnesota Statutes 2020, 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;

(7) the process for renewing or terminating the school's charter based on evidence showing the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and

(8) an assurance specifying that the organization is committed to serving as an authorizer for the full five-year term until the commissioner terminates the organization's ability to authorize charter schools under subdivision 6 or the organization formally withdraws as an approved authorizer under subdivision 7.

(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. 6. Minnesota Statutes 2020, section 124E.05, subdivision 6, is amended to read:

Subd. 6. Corrective action. (a) If, consistent with this chapter, the commissioner finds that an authorizer has not met the requirements of this chapter, the commissioner may subject
the authorizer to a corrective action plan, which may include terminating the contract with
the charter school board of directors of a school it chartered, last no longer than 130 business
days. The commissioner may prohibit an authorizer on a corrective plan from accepting a
transfer application from a charter school and an application to establish a charter school.

(b) The commissioner must notify the authorizer in writing that the authorizer has
been placed on a corrective plan. The notice must include any findings that may subject the
authorizer to corrective action at the conclusion of the corrective plan and the authorizer
then has 15 business days to request an informal hearing before the commissioner takes
corrective action. The commissioner must hold an informal hearing within 15 business days
of the request. If the issues identified as the basis for the corrective action are not resolved
at the informal hearing, the authorizer must make the requested improvements and notify
the commissioner of the improvements within 45 business days. Within 20 business days,
the commissioner must review the changes and notify the authorizer of any remaining issues
to be resolved. An authorizer must address the remaining issues as directed by the
commissioner within 20 business days. Within 15 business days, the commissioner must
review the changes and notify the authorizer whether all issues in the corrective plan have
been resolved.

(c) If the commissioner terminates a contract between an authorizer and a charter school
under this paragraph, the commissioner may assist the affected charter school in acquiring a new authorizer. A charter school board of
directors may submit to the commissioner a request to transfer to a new authorizer without
the approval or consent of the current authorizer if that authorizer has been under a corrective
action plan for more than 130 business days.

(d) The commissioner may at any time take corrective action against an authorizer,
including terminating an authorizer's ability to charter a school, terminating a contract with
a charter school, and other appropriate sanctions for:

(1) failing to demonstrate the criteria under subdivision 3 under which the commissioner
approved the authorizer;

(2) violating a term of the chartering contract between the authorizer and the charter
school board of directors;

(3) unsatisfactory performance as an approved authorizer; or

(4) any good cause shown that gives the commissioner a legally sufficient reason to take
corrective action against an authorizer.
(5) failing to meet the terms of a corrective action plan by the specified deadline.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 7. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

Subd. 7. Withdrawal. If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under section 124E.10, subdivision 4, 124E.07, subdivision 6, the authorizer must notify all its chartered schools and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30 in the next calendar year, regardless of when the authorizer's five-year term of approval ends. Upon notification of the schools and commissioner, the authorizer must provide a letter to the school for distribution to families of students enrolled in the school that explains the decision to withdraw as an authorizer. The commissioner may approve the transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

Subdivision 1. Individuals eligible to organize. (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

(b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:

(1) the school developer's:

(i) mission statement;

(ii) school purposes;

(iii) program design;

(iv) financial plan;

(v) market need and demand study;

(vi) governance and management structure; and

(vii) background and experience;

(2) any other information the authorizer requests; and
(3) a "statement of assurances" of legal compliance prescribed by the commissioner.

(c) "Market need and demand study" means a study that includes the following for any proposed location of a new school, grade or site expansion, or preschool program:

(1) current and projected demographic information;

(2) student enrollment patterns;

(3) information on existing schools and types of educational programs currently available;

(4) characteristics of proposed students and families;

(5) availability of properly zoned and classified facilities; and

(6) quantification of existing demand for the new school, grade or site expansion, or preschool program.

(d) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

Subd. 4. Authorizer's affidavit; approval process. (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:

(1) the terms and conditions under which the authorizer would charter a school, including market research that addresses the need, demand, and potential market for the proposed charter school in the community where the school intends to locate; and

(2) how the authorizer intends to oversee:

(i) the fiscal and student performance of the charter school; and

(ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.

(b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer...
then has 20 business days to address the deficiencies. The commissioner must notify the
authorizer of the commissioner's final approval or final disapproval within 15 business days
after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer
does not address deficiencies to the commissioner's satisfaction, the commissioner's
disapproval is final. An authorizer who fails to obtain the commissioner's approval is
precluded from chartering the school that is the subject of this affidavit.

Sec. 10. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

Subd. 5. Adding grades or sites. (a) A charter school may apply to the authorizer to
amend the school charter to add grades or primary enrollment sites beyond those defined
in the original affidavit approved by the commissioner. After approving the school's
application, the authorizer shall submit a supplemental affidavit in the form and manner
prescribed by the commissioner. The authorizer must file a supplemental affidavit to the
commissioner by October 1 to be eligible to add grades or sites in the next school year. The
supplemental affidavit must document to the authorizer's satisfaction:

(1) the need for the additional grades or sites with supporting long-range enrollment
projections;

(2) a longitudinal record of student academic performance and growth on statewide
assessments under chapter 120B or on other academic assessments that measure longitudinal
student performance and growth approved by the charter school's board of directors and
agreed upon with the authorizer;

(3) a history of sound school finances and a plan to add grades or sites that sustains the
school's finances; and

(4) board capacity to administer and manage the additional grades or sites; and

(5) market need and demand study.

(b) The commissioner shall have 30 business days to review and comment on the
supplemental affidavit. The commissioner shall notify the authorizer in writing of any
deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.
The commissioner must notify the authorizer of final approval or final disapproval within
15 business days after receiving the authorizer's response to the deficiencies in the affidavit.
The school may not add grades or sites until the commissioner has approved the supplemental
affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.
Sec. 11. Minnesota Statutes 2020, section 124E.11, is amended to read:

124E.11 ADMISSION REQUIREMENTS AND 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.

(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 website, a lottery policy and process that it must use when accepting pupils by lot.

(c) 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. A charter school that is located in Duluth township in St. Louis 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 (b), who are eligible to enroll in kindergarten in the next school year.

(d) Admission to a charter school must be free to any person who resides within the state of Minnesota, and Minnesota students have preference over out-of-state residents. 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 website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).
(e) Except as permitted in paragraph (d), 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.

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

(g) Once a student is enrolled in the school, the student is considered enrolled in the
school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
Act in sections 121A.40 to 121A.56.

(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).

Sec. 12. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

Subdivision 1. Teachers. A charter school must employ necessary teachers or contract
with a cooperative formed under chapter 308A to provide necessary teachers, as defined
by section 122A.15, subdivision 1, 122A.06, subdivision 2, who hold valid licenses to
perform the particular service for which they are employed in the school. The commissioner
may reduce the charter school's state aid under section 127A.43 if the school employs a
teacher who is not appropriately licensed or approved by the Professional Educator Licensing
and Standards Board. The school may employ necessary employees who are not required
to hold teaching licenses to perform duties other than teaching and may contract for other
services. The school may discharge teachers and nonlicensed employees. The charter school
board is subject to section 181.932 governing whistle-blowers. When offering employment
to a prospective employee, a charter school must give that employee a written description
of the terms and conditions of employment and the school's personnel policies.

Sec. 13. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

Subdivision 1. Leased space. A charter school may lease space from: an independent
or special school board; other public organization; private, nonprofit, nonsectarian
organization; private property owner; or a sectarian organization; and if the leased space is
owned by the lessor and is constructed as a school facility. The commissioner must review
and approve or disapprove leases in a timely manner to determine eligibility for lease aid
under section 124E.22.

Sec. 14. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

Subdivision 1. Audit report. (a) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district, except as required under this subdivision. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing auditing procedures. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing municipal contracting. The audit must comply with the requirements of sections 123B.75 to 123B.83 governing school district finance, except when the commissioner and authorizer approve a deviation made necessary because of school program finances. The commissioner, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(b) The charter school must submit an audit report to the commissioner and its authorizer annually by December 31. The charter school’s charter management organization or educational management organization must submit an audit report to the commissioner annually by December 31.

(c) The charter school, with the assistance of the auditor conducting the audit, must include with the report, as supplemental information: (1) a copy of management agreements with a charter management organization or an educational management organization and (2) service agreements or contracts over the lesser of $100,000 or ten percent of the school’s most recent annual audited expenditures. The agreements must detail the terms of the agreement, including the services provided and the annual costs for those services. If the entity that provides the professional services to the charter school is exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy of the annual return required under section 6033 of the Internal Revenue Code of 1986.

Article 4 Sec. 14.
(d) A charter school independent audit report shall include audited financial data of an affiliated building corporation under section 124E.13, subdivision 3, or other component unit.

(e) If the audit report finds that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the charter school will resolve that material weakness. An auditor, as a condition of providing financial services to a charter school, must agree to make available information about a charter school's financial audit to the commissioner and authorizer upon request.

Sec. 15. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

Subd. 1a. School closures; payments. (a) Notwithstanding subdivision 1 and section 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter 308A or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, and documented lease expenditures from the charter school and monitoring special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment.

(b) For a charter school ceasing operations before or at the end of a school year, notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary final payments after the school submits the closure plan, an audit of pupil counts, documented lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS) financial data and the commissioner monitors special education expenditures for the final year of operation. The commissioner may make the final payment after receiving audited financial statements under section 123B.77, subdivision 3.

(c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and satisfying creditors, remaining cash and investment balances shall be returned by the commissioner to the state general fund.
ARTICLE 5

SPECIAL EDUCATION

Section 1. Minnesota Statutes 2020, section 124E.21, subdivision 1, is amended to read:

Subdivision 1. Special education aid. (a) Except as provided in section 124E.23, special education aid, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e, must be paid to a charter school according to section 125A.76, as though it were a school district.

(b) For fiscal year 2020 and later, the special education aid paid to the charter school shall be adjusted as follows:

(1) if the charter school does not receive general education revenue on behalf of the student according to section 124E.20, the aid shall be adjusted as provided in section 125A.11; or

(2) if the charter school receives general education revenue on behalf of the student according to section 124E.20, the aid shall be adjusted as provided in section 127A.47, subdivision 7, paragraphs (b) to (e), and if the tuition adjustment is computed under section 127A.47, subdivision 7, paragraph (c), it shall also receive an adjustment equal to five percent for fiscal year 2020 or ten percent for fiscal year 2021 and later of the unreimbursed cost of providing special education and services for the student and the amount in paragraph (c).

(c) A charter school special education tuition adjustment aid equals the difference between the charter school's unreimbursed costs without a rate cap and the district's unreimbursed costs with the rate cap, times the adjustment factor for that year. For fiscal years 2021, 2022, and 2023, the adjustment factor equals 100 percent. For fiscal year 2024, the adjustment factor equals 75 percent. For fiscal year 2025, the adjustment factor equals 50 percent. For fiscal year 2026 and later, the adjustment factor equals 25 percent.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 2. Minnesota Statutes 2020, section 125A.21, subdivision 1, is amended to read:

Subdivision 1. Obligation to pay. (a) Nothing in sections 125A.03 to 125A.24 and 125A.65 relieves an insurer or similar third party from an otherwise valid obligation to pay, or changes the validity of an obligation to pay, for services rendered to a child with a disability, and the child's family.
(b) For purposes of this section, "school district" and "district" mean a school district, charter school, or cooperative unit defined under section 123A.24, subdivision 2, providing direct special education services to students.

(c) A school district shall pay the nonfederal share of medical assistance services provided according to section 256B.0625, subdivision 26. Eligible expenditures must not be made from federal funds or funds used to match other federal funds. Any federal disallowances are the responsibility of the school district. A school district may pay or reimburse co-payments, coinsurance, deductibles, and other enrollee cost-sharing amounts, on behalf of the student or family, in connection with health and related services provided under an individual educational plan or individualized family service plan.

Sec. 3. Minnesota Statutes 2020, section 125A.21, subdivision 2, is amended to read:

Subd. 2. Third-party reimbursement. (a) Beginning July 1, 2000, districts shall seek reimbursement from insurers and similar third parties for the cost of services provided by the district whenever the services provided by the district are otherwise covered by the child's health coverage. Districts shall request, but may not require, the child's family to provide information about the child's health coverage when a child with a disability begins to receive services from the district of a type that may be reimbursable, and shall request, but may not require, updated information after that as needed.

(b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health coverage, a district shall provide an initial and annual written notice to the enrolled child's parent or legal representative of its intent to seek reimbursement from medical assistance or MinnesotaCare for:

(1) the evaluations required as part of the individualized education program process or individualized family service plan process; and

(2) health-related services provided by the district according to the individualized education program or individualized family service plan.

The initial notice must give the child's parent or legal representative the right to request a copy of the child's education records on the health-related services that the district provided to the child and disclosed to a third-party payer.

(c) The district shall give the parent or legal representative annual written notice of:

(1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare for evaluations required as part of the individualized education program process or individualized family service plan process, and for health-related services provided by the
district according to the individualized education program or individualized family service plan;

(2) the right of the parent or legal representative to request a copy of all records concerning individualized education program or individualized family service plan health-related services disclosed by the district to any third party; and

(3) the right of the parent or legal representative to withdraw consent for disclosure of a child's records at any time without consequence.

The written notice shall be provided as part of the written notice required by Code of Federal Regulations, title 34, section 300.504 or 303.520. The district must ensure that the parent of a child with a disability is given notice, in understandable language, of federal and state procedural safeguards available to the parent under this paragraph and paragraph (b).

(d) In order to access the private health care coverage of a child who is covered by private health care coverage in whole or in part, a district must:

(1) obtain annual written informed consent from the parent or legal representative, in compliance with subdivision 5; and

(2) inform the parent or legal representative that a refusal to permit the district or state Medicaid agency to access their private health care coverage does not relieve the district of its responsibility to provide all services necessary to provide free and appropriate public education at no cost to the parent or legal representative.

(e) If the commissioner of human services obtains federal approval to exempt covered individualized education program or individualized family service plan health-related services from the requirement that private health care coverage refuse payment before medical assistance may be billed, paragraphs (b), (c), and (d) shall also apply to students with a combination of private health care coverage and health care coverage through medical assistance or MinnesotaCare.

(f) In the event that Congress or any federal agency or the Minnesota legislature or any state agency establishes lifetime limits, limits for any health care services, cost-sharing provisions, or otherwise provides that individualized education program or individualized family service plan health-related services impact benefits for persons enrolled in medical assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are repealed on the effective date of any federal or state law or regulation that imposes the limits. In that event, districts must obtain informed consent consistent with this subdivision as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement.
for children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health care coverage.

(g) To the extent practicable, a charter school must seek reimbursements under this section in the same manner as school districts. The commissioner may provide training and technical assistance to a charter school seeking third-party reimbursement.

Sec. 4. Minnesota Statutes 2020, section 125A.76, subdivision 2e, is amended to read:

Subd. 2e. Cross subsidy reduction aid. (a) A school district's annual cross subsidy reduction aid equals the school district's initial special education cross subsidy for the previous fiscal year times the cross subsidy aid factor for that fiscal year.

(b) The cross subsidy aid factor equals 2.6 percent for fiscal year 2020 and 6.43 percent for fiscal year 2021 and later. The cross subsidy aid factor equals 9.33 percent for fiscal year 2022 and 12.11 percent for fiscal year 2023 and later.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 5. Minnesota Statutes 2020, section 127A.47, subdivision 7, is amended to read:

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

(b) For purposes of this subdivision, the "unreimbursed cost of providing special education and services" means the difference between: (1) the actual cost of providing special instruction and services, including special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, for a pupil with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51, who is enrolled in a program listed in this subdivision, including special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, minus (2) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue, if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, excluding local optional revenue, plus local optional aid and referendum equalization aid as defined in section 125A.11, subdivision 1, paragraph (d), attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom, excluding portions attributable to...
district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, minus (3) special education aid under section 125A.76, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e, attributable to that pupil, that is received by the district providing special instruction and services. For purposes of this paragraph, general education revenue and referendum equalization aid attributable to a pupil must be calculated using the serving district's average general education revenue and referendum equalization aid per adjusted pupil unit.

(c) For fiscal year 2020, special education aid paid to a resident district must be reduced by an amount equal to 85 percent of the unreimbursed cost of providing special education and services. For fiscal year 2021 and later, special education aid paid to a resident district must be reduced by an amount equal to 80 percent of the unreimbursed cost of providing special education and services.

(d) Notwithstanding paragraph (c), special education aid paid to a resident district must be reduced by an amount equal to 100 percent of the unreimbursed cost of providing special education and services provided to students at an intermediate district, cooperative, or charter school where the percent of students eligible for special education services is at least 70 percent of the charter school's total enrollment.

(e) Notwithstanding paragraph (c), special education aid paid to a resident district must be reduced under paragraph (d) for students at a charter school receiving special education aid under section 124E.21, subdivision 3, calculated as if the charter school received special education aid under section 124E.21, subdivision 1.

(f) Special education aid paid to the district or cooperative providing special instruction and services for the pupil, or to the fiscal agent district for a cooperative, must be increased by the amount of the reduction in the aid paid to the resident district under paragraphs (c) and (d). If the resident district's special education aid is insufficient to make the full adjustment under paragraphs (c), (d), and (e), the remaining adjustment shall be made to other state aids due to the district.

(g) Notwithstanding paragraph (a), general education aid paid to the resident district of a nonspecial education student for whom an eligible special education charter school receives general education aid under section 124E.20, subdivision 1, paragraph (c), must be reduced by an amount equal to the difference between the general education aid attributable to the student under section 124E.20, subdivision 1, paragraph (c), and the general education aid that the student would have generated for the charter school under section 124E.20, subdivision 1, paragraph (a). For purposes of this paragraph, "nonspecial education student"
means a student who does not meet the definition of pupil with a disability as defined in section 125A.02 or the definition of a pupil in section 125A.51.

(h) An area learning center operated by a service cooperative, intermediate district, education district, or a joint powers cooperative may elect through the action of the constituent boards to charge the resident district tuition for pupils rather than to have the general education revenue paid to a fiscal agent school district. Except as provided in paragraph (f), the district of residence must pay tuition equal to at least 90 and no more than 100 percent of the district average general education revenue per pupil unit minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0466, calculated without compensatory revenue, local optional revenue, and transportation sparsity revenue, times the number of pupil units for pupils attending the area learning center.

(i) For a charter school located outside of Minneapolis or St. Paul, notwithstanding paragraph (b), unreimbursed tuition reimbursement amounts for a charter school, not including a charter school for which the tuition adjustment is calculated under paragraph (d) or (e), must be computed according to this paragraph. For purposes of this paragraph:

(1) "regular school year statewide district cap rate" means the unreimbursed regular school year cost per service hour, calculated statewide for all districts and averaged across the current year;

(2) "extended school year statewide district cap rate" means the unreimbursed extended school year cost per service hour, calculated statewide for all districts and averaged across the current year;

(3) "special education one-to-one paraprofessional statewide district cap rate" means the unreimbursed special education one-to-one paraprofessional cost per hour, calculated statewide for all districts and averaged across the current year; and

(4) "unreimbursed cost of providing special education and services" means the lesser of (i) the amount calculated under paragraph (b), or (ii) the regular school year statewide district cap rate multiplied by the regular school year service hours, plus the extended school year statewide district cap rate multiplied by the extended school year service hours, plus the special education one-to-one paraprofessional statewide district cap rate times instructional hours.

(j) For a charter school located in the city of Minneapolis, the commissioner must substitute the Minneapolis school district's cap rates for the statewide cap rates for that year.
For a charter school located in the city of St. Paul, the commissioner must substitute the St. Paul school district's cap rates for the statewide cap rates for that year.

(k) For purposes of paragraphs (i) and (j), for each capped rate, the unreimbursed cap rate for the charter school must not exceed 200 percent of the capped rate for fiscal year 2024, 175 percent of the capped rate for fiscal year 2025, 150 percent of the capped rate for fiscal year 2026, and 125 percent of the capped rate for fiscal year 2027 and later.

(l) Notwithstanding paragraph (b), the department may disallow tuition expenses for a charter school if the department determines that the charter school failed to pursue third-party billing for qualifying special education services.

EFFECTIVE DATE. This section is effective for fiscal year 2023 and later.

Sec. 6. SPECIAL EDUCATION RECOVERY SERVICES AND SUPPORTS.

Subdivision 1. Special education recovery. The commissioner of education, school districts, and charter schools must collaborate with families of students with disabilities as provided in this section to address the impact of disruptions to in-person instruction on students' access to a free appropriate public education related to the COVID-19 pandemic.

Subd. 2. Special education services and supports. (a) A school district or charter school that serves one or more students with disabilities must invite the parents of a student with a disability to a meeting of each individualized education program (IEP) team as soon as practicable but no later than December 1, 2021, to determine whether special education services and supports are necessary to address lack of progress on IEP goals or in the general education curriculum or loss of learning or skills due to disruptions related to the COVID-19 pandemic. The services and supports may include but are not limited to extended school year services, additional IEP services, compensatory services, or other appropriate services. This meeting may occur in an annual or other regularly scheduled IEP meeting. If the IEP team determines that the services and supports are necessary, the team shall determine what services and supports are appropriate for the student and when and how those services should be provided, in accordance with relevant guidance from the Minnesota Department of Education and the United States Department of Education. The services and supports must be included in the IEP of the student. A district or charter school must report to the commissioner, in the form and manner determined by the commissioner, the services and supports provided to students with disabilities under this section, including the cost of providing the services.
(b) In determining whether a student is eligible for services and supports described in paragraph (a), and what services and supports are appropriate for the student, the IEP team must consider, in conjunction with any other considerations advised by guidance from the Minnesota Department of Education or the United States Department of Education:

1. services and supports provided to the student before the disruptions to in-person instruction related to the COVID-19 pandemic;
2. the ability of the student to access services and supports;
3. the student's progress toward IEP goals, including the goals in the IEP in effect before disruptions to in-person instruction related to the COVID-19 pandemic, and progress in the general education curriculum;
4. the student's regression or lost skills resulting from disruptions to instruction;
5. other significant influences on the student's ability to participate in and benefit from instruction related to the COVID-19 pandemic, including family loss, changed family circumstances, other trauma, and illness; and
6. the types of services and supports that would benefit the student and improve the student's ability to benefit from school, including academic supports, behavioral supports, mental health supports, related services, and other services and supports.

(c) When considering how and when the services and supports described in paragraph (a) should be provided, the IEP team must take into account the timing and delivery method most appropriate for the student, such as time of day, day of the week, or time of year, and the availability of other services accessible to the student to address learning loss. The IEP team may determine that providers in addition to school district or charter school staff are most appropriate to provide the services and supports described in paragraph (a).

(d) A school district or charter school must make available the services and supports included in an IEP, as described in paragraph (a), until the IEP team determines that services and supports are no longer necessary to address lack of progress on IEP goals or in the general education curriculum or loss of learning or skills due to disruptions related to the COVID-19 pandemic.

(e) A school district providing special education services on a shared time basis to a student enrolled in a nonpublic school must offer the student special education services and supports in accordance with this section.

(f) The commissioner may identify school district, charter school, and cooperative unit pandemic-related expenses incurred under this section, and if the commissioner determines
the costs are eligible for funding using the additional funds set aside under the American
Rescue Plan Act, section 2014, for the Individuals with Disabilities Education Act, the
commissioner may allocate the federal funds for 100 percent of the costs of the services
provided under this section and exclude these expenses from state special education aid
under Minnesota Statutes, sections 125A.76 and 125A.79.

Sec. 7. THIRD-PARTY REIMBURSEMENT.
The commissioner of education and commissioner of human services must consult with
stakeholders to identify strategies to streamline access and reimbursement for behavioral
health services for children who are enrolled in medical assistance and have individualized
education programs or individualized family services plans, and to avoid duplication of
services and procedures to the extent practicable. The commissioners must review models
used in other states and identify strategies to reduce administrative burdens for schools
while ensuring continuity of care for students accessing services when not in school. By
November 1, 2021, the commissioners must report their findings and recommendations for
statutory changes to the chairs and ranking members of the committees with jurisdiction
over early learning through grade 12 education and human services in accordance with
Minnesota Statutes, section 3.195.

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

Sec. 8. APPROPRIATIONS.
Subdivision 1. Department of Education. The sums indicated in this section are
appropriated from the general fund to the Department of Education for the fiscal years
designated.
Subd. 2. Special education; regular. For special education aid under Minnesota Statutes,
section 125A.75:

$ 1,844,261,000 ..... 2022
$ 1,994,392,000 ..... 2023

The 2022 appropriation includes $215,125,000 for 2021 and $1,629,136,000 for 2022.
The 2023 appropriation includes $229,335,000 for 2022 and $1,765,057,000 for 2023.
Subd. 3. Aid for children with disabilities. For aid under Minnesota Statutes, section
125A.75, subdivision 3, for children with disabilities placed in residential facilities within
the district boundaries for whom no district of residence can be determined:
If the appropriation for either year is insufficient, the appropriation for the other year is available.

Subd. 4. *Travel for home-based services.* For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$1,818,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

Subd. 5. *Court-placed special education revenue.* For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
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<td>2023</td>
</tr>
</tbody>
</table>

Subd. 6. *Special education out-of-state tuition.* For special education out-of-state tuition under Minnesota Statutes, section 125A.79, subdivision 8:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$250,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

ARTICLE 6

HEALTH AND SAFETY

Section 1. Minnesota Statutes 2020, section 120B.21, is amended to read:

**120B.21 MENTAL HEALTH EDUCATION.**

School districts and charter schools are encouraged to provide mental health instruction for students in grades 4 through 12 aligned with local health education standards and integrated into existing programs, curriculum, or the general school environment activities of a district or charter school. The commissioner, in consultation with the commissioner of human services, commissioner of health, and mental health organizations, must, by July 1, 2020, and July 1 of each even-numbered year thereafter, provide districts and charter schools with resources gathered by Minnesota mental health advocates, including:
(1) age-appropriate model learning activities for grades 4 through 12 that encompass
the mental health components of the National Health Education Standards and the
benchmarks developed by the department's quality teaching network in health and best
practices in mental health education; and

(2) a directory of resources for planning and implementing age-appropriate mental health
curriculum and instruction in grades 4 through 12 that includes resources on suicide and
self-harm prevention. A district or charter school providing instruction or presentations on
preventing suicide or self-harm must use either the resources provided by the commissioner
or other evidence-based instruction.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools are
encouraged to provide developmentally appropriate programmatic instruction to help
students identify, prevent, and reduce prohibited conduct; value diversity in school and
society; develop and improve students' knowledge and skills for solving problems, managing
conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited
conduct; and make effective prevention and intervention programs available to students.
Upon request, the school safety technical assistance center under section 127A.052 must
assist a district or school in helping students understand social media and cyberbullying.
Districts and schools must establish strategies for creating a positive school
climate and use evidence-based social-emotional learning to prevent and reduce
discrimination and other improper conduct.

(b) Districts and schools are encouraged to:

1. engage all students in creating a safe and supportive school environment;
2. partner with parents and other community members to develop and implement
prevention and intervention programs;
3. engage all students and adults in integrating education, intervention, and other
remedial responses into the school environment;
4. train student bystanders to intervene in and report incidents of prohibited conduct to
the school's primary contact person;
5. teach students to advocate for themselves and others;
(6) prevent inappropriate referrals to special education of students who may engage in
prohibited conduct; and

(7) foster student collaborations that foster a safe and supportive school climate.

Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

Subd. 6. State model policy. (a) The commissioner, in consultation with the
commissioner of human rights, shall develop and maintain a state model policy. A district
or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
implement and may supplement the provisions of the state model policy. The commissioner
must assist districts and schools under this subdivision to implement the state policy. The
state model policy must:

(1) define prohibited conduct, consistent with this section;

(2) apply the prohibited conduct policy components in this section;

(3) for a child with a disability, whenever an evaluation by an individualized education
program team or a section 504 team indicates that the child's disability affects the child's
social skills development or the child is vulnerable to prohibited conduct because of the
child's disability, the child's individualized education program or section 504 plan may
address the skills and proficiencies the child needs to not engage in and respond to such
conduct; and

(4) encourage violence prevention and character development education programs under
section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

(1) periodically reviewing district and school programs and policies for compliance with
this section;

(2) investigating, reporting, and responding to noncompliance with this section, which
may include an annual review of plans to improve and provide a safe and supportive school
climate; and

(3) allowing students, parents, and educators to file a complaint about noncompliance
with the commissioner.

(c) The commissioner must post on the department's website information indicating that
when districts and schools allow non-curriculum-related student groups access to school
facilities, the district or school must give all student groups equal access to the school
facilities regardless of the content of the group members' speech.
(d) The commissioner must develop and maintain resources to assist a district or school in implementing strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

c) The commissioner must develop and adopt state-level social-emotional learning standards.

Sec. 4. [121A.20] SCHOOL MENTAL HEALTH SYSTEMS.

Mental health is defined as the social, emotional, and behavioral well-being of students. Comprehensive school mental health systems provide an array of supports and services that promote positive school climate, social-emotional learning, and mental health and well-being, while reducing the prevalence and severity of mental illness. School mental health systems are built on a strong foundation of district and school professionals, including administrators, educators, and specialized instructional support personnel including school psychologists, school social workers, school counselors, school nurses, and other school health professionals, all in strategic partnership with students and families, as well as community health and mental health partners. School mental health systems also assess and address the social and environmental factors that impact mental health, including public policies and social norms that shape mental health outcomes.

Sec. 5. [121A.201] MULTI-TIERED SYSTEM OF SUPPORTS.

The Minnesota Multi-Tiered System of Supports is a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. The Multi-Tiered System of Supports provides access to layered tiers of culturally and linguistically responsive, evidence-based practices. The Multi-Tiered System of Supports framework relies on the understanding and belief that every student can learn and thrive, and it engages an anti-racist approach to examining policies and practices and ensuring equitable distribution of resources and opportunity. This systemic framework requires:

1. design and delivery of culturally and linguistically responsive, effective, standards-based core instruction in safe, supportive environments inclusive of every student as a necessary foundation for tiered supports;

2. layered tiers of culturally and linguistically responsive supplemental and intensive supports to meet each student's needs;
(3) developing collective knowledge and experience through engagement in representative partnerships with students, education professionals, families, and communities;

(4) multidisciplinary teams of education professionals that review and use data to prevent and solve problems, inform instruction and supports, and ensure effective implementation in partnership with students and families;

(5) effective and timely use of meaningful, culturally relevant data disaggregated by student groups identified in section 121A.031 that includes but is not limited to universal screening, frequent progress monitoring, implementation fidelity, and multiple qualitative and quantitative sources; and

(6) ongoing professional learning on the Multi-Tiered System of Supports systemic framework using anti-racist approaches to training and coaching.

Sec. 6. [121A.24] SEIZURE TRAINING AND ACTION PLAN.

Subdivision 1. Seizure action plan. (a) For purposes of this section, "seizure action plan" means a written individualized health plan designed to acknowledge and prepare for the health care needs of a student with a seizure disorder diagnosed by the student's treating licensed health care provider.

(b) The requirements of this subdivision apply to a school district or charter school where an enrolled student's parent or guardian has notified the school district or charter school that the student has a diagnosed seizure disorder and has seizure rescue medication or medication prescribed by the student's licensed health care provider to treat seizure disorder symptoms approved by the United States Food and Drug Administration. The parent or guardian of a student with a diagnosed seizure disorder must collaborate with school personnel to implement the seizure action plan.

(c) A seizure action plan must:

(1) identify a school nurse or a designated individual at each school site who is on duty during the regular school day and can administer or assist with the administration of seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the United States Food and Drug Administration;

(2) require training on seizure medications for an employee identified under clause (1), recognition of signs and symptoms of seizures, and appropriate steps to respond to seizures;

(3) be provided to the person identified under clause (1); and
be filed in the office of the school principal or licensed school nurse or, in the absence
of a licensed school nurse, a professional nurse or designated individual.

(d) A school district or charter school employee or volunteer responsible for the
supervision or care of a student with a diagnosed seizure disorder must be given notice and
a copy of the seizure action plan, the name or position of the employee identified under
paragraph (c), clause (1), and the method by which the trained school employee may be
contacted in an emergency.

Subd. 2. Training requirements. A school district or charter school must provide all
licensed school nurses or, in the absence of a licensed school nurse, a professional nurse or
designated individual, and other school staff working with students with self-study materials
on seizure disorder signs, symptoms, medications, and appropriate responses.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 7. STUDENT SUPPORT PERSONNEL AID.

Subdivision 1. Definitions. For the purposes of this section, the following terms have
the meanings given:

(1) "new position" means a student support services personnel full-time or part-time
position not under contract by a school district, charter school, or cooperative unit at the
start of the 2021-2022 school year; and

(2) "student support services personnel" means an individual licensed to serve as a school
counselor, school psychologist, school social worker, school nurse, or chemical dependency
counselor in Minnesota.

Subd. 2. Purpose. The purpose of student support personnel aid is to:

(1) address shortages of student support services personnel within Minnesota schools;

(2) decrease caseloads for existing student support services personnel to ensure effective
services;

(3) ensure that students receive effective academic guidance and integrated and
comprehensive services to improve prekindergarten through grade 12 school outcomes and
career and college readiness;

(4) ensure that student support services personnel serve within the scope and practice
of their training and licensure;
Aid eligibility and application. A school district, charter school, intermediate school district, or other cooperative unit is eligible to apply for student support personnel aid under this section. The commissioner must prescribe the form and manner of the application, which must include a plan describing how the aid will be used.

Subd. 4. Student support personnel aid. (a) The initial student support personnel aid for a school district equals the greater of $20 times the number of pupils enrolled at the district on October 1 of the previous fiscal year or $31,500. The initial student support personnel aid for a charter school equals $20 times the number of pupils enrolled at the charter school on October 1 of the previous fiscal year.

(b) The cooperative student support personnel aid for a school district that is a member of an intermediate school district or other cooperative unit that enrolls students equals $6 times the number of pupils enrolled at the district on October 1 of the previous fiscal year.

If a district is a member of more than one cooperative unit that enrolls students, the revenue must be allocated among the cooperative units.

(c) Notwithstanding paragraphs (a) and (b), the student support personnel aid must not exceed the district or cooperative unit's actual expenditure according to the approved plan under subdivision 3.

Subd. 5. Allowed uses; match requirements. (a) Aid under this section must be used to hire new positions for student support services personnel.

(b) Cooperative student support personnel aid must be transferred to the intermediate district or other cooperative unit of which the district is a member and used to hire new positions for student support services personnel at the intermediate district or cooperative unit.

(c) If a school district, charter school, or cooperative unit is not able to hire a new full-time equivalent position with student support personnel aid, the aid may be used for contracted services from individuals licensed to serve as a school counselor, school psychologist, school social worker, school nurse, or chemical dependency counselor in Minnesota.
(d) Student support personnel hired or contracted before the start of the 2021-2022 school year with federal funding related to COVID-19, including the American Rescue Plan, Public Law 117-2, is considered personnel hired for new positions.

Subd. 6. Report required. By February 1 following any fiscal year in which student support personnel aid was received, a school district, charter school, or cooperative unit must submit a written report to the commissioner indicating how the new position affected two or more of the following measures:

(1) school climate;
(2) attendance rates;
(3) academic achievement;
(4) career and college readiness;
(5) postsecondary completion rates; and
(6) student health.

EFFECTIVE DATE. This section is effective for revenue in fiscal year 2023 and later.

Sec. 8. APPROPRIATIONS.

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

Subd. 2. Student support personnel aid. For aid to support schools in addressing students' social, emotional, and physical health under Minnesota Statutes, section 124D.901:

$17,223,000 .... 2023

Subd. 3. Suicide prevention training for teachers. (a) For transfer to the commissioner of health for a grant to a nationally recognized provider of evidence-based online training on suicide prevention and engagement of students experiencing mental distress:

$265,000 .... 2022

(b) Training funded by the grant must be accessible to teachers in every school district, charter school, intermediate school district, service cooperative, and Tribal school in Minnesota.

(c) The grant recipient must report to the commissioner of health the number of teachers completing the online training, average length of time to complete training, and length of
average stay using the online training. The commissioner must survey online training users
to determine their perception of the online training. By January 8, 2023, the commissioner
must report the grant recipient's information and the survey results to the chairs and ranking
minority members of the legislative committees with jurisdiction over kindergarten through
grade 12 education and suicide prevention.

(d) This is a onetime appropriation and is available until June 30, 2023.

Subd. 4. Equity diversity and inclusion trauma-informed grants. (a) For grants to
districts and charter schools to implement professional development for staff focused on
trauma-informed practices:

\[
\begin{align*}
\text{2022} & \quad 6,000,000 \\
\text{2023} & \quad 6,000,000
\end{align*}
\]

(b) The department must develop best practices and other resources for trauma-informed
practices.

c) Eligible grantees include school districts, charter schools, intermediate school districts,
and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

(d) The department may retain up to five percent of the appropriation for the
administration of the program and grants.

e) This is a onetime appropriation.

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

ARTICLE 7

FACILITIES

Section 1. [121A.336] NOTIFICATION OF ENVIRONMENTAL HAZARDS.

Upon notification by the Department of Health or Pollution Control Agency to a school
district, charter school, or nonpublic school of environmental hazards that may affect the
health of students or school staff, the school must notify school staff, students, and parents
of the hazards as soon as practicable. The notice must include direction on how to obtain
additional information about the hazard, including any actions that may reduce potential
harm to those affected by the hazard.

Sec. 2. Minnesota Statutes 2020, section 123B.595, subdivision 3, is amended to read:

Subd. 3. Intermediate districts and other cooperative units. (a) Upon approval through
the adoption of a resolution by each member district school board of an intermediate district
189.1 or other cooperative unit under section 123A.24, subdivision 2, or a joint powers
district under section 471.59, and the approval of the commissioner of education, a school
district may include in its authority under this section a proportionate share of the long-term
maintenance costs of the intermediate district or, cooperative unit, or joint powers district.
The cooperative unit or joint powers district may issue bonds to finance the project costs
or levy for the costs, using long-term maintenance revenue transferred from member districts
to make debt service payments or pay project costs or, for leased facilities, pay the portion
of lease costs attributable to the amortized cost of long-term facilities maintenance projects
completed by the landlord. Authority under this subdivision is in addition to the authority
for individual district projects under subdivision 1.

(b) The resolution adopted under paragraph (a) may specify which member districts will
share the project costs under this subdivision, except that debt service payments for bonds
issued by a cooperative unit or joint powers district to finance long-term maintenance project
costs must be the responsibility of all member districts.

EFFECTIVE DATE. This section is effective for revenue in fiscal year 2023 and later.

Sec. 3. Minnesota Statutes 2020, section 126C.40, subdivision 1, is amended to read:

Subdivision 1. To lease building or land. (a) When an independent or a special school
district or a group of independent or special school districts finds it economically
advantageous to rent or lease a building or land for any instructional purposes or for school
storage or furniture repair, and it determines that the operating capital revenue authorized
under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the
commissioner for permission to make an additional capital expenditure levy for this purpose.
An application for permission to levy under this subdivision must contain financial
justification for the proposed levy, the terms and conditions of the proposed lease, and a
description of the space to be leased and its proposed use.

(b) The criteria for approval of applications to levy under this subdivision must include:
the reasonableness of the price, the appropriateness of the space to the proposed activity,
the feasibility of transporting pupils to the leased building or land, conformity of the lease
to the laws and rules of the state of Minnesota, and the appropriateness of the proposed
lease to the space needs and the financial condition of the district. The commissioner must
not authorize a levy under this subdivision in an amount greater than the cost to the district
of renting or leasing a building or land for approved purposes. The proceeds of this levy
must not be used for custodial or other maintenance services. A district may not levy under
this subdivision for the purpose of leasing or renting a district-owned building or site to itself.

(c) For agreements finalized after July 1, 1997, a district may not levy under this subdivision for the purpose of leasing: (1) a newly constructed building used primarily for regular kindergarten, elementary, or secondary instruction; or (2) a newly constructed building addition or additions used primarily for regular kindergarten, elementary, or secondary instruction that contains more than 20 percent of the square footage of the previously existing building.

(d) Notwithstanding paragraph (b), a district may levy under this subdivision for the purpose of leasing or renting a district-owned building or site to itself only if the amount is needed by the district to make payments required by a lease purchase agreement, installment purchase agreement, or other deferred payments agreement authorized by law, and the levy meets the requirements of paragraph (c). A levy authorized for a district by the commissioner under this paragraph may be in the amount needed by the district to make payments required by a lease purchase agreement, installment purchase agreement, or other deferred payments agreement authorized by law, provided that any agreement include a provision giving the school districts the right to terminate the agreement annually without penalty.

(e) The total levy under this subdivision for a district for any year must not exceed $212 times the adjusted pupil units for the fiscal year to which the levy is attributable.

(f) For agreements for which a review and comment have been submitted to the Department of Education after April 1, 1998, the term "instructional purpose" as used in this subdivision excludes expenditures on stadiums.

(g) The commissioner of education may authorize a school district to exceed the limit in paragraph (e) if the school district petitions the commissioner for approval. The commissioner shall grant approval to a school district to exceed the limit in paragraph (e) for not more than five years if the district meets the following criteria:

1. The school district has been experiencing pupil enrollment growth in the preceding five years;

2. The purpose of the increased levy is in the long-term public interest;

3. The purpose of the increased levy promotes colocation of government services; and

4. The purpose of the increased levy is in the long-term interest of the district by avoiding over construction of school facilities.
(h) A school district that is a member of an intermediate school district or other cooperative unit under section 123A.24, subdivision 2, or a joint powers district under section 471.59 may include in its authority under this section the costs associated with leases of administrative and classroom space for intermediate school district programs of the intermediate school district or other cooperative unit under section 123A.24, subdivision 2, or joint powers district under section 471.59. This authority must not exceed $65 times the adjusted pupil units of the member districts. This authority is in addition to any other authority authorized under this section. The intermediate school district, other cooperative unit, or joint powers district may specify which member districts will levy for lease costs under this paragraph.

(i) In addition to the allowable capital levies in paragraph (a), for taxes payable in 2012 to 2023, a district that is a member of the "Technology and Information Education Systems" data processing joint board, that finds it economically advantageous to enter into a lease agreement to finance improvements to a building and land for a group of school districts or special school districts for staff development purposes, may levy for its portion of lease costs attributed to the district within the total levy limit in paragraph (e). The total levy authority under this paragraph shall not exceed $632,000.

(j) Notwithstanding paragraph (a), a district may levy under this subdivision for the purpose of leasing administrative space if the district can demonstrate to the satisfaction of the commissioner that the lease cost for the administrative space is no greater than the lease cost for instructional space that the district would otherwise lease. The commissioner must deny this levy authority unless the district passes a resolution stating its intent to lease instructional space under this section if the commissioner does not grant authority under this paragraph. The resolution must also certify that the lease cost for administrative space under this paragraph is no greater than the lease cost for the district's proposed instructional lease.

(j) Notwithstanding paragraph (a), a district may levy under this subdivision for the district's proportionate share of deferred maintenance expenditures for a district-owned building or site leased to a cooperative unit under section 123A.24, subdivision 2, or a joint powers district under section 471.59 for any instructional purposes or for school storage.

EFFECTIVE DATE. This section is effective for revenue in fiscal year 2023 and later.
Sec. 4. Minnesota Statutes 2020, section 126C.44, is amended to read:

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

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to $36 multiplied by the district's adjusted pupil units for the school year.

(b) The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

1. to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;
2. to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;
3. to pay the costs for a gang resistance education training curriculum in the district's schools;
4. to pay the costs for security in the district's schools and on school property;
5. to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;
6. to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;
7. to pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;
8. to pay for costs associated with improving the school climate; or
9. to pay costs for colocating and collaborating with mental health professionals who are not district employees or contractors.

(c) For expenditures under paragraph (a) (b), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department...
does not wish to provide the necessary services, the district may contract for these services
with any other police or sheriff's department located entirely or partially within the school
district's boundaries.

(c) (d) A school district that is a member of an intermediate school district may include
in its authority under this section the costs associated with safe schools activities authorized
under paragraph (e) (b) for intermediate school district programs. This authority must not
exceed $15 times the adjusted pupil units of the member districts. This authority is in addition
to any other authority authorized under this section. Revenue raised under this paragraph
must be transferred to the intermediate school district.

(e) A school district or charter school receiving revenue under this section must annually
report safe schools expenditures to the commissioner, in the form and manner specified by
the commissioner. The report must conform to uniform financial and reporting standards
established for this purpose and provide a breakdown by functional area.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 5. APPROPRIATIONS.

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

Subd. 2. Debt service equalization aid. For debt service equalization aid under
Minnesota Statutes, section 123B.53, subdivision 6:

$ 25,001,000 .... 2022
$ 24,286,000 .... 2023

The 2022 appropriation includes $2,588,000 for 2021 and $22,413,000 for 2022.
The 2023 appropriation includes $2,371,000 for 2022 and $21,915,000 for 2023.

Subd. 3. Long-term facilities maintenance equalized aid. For long-term facilities
maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

$ 108,582,000 .... 2022
$ 111,077,000 .... 2023

The 2022 appropriation includes $10,660,000 for 2021 and $97,922,000 for 2022.
The 2023 appropriation includes $10,880,000 for 2022 and $100,197,000 for 2023.
Subd. 4. Equity in telecommunications access. (a) For equity in telecommunications access:

\begin{align*}
& \text{\$3,750,000} & \text{2022} \\
& \text{\$3,750,000} & \text{2023}
\end{align*}

(b) If the appropriation amount is insufficient, the commissioner shall reduce the reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the revenue for fiscal years 2022 and 2023 shall be prorated.

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

Subd. 5. Maximum effort loan aid. For aid payments to schools under Minnesota Statutes, section 477A.09.

\begin{align*}
& \text{\$3,288,000} & \text{2022} \\
& \text{\$0} & \text{2023}
\end{align*}

The base for fiscal year 2024 is $0.

ARTICLE 8

NUTRITION AND LIBRARIES

Section 1. Minnesota Statutes 2020, section 124D.111, is amended to read:

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

Subdivision 1. School lunch aid computation meal policy. (a) Each Minnesota sponsor of the national school lunch program or school breakfast program must adopt and post to its website, or the website of the organization where the meal is served, a school meal policy. The policy must:

1. be in writing, accessible in multiple languages, and clearly communicate student meal charges when payment cannot be collected at the point of service;
2. be reasonable and well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing any student;
3. address whether the sponsor uses a collection agency to collect unpaid school meal debt;
4. require any communication to collect unpaid school meal debt be done by school staff trained on the school district's policy on collecting student meal debt;
(5) require that all communication relating to school meal debt be delivered only to a student's parent or guardian and not directly to the student;

(6) ensure that once a sponsor has placed a meal on a tray or otherwise served a reimbursable meal to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official because the student has outstanding meal debt;

(7) ensure that a student who has been determined eligible for free and reduced-price lunch must always be served a reimbursable meal even if the student has outstanding debt;

(8) provide the third-party provider with its school meal policy if the school contracts with a third-party provider for its meal services; and

(9) require school nutrition staff be trained on the policy.

(b) Any contract between a school and a third-party provider of meal services entered into or modified on or after July 1, 2021, must ensure that the third-party provider adheres to the sponsor's school meal policy.

Subd. 1a. School lunch aid amounts. 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 sponsor 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 website 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
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.
(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 sponsor that receives school lunch aid under this section must make lunch meals available without charge and must not deny a school lunch or breakfast to all participating students who qualify for free or reduced-price meals, whether or not the student has an outstanding balance in the student's meal account attributable to a la carte purchases or for any other reason. The participant sponsor must also ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program or school breakfast program.

Subd. 5. Respectful treatment. (a) The sponsor must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The sponsor must ensure respectful treatment of students, including but not limited to ensuring that: a meal is not dumped in the trash; no meal that has been served is withdrawn from a student; and no students with outstanding meals balances have their names announced or listed in a public manner nor receive a sticker, stamp, or pinned note reminding the students of the outstanding meals balance. The sponsor must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal debt. The sponsor 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 students due to an unpaid student meal debt.

(b) If the commissioner or the commissioner's designee determines a sponsor has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the sponsor. The sponsor is required to respond and, if applicable, remedy the practice within 60 days.
Subd. 6. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "A la carte" means a food item ordered separately from the school meal.

(c) "School meal" means a meal provided to students during the school day.

EFFECTIVE DATE. This section is effective July 1, 2021.

Sec. 2. Minnesota Statutes 2020, section 124D.1158, is amended to read:

124D.1158 SCHOOL BREAKFAST PROGRAM.

Subdivision 1. Purpose. The purpose of the school breakfast program is to provide affordable morning nutrition to children so that they can effectively learn. Public and nonpublic schools that participate in the federal school breakfast program may receive state breakfast aid. Schools shall encourage all children to eat a nutritious breakfast, either at home or at school, and shall work to eliminate barriers to breakfast participation at school such as inadequate facilities and transportation.

Subd. 2. Program; eligibility. Each school year, public and nonpublic schools that participate in the federal school breakfast program are eligible for the state breakfast program.

Subd. 3. Program reimbursement. Each school year, the state must reimburse each participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid breakfast served to students in grades 1 to 12, and $1.30 for each fully paid breakfast served to a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151, early childhood special education students participating in a program authorized under section 124D.151, or a kindergarten student.

Subd. 4. No fees. A school that receives school breakfast aid under this section must make breakfast available without charge to all participating students in grades 1 to 12 who qualify for free or reduced-price meals and to all prekindergarten students enrolled in an approved voluntary prekindergarten program under section 124D.151, early childhood special education students participating in a program authorized under section 124D.151, and all kindergarten students.

Sec. 3. [124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.

A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators. A school library or school library media center is defined as having the following characteristics:
(1) ensures every student has equitable access to resources and is able to locate, access, and use on-site resources that are organized and cataloged;

(2) has a collection development policy that includes but is not limited to materials selection and de-selection, a challenged materials procedure, and an intellectual and academic freedom statement;

(3) is housed in a central location that provides an environment for expanded learning to meet the unique needs and interests of individual students;

(4) has technology tools and broadband access; and

(5) employs a licensed school library media specialist or licensed school librarian.

Sec. 4. [134.191] DIGITAL AND ONLINE LIBRARY DATABASE RESOURCES FOR K-12 STUDENTS.

Subdivision 1. Digital and online library database resources. A school district, public charter school, state agency, public library, or university may offer digital or online library database resources to students in kindergarten through grade 12 only if the vendor or other person or entity providing the resources verifies that all the resources will comply with the provisions of subdivision 2.

Subd. 2. Safety policies. Digital or online library database resources offered by school districts, public charter schools, state agencies, public libraries, or universities to students in kindergarten through grade 12 must have safety policies and technology protection measures that:

(1) prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined in section 617.291; and

(2) filter or block access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, as defined in section 617.241, subdivision 1.

Subd. 3. Payments. Notwithstanding any contract provision to the contrary, if a provider of digital or online library resources fails to comply with the requirements of subdivision 2, the school district, public charter school, state agency, public library, or university shall withhold further payments, if any, to the provider pending verification of compliance.

Subd. 4. Noncompliance. If a provider of digital or online library database resources fails to timely verify that the provider is in compliance with the safety policies and
200.1 requirements of subdivision 2, the school district, public charter school, state agency, public
200.2 library, or university shall consider the provider's act of noncompliance a breach of contract.
200.3 Subd. 5. Report. No later than December 1 of each year, libraries shall submit to the
200.4 legislative committees with jurisdiction over education an aggregate written report on any
200.5 issues related to provider compliance with technology protection measures required by
200.6 subdivision 2.
200.7 Sec. 5. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:
200.8 Subdivision 1. Local support levels. (a) Regional library basic system support aid shall
200.9 be provided to any regional public library system where there are at least three participating
200.10 counties and where each participating city and county is providing for public library service
200.11 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted
200.12 net tax capacity of the taxable property of that city or county, as determined by the
200.13 commissioner of revenue for the second, third, and fourth year preceding that calendar year
200.14 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita
200.15 amount is established for calendar year 1993 as $7.62. In succeeding calendar years, the
200.16 per capita amount shall be increased by a percentage equal to one-half of the percentage by
200.17 which the total state adjusted net tax capacity of property as determined by the commissioner
200.18 of revenue for the second year preceding that calendar year increases over that total adjusted
200.19 net tax capacity for the third year preceding that calendar year.
200.20 (b) The minimum level of support specified under this subdivision or subdivision 4 shall
200.21 be certified annually to the participating cities and counties by the Department of Education.
200.22 If a city or county chooses to reduce its local support in accordance with subdivision 4,
200.23 paragraph (b) or (c), it shall notify its regional public library system. The regional public
200.24 library system shall notify the Department of Education that a revised certification is required.
200.25 The revised minimum level of support shall be certified to the city or county by the
200.26 Department of Education.
200.27 (c) A city which is a part of a regional public library system shall not be required to
200.28 provide this level of support if the property of that city is already taxable by the county for
200.29 the support of that regional public library system. In no event shall the Department of
200.30 Education require any city or county to provide a higher level of support than the level of
200.31 support specified in this section in order for a system to qualify for regional library basic
200.32 system support aid. This section shall not be construed to prohibit a city or county from
200.33 providing a higher level of support for public libraries than the level of support specified
200.34 in this section.
(d) The amounts required to be expended under this section are subject to the reduced maintenance of effort requirements in section 275.761.

Sec. 6. Minnesota Statutes 2020, section 134.355, subdivision 5, is amended to read:

Subd. 5. **Base aid distribution.** Five percent of the available aid funds shall be paid to each system as base aid for basic system services.

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2022 and later.

Sec. 7. Minnesota Statutes 2020, section 134.355, subdivision 6, is amended to read:

Subd. 6. **Adjusted net tax capacity per capita distribution.** Twenty-five percent of the available aid funds shall be distributed to regional public library systems based upon the adjusted net tax capacity per capita for each member county or participating portion of a county as calculated for the second year preceding the fiscal year for which aid is provided. Each system's entitlement shall be calculated as follows:

(a) (1) multiply the adjusted net tax capacity per capita for each county or participating portion of a county by .0082;

(b) (2) add sufficient aid funds that are available under this subdivision to raise the amount of the county or participating portion of a county with the lowest value calculated according to paragraph (a) clause (1) to the amount of the county or participating portion of a county with the next highest value calculated according to paragraph (a) clause (1).

Multiply the amount of the additional aid funds by the population of the county or participating portion of a county;

(c) (3) continue the process described in paragraph (b) clause (2) by adding sufficient aid funds that are available under this subdivision to the amount of a county or participating portion of a county with the next highest value calculated in paragraph (a) clause (1) to raise it and the amount of counties and participating portions of counties with lower values calculated in paragraph (a) clause (1) up to the amount of the county or participating portion of a county with the next highest value, until reaching an amount where funds available under this subdivision are no longer sufficient to raise the amount of a county or participating portion of a county and the amount of counties and participating portions of counties with lower values up to the amount of the next highest county or participating portion of a county;
(d) (4) if the point is reached using the process in paragraphs (b) and (c) clauses (2) and
(3) at which the remaining aid funds under this subdivision are not adequate for raising the
amount of a county or participating portion of a county and all counties and participating
portions of counties with amounts of lower value to the amount of the county or participating
portion of a county with the next highest value, those funds are to be divided on a per capita
basis for all counties or participating portions of counties that received aid funds under the
calculation in paragraphs (b) and (c) clauses (2) and (3).

EFFECTIVE DATE. This section is effective for state aid for fiscal year 2022 and
later.

Sec. 8. Minnesota Statutes 2020, section 134.355, subdivision 7, is amended to read:

Subd. 7. Population determination. A regional public library system's population shall
be determined according to must be calculated using the most recent estimate available
under section 477A.011, subdivision 3, at the time the aid amounts are calculated, which
must be by April 1 in the year the calculation is made.

EFFECTIVE DATE. This section is effective for state aid for fiscal year 2022 and
later.

Sec. 9. COMMUNITY ELIGIBILITY PROVISION SCHOOL SITES;
SUPPLEMENTAL STATE FUNDING.

(a) For fiscal year 2023 only, a school site that participates in the federal community
eligibility provision program is eligible for aid under this section.

(b) A district's community eligibility provision aid equals the greater of zero or the
difference between the federal funds under the community eligibility provision program
for lunch and breakfast for that site and the amount necessary for full reimbursement for
breakfast and lunch for that site times the proration factor.

(c) The annual community eligibility provision aid entitlement equals $2,500,000.

(d) If aid under paragraph (c) is insufficient to cover the full cost of paragraph (b), the
amount in paragraph (b) must be proportionately reduced for each school site.

Sec. 10. APPROPRIATIONS.

Subdivision 1. Department of Education. The sums indicated in this section are
appropriated from the general fund to the Department of Education for the fiscal years
designated. Any balance in the first year does not cancel but is available in the second year.
Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$16,661,000</td>
<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$16,954,000</td>
<td></td>
</tr>
</tbody>
</table>

Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes, section 124D.1158:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$12,133,000</td>
<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$12,485,000</td>
<td></td>
</tr>
</tbody>
</table>

Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes, section 124D.118:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
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<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$658,000</td>
<td></td>
</tr>
</tbody>
</table>

Subd. 5. **Summer school food service replacement.** For summer school food service replacement aid under Minnesota Statutes, section 124D.119:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
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<tbody>
<tr>
<td>2022</td>
<td>$150,000</td>
<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$150,000</td>
<td></td>
</tr>
</tbody>
</table>

Subd. 6. **Community eligibility provision aid.** (a) For community eligibility provision aid under section 8:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$2,500,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

(b) This is a onetime appropriation.

Subd. 7. **Basic system support.** For basic system support aid under Minnesota Statutes, section 134.355:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
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</tr>
<tr>
<td>2023</td>
<td>$15,570,000</td>
<td></td>
</tr>
</tbody>
</table>

The 2022 appropriation includes $1,357,000 for 2021 and $14,013,000 for 2022.

The 2023 appropriation includes $1,557,000 for 2022 and $14,013,000 for 2023.

Subd. 8. **Multicounty, multitype library systems.** For aid under Minnesota Statutes, sections 134.353 and 134.354, to multicounty, multitype library systems:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$1,300,000</td>
<td>2023</td>
</tr>
<tr>
<td>2023</td>
<td>$1,300,000</td>
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The 2022 appropriation includes $130,000 for 2021 and $1,170,000 for 2022.
The 2023 appropriation includes $130,000 for 2022 and $1,170,000 for 2023.

Subd. 9. Electronic library for Minnesota. For statewide licenses to online databases selected in cooperation with the Minnesota Office of Higher Education for school media centers, public libraries, state government agency libraries, and public or private college or university libraries:

$900,000 .... 2022
$900,000 .... 2023

Subd. 10. Regional library telecommunications. For regional library telecommunications aid under Minnesota Statutes, section 134.355:

$2,300,000 .... 2022
$2,300,000 .... 2023

The 2022 appropriation includes $230,000 for 2021 and $2,070,000 for 2022.
The 2023 appropriation includes $230,000 for 2022 and $2,070,000 for 2023.

ARTICLE 9

EARLY CHILDHOOD

Section 1. Minnesota Statutes 2020, section 119A.52, is amended to read:

119A.52 DISTRIBUTION OF APPROPRIATION.

(a) The commissioner of education must distribute money appropriated for that purpose to federally designated Head Start programs to expand services and to serve additional low-income children. Migrant and Indian reservation programs must be initially allocated money based on the programs' share of federal funds, in the following order: (1) 10.72 percent of the total Head Start appropriation shall be allocated to federally designated Tribal Head Start programs; (2) the Tribal Head Start portion of the appropriation shall be allocated to Tribal Head Start programs based on the programs' share of federal funds; and (3) migrant programs must then be initially allocated funding based on the programs' share of federal funds. The remaining money must be initially allocated to the remaining local agencies based equally on the agencies' share of federal funds and on the proportion of eligible children in the agencies' service area who are not currently being served. A Head Start program must be funded at a per child rate equal to its contracted, federally funded base level at the start of the fiscal year. For all agencies without a federal Early Head Start rate, the state average federal cost per child for Early Head Start applies. In allocating funds under this paragraph, the commissioner of education must assure that each Head Start...
program in existence in 1993 is allocated no less funding in any fiscal year than was allocated to that program in fiscal year 1993. Before paying money to the programs, the commissioner must notify each program of its initial allocation and how the money must be used. Each program must present a plan under section 119A.535. For any program that cannot utilize its full allocation at the beginning of the fiscal year, the commissioner must reduce the allocation proportionately. Money available after the initial allocations are reduced must be redistributed to eligible programs.

(b) The commissioner must develop procedures to make payments to programs based upon the number of children reported to be enrolled during the required time period of program operations. Enrollment is defined by federal Head Start regulations. The procedures must include a reporting schedule, corrective action plan requirements, and financial consequences to be imposed on programs that do not meet full enrollment after the period of corrective action. Programs reporting chronic underenrollment, as defined by the commissioner, will have their subsequent program year allocation reduced proportionately. Funds made available by prorating payments and allocations to programs with reported underenrollment will be made available to the extent funds exist to fully enrolled Head Start programs through a form and manner prescribed by the department.

(c) Programs with approved innovative initiatives that target services to high-risk populations, including homeless families and families living in homeless shelters and transitional housing, are exempt from the procedures in paragraph (b). This exemption does not apply to entire programs. The exemption applies only to approved innovative initiatives that target services to high-risk populations, including homeless families and families living in homeless shelters, transitional housing, and permanent supportive housing.

Sec. 2. [122A.261] PREKINDERGARTEN, SCHOOL READINESS, PRESCHOOL, AND EARLY EDUCATION PROGRAMS; LICENSURE REQUIREMENT.

Subd. 1. Licensure requirement. A school district or charter school must employ a qualified teacher, as defined in section 122A.16, to provide instruction in a preschool, school readiness, school readiness plus, prekindergarten, or other school district or charter school-based early education program.

Subd. 2. Exemptions. A person employed by a school district or charter school as a teacher in an early education program during the 2020-2021 school year who does not have a Minnesota teaching license is exempt from the licensure requirement until July 1, 2026, or until such time as the teacher is able to obtain a Minnesota teaching license, whichever
Sec. 3. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

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

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

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

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

(4) information on related community resources;

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

(6) a community needs assessment that identifies new and underserved populations, identifies child and family risk factors, particularly those that impact children's learning and development, and assesses family and parenting education needs in the community;

(7) programming and services that are tailored to the needs of families and parents prioritized in the community needs assessment; and

(8) information about and, if needed, assist in making arrangements for an early childhood health and developmental screening under sections 121A.16 and 121A.17, when the child nears the third birthday.
Early childhood family education programs should prioritize programming and services for families and parents identified in the community needs assessment, particularly those families and parents with children with the most risk factors birth to age three.

Early childhood family education programs are encouraged to provide parents of English learners with translated oral and written information to monitor the program's impact on their children's English language development, to know whether their children are progressing in developing their English and native language proficiency, and to actively engage with and support their children in developing their English and native language proficiency.

The programs must include learning experiences for children, parents, and other relatives that promote children's early literacy and, where practicable, their native language skills and activities for children that require substantial involvement of the children's parents or other relatives. The program may provide parenting education programming or services to anyone identified in the community needs assessment. Providers must review the program periodically to assure the instruction and materials are not racially, culturally, or sexually biased. The programs must encourage parents to be aware of practices that may affect equitable development of children.

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

Sec. 4. Minnesota Statutes 2020, section 124D.142, is amended to read:

124D.142 QUALITY RATING AND IMPROVEMENT SYSTEM.

Subd. 1. System established. (a) There is established a quality rating and improvement system (QRIS) framework, known as Parent Aware, to ensure that Minnesota's children have access to high-quality early learning and care programs in a range of settings so that they are fully ready for kindergarten by 2020. Creation of a standards-based voluntary quality rating and improvement system includes:

Subd. 2. System components. The standards-based, voluntary quality rating and improvement system includes:

(1) quality opportunities in order to improve the educational outcomes of children so that they are ready for school. The:

(2) a framework shall be based on the Minnesota quality rating system rating tool and a common set of child outcome and program standards and informed by evaluation results;
a tool to increase the number of publicly funded and regulated early learning and
care services in both public and private market programs that are high quality;

(4) voluntary participation that ensures that if a program or provider chooses to participate,
the program or provider will be rated and may receive public funding associated with the
rating. The state shall develop a plan to link future early learning and care state funding to
the framework in a manner that complies with federal requirements; and

(3) tracking progress toward statewide access to high-quality early learning and care
programs, progress toward the number of low-income children whose parents can access
quality programs, and progress toward increasing the number of children who are fully
prepared to enter kindergarten.

(b) In planning a statewide quality rating and improvement system framework in
paragraph (a), the state shall use evaluation results of the Minnesota quality rating system
rating tool in use in fiscal year 2008 to recommend:

(1) a framework of a common set of child outcome and program standards for a voluntary
statewide quality rating and improvement system;

(2) a plan to link future funding to the framework described in paragraph (a), clause (2);

and

(3) a plan for how the state will realign existing state and federal administrative resources
to implement the voluntary quality rating and improvement system framework. The state
shall provide the recommendation in this paragraph to the early childhood education finance
committees of the legislature by March 15, 2011.

(e) Prior to the creation of a statewide quality rating and improvement system in paragraph
(a), the state shall employ the Minnesota quality rating system rating tool in use in fiscal
year 2008 in the original Minnesota Early Learning Foundation pilot areas and additional
pilot areas supported by private or public funds with its modification as a result of the
evaluation results of the pilot project.

Subd. 3. Evaluation. (a) By February 1, 2022, the commissioner of human services
must arrange an independent evaluation of the quality rating and improvement system's
effectiveness and impact on:

(1) children's progress toward school readiness;

(2) the quality of the early learning and care system supply and workforce;
(3) parents' ability to access and use meaningful information about early learning and care program quality; and

(4) providers' ability to serve children and families, particularly those from racially, ethnically, or culturally diverse backgrounds.

(b) The evaluation must be performed by a staff member from another agency or a consultant. An evaluator must have experience in program evaluation and must not be regularly involved in implementation of the quality rating and improvement system.

(c) The evaluation findings, along with the commissioner's recommendations for revisions, potential future evaluations, and plans for continuous improvement, must be reported to the chairs and ranking members of the legislative committees with jurisdiction over early childhood programs by December 31, 2024.

(d) At a minimum, the evaluation must:

(1) analyze the effectiveness of the quality rating and improvement system, including but not limited to reviewing:

(i) whether quality indicators and measures used in the quality rating and improvement system are consistent with evidence and research findings on early learning and care program quality; and

(ii) patterns or differences in observed quality of participating early learning and care programs in comparison to programs at other quality rating and improvement system star rating levels and accounting for other factors;

(2) perform evidence-based assessments of children's developmental gains in ways that are appropriate for children's linguistic and cultural backgrounds and are aligned with the state early childhood indicators of progress;

(3) analyze the extent to which differences in developmental gains among children correspond to the star ratings of the early learning and care programs, providing disaggregated findings by:

(i) children's demographic factors, including geographic area, family income level, and racial and ethnic groups;

(ii) type of provider, including family child care providers, child care centers, Head Start and Early Head Start, and school-based early childhood providers; and

(iii) any other categories identified by the commissioner, in consultation with the commissioners of health and education or entity performing the evaluation;
(4) analyze the accessibility for providers to participate in the quality rating and improvement system, including ease of application and supports for a provider to receive or improve a rating, and provide disaggregated findings by children's demographic factors and type of provider, as each is defined in clause (3);

(5) analyze the availability of providers participating in the quality rating and improvement system to families, and provide disaggregated findings by children's demographic factors and type of provider, as each is defined in clause (3);

(6) analyze the degree to which the quality rating and improvement system does or does not account for racial, cultural, linguistic, and ethnic diversity when measuring quality; and

(7) analyze the impact of financial or administrative requirements of the quality rating and improvement system on family child care providers and child care providers serving racially, ethnically, and culturally diverse communities.

(c) The evaluation must include a comparison of the quality rating and improvement system with at least three other quality metric systems used in other states. The other metric systems chosen must incorporate methods of assessing and monitoring developmental and achievement benchmarks in early care and education settings to assess kindergarten readiness, including for racially, ethnically, and culturally diverse populations.

Subd. 4. Equity report. The Department of Human Services shall conduct outreach to a racially, ethnically, and geographically diverse group of early learning and care providers to identify any barriers that prevent them from pursuing a Parent Aware rating. The department shall summarize and submit the results of the outreach, along with a plan for reducing those barriers, to the legislative committees with jurisdiction over early learning and care programs by February 1, 2022.

Sec. 5. Minnesota Statutes 2020, section 124D.151, subdivision 2, is amended to read:

Subd. 2. Program requirements. (a) A voluntary prekindergarten program provider must:

(1) provide instruction through play-based learning to foster children's social and emotional development, cognitive development, physical and motor development, and language and literacy skills, including the native language and literacy skills of English learners, to the extent practicable;

(2) measure each child's cognitive and social skills using a formative measure aligned to the state's early learning standards when the child enters and again before the child leaves.
the program, screening and progress monitoring measures, and other age-appropriate versions from the state-approved menu of kindergarten entry profile measures;

(3) provide comprehensive program content including the implementation of curriculum, assessment, and instructional strategies aligned with the state early learning standards, and kindergarten through grade 3 academic standards;

(4) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least 350 hours of instruction per school year for a prekindergarten student;

(5) provide voluntary prekindergarten instructional staff salaries comparable to the salaries of local kindergarten through grade 12 instructional staff;

(6) coordinate appropriate kindergarten transition with families, community-based prekindergarten programs, and school district kindergarten programs;

(7) involve parents in program planning and transition planning by implementing parent engagement strategies that include culturally and linguistically responsive activities in prekindergarten through third grade that are aligned with early childhood family education under section 124D.13;

(8) coordinate with relevant community-based services, including health and social service agencies, to ensure children have access to comprehensive services;

(9) coordinate with all relevant school district programs and services including early childhood special education, homeless students, and English learners;

(10) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children with at least one licensed teacher;

(11) provide high-quality coordinated professional development, training, and coaching for both school district and community-based early learning providers that is informed by a measure of adult-child interactions and enables teachers to be highly knowledgeable in early childhood curriculum content, assessment, native and English language development programs, and instruction; and

(12) implement strategies that support the alignment of professional development, instruction, assessments, and prekindergarten through grade 3 curricula.

(b) A voluntary prekindergarten program must have teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction.
(c) Districts and charter schools must include their strategy for implementing and measuring the impact of their voluntary prekindergarten program under section 120B.11 and provide results in their world's best workforce annual summary to the commissioner of education.

Sec. 6. Minnesota Statutes 2020, section 124D.151, subdivision 5, is amended to read:

Subd. 5. Application process; priority for high poverty schools. (a) To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented. The application must include:

1. a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;

2. an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and

3. a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(b) The commissioner must review all applications submitted for fiscal year 2017 by August 1, 2016, and must review all applications submitted for fiscal year 2018 and later by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into four groups as follows: the Minneapolis and St. Paul school districts; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

1. concentration of kindergarten students eligible for free or reduced-price lunches by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are...
prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price lunch concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price lunches must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price lunches that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price lunches that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a mixed delivery system.

(d) The limit on participation for the programs as specified in subdivision 6 must initially be allocated among the four groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. Within each group, the participation limit for fiscal years 2018 and 2019 must first be allocated to school sites approved for aid in the previous year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (c).

(e) Once a school site or a mixed delivery site under subdivision 3 is offering a voluntary prekindergarten or a school readiness plus program approved for aid under this subdivision, it in fiscal year 2021 shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.
(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

Sec. 7. Minnesota Statutes 2020, section 124D.151, subdivision 6, is amended to read:

Subd. 6. Participation limits. (a) Notwithstanding section 126C.05, subdivision 1, paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school district or charter school must not exceed 60 percent of the kindergarten pupil units for that school district or charter school under section 126C.05, subdivision 1, paragraph (e).

(b) In reviewing applications under subdivision 5, the commissioner must limit the total number of participants in the voluntary prekindergarten and school readiness plus programs under Laws 2017, First Special Session chapter 5, article 8, section 9, program to not more than 7,160 participants for fiscal years 2019, 2020, and 2021, and 3,160 participants for fiscal years 2022 and later.

Sec. 8. Minnesota Statutes 2020, section 124D.162, is amended to read:

124D.162 KINDERGARTEN READINESS ASSESSMENT.

Subdivision 1. Implementation. (a) The commissioner of education may implement a kindergarten readiness assessment representative of incoming kindergartners to:

(1) identify preparedness of a child for success in school;

(2) inform instructional decision making;

(3) improve understanding of connections between kindergarten readiness and later academic achievement; and

(4) produce data that can assist in evaluation of the effectiveness of early childhood programs.

(b) The commissioner must provide districts and charter schools with a process for measuring the kindergarten readiness of incoming kindergartners on a comparable basis.
The commissioner must approve one or more measurement tools for district and charter school use.

Subd. 2. Assessment development. The measurement tools used for assessment must be based on the Department of Education Kindergarten Readiness Assessment at kindergarten entrance study research-based, developmentally appropriate, valid and reliable, and aligned to the state early childhood indicators of progress and kindergarten academic standards.

Subd. 3. Reporting. Beginning in the 2022-2023 school year, every district and charter school must use the commissioner-provided process. Every district and charter school must annually report kindergarten readiness results under this section to the department in the form and manner determined by the commissioner concurrent with the district's and charter school's world's best workforce report under section 120B.11. The commissioner must publicly report kindergarten readiness results as part of the performance reports required under section 120B.36 and consistent with section 120B.35, subdivision 3, paragraph (a), clause (2).

Subd. 4. Longitudinal data system. Beginning with data reported on incoming kindergartners in the 2022-2023 school year, the commissioner must integrate kindergarten readiness data under this section into statewide longitudinal educational data systems.

Sec. 9. Minnesota Statutes 2020, 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.

(b) An "eligible child" means a child who has not yet enrolled in kindergarten and is not yet five years of age on September 1 of the current school year.

(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.

(c) Notwithstanding the priorities outlined in subdivision 3 of this section, 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. 10. Minnesota Statutes 2020, 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 as follows:

(1) first priority is children who have a parent under age 21 who is pursuing a high school diploma or a course of study for a high school equivalency test, are in foster care or otherwise in need of protection or services, or 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;

(2) are in foster care or otherwise in need of protection or services, or second priority is children who are from birth through age two; and
(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 three months of the awarding of the scholarship, the scholarship cancels and the recipient must reapply in order to be eligible for another scholarship. If a family is unable to enroll in an eligible program within three months, they may request an extension based on an established set of criteria that would be developed under the commissioner's authority. A child may not be awarded more than one scholarship in a 12-month period.

(e) A child who receives a scholarship who 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 or within 90 days after the child's third birthday if awarded a scholarship under the age of three.

(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
218.1 scholarship recipient enrolled under paragraph (c) according to the metered payment system
or another schedule established by the commissioner.

218.3 Sec. 11. [124D.166] LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL AND KINDERGARTEN.

218.5 A child in a publicly funded preschool or kindergarten program may not use an individual-use screen, such as a tablet, smartphone, or other digital media, without engagement from a teacher or other students. This section does not apply to a child for whom the school has in effect an individualized family service plan or an individualized education program.

218.10 Sec. 12. Minnesota Statutes 2020, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. Pupil unit. Pupil units for each Minnesota resident pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

218.18 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individualized education program is counted as the ratio of the number of hours of assessment and education service to 825 times 1.0 with a minimum average daily membership of 0.28, but not more than 1.0 pupil unit.

218.22 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted as the ratio of the number of hours of assessment service to 825 times 1.0.

218.24 (c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individualized education program to 875, but not more than one.

218.28 (d) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled in an approved voluntary prekindergarten program under section 124D.151 is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units.
(e) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil unit if the pupil is enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school that meets the minimum hours requirement in section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school.

(f) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

(h) A pupil who is in the postsecondary enrollment options program is counted as 1.2 pupil units.

(i) For fiscal years 2018 through 2021, A prekindergarten pupil who:

1) is not included in paragraph (a), (b), or (d);

2) is enrolled in a school readiness plus program under Laws 2017, First Special Session chapter 5, article 8, section 9; and

3) has one or more of the risk factors specified by the eligibility requirements for a school readiness plus program,

is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same manner as a voluntary prekindergarten student for all general education and other school funding formulas.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 13. Minnesota Statutes 2020, section 126C.05, subdivision 3, is amended to read:

Subd. 3. Compensation revenue pupil units. Compensation revenue pupil units for fiscal year 1998 and thereafter must be computed according to this subdivision.

(a) The compensation revenue concentration percentage for each building in a district equals the product of 100 times the ratio of:

1) the sum of the number of pupils enrolled in the building eligible to receive free lunch plus one-half of the pupils eligible to receive reduced priced lunch on October 1 of the previous fiscal year; to

2) the number of pupils enrolled in the building on October 1 of the previous fiscal year.
(b) The compensation revenue pupil weighting factor for a building equals the lesser of one or the quotient obtained by dividing the building's compensation revenue concentration percentage by 80.0.

(c) The compensation revenue pupil units for a building equals the product of:

1. the sum of the number of pupils enrolled in the building eligible to receive free lunch and one-half of the pupils eligible to receive reduced priced lunch on October 1 of the previous fiscal year; times
2. the compensation revenue pupil weighting factor for the building; times
3. .60.

(d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under section 124D.151, charter schools, and contracted alternative programs in the first year of operation, compensation revenue pupil units shall be computed using data for the current fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative program begins operation after October 1, compensatory revenue pupil units shall be computed based on pupils enrolled on an alternate date determined by the commissioner, and the compensation revenue pupil units shall be prorated based on the ratio of the number of days of student instruction to 170 days.

(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued in fiscal year 2022 due to the reduction in the participation limit under section 124D.151, subdivision 6, those discontinued seats must not be used to calculate compensation revenue pupil units for fiscal year 2022.

(f) (e) The percentages in this subdivision must be based on the count of individual pupils and not on a building average or minimum.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2022 and later.

Sec. 14. AFFORDABLE, HIGH-QUALITY EARLY CARE AND EDUCATION FOR ALL FAMILIES.

It is the goal of the state for all families to have access to affordable, high-quality early care and education, for children from birth up to age five, that enriches, nurtures, and supports children and their families. The goal will be achieved by:

1. creating a system under which no family pays more than seven percent of its income for early care and education;
(2) ensuring that a child's access to high-quality early care and education is not determined by the child's race, income, or zip code; and

(3) increasing compensation, credentials, and professional development opportunities for the early care and education workforce.

Sec. 15. GREAT START FOR ALL MINNESOTA CHILDREN TASK FORCE.

Subdivision 1. Establishment. The Great Start for All Minnesota Children Task Force is established to develop strategies that will meet the goal of all families in the state having access to affordable, high-quality early care and education, for children from birth up to age five, that enriches, nurtures, and supports children and their families.

Subd. 2. Membership. (a) The task force shall consist of the following 21 voting members, appointed by the governor or governor's designee, except as otherwise specified:

(1) two members of the house of representatives, appointed first from the majority party by the speaker of the house and second from the minority party by the minority leader. One of the members must represent a district outside of the seven-county metropolitan area, and one member must represent a district that includes the seven-county metropolitan area. The appointment by the minority leader must ensure that the requirement for geographic diversity in appointments is met;

(2) two members of the senate, appointed first from the majority party by the majority leader and second from the minority party by the minority leader. One of the members must represent a district outside of the seven-county metropolitan area, and one member must represent a district that includes the seven-county metropolitan area. The appointment by the minority leader must ensure that the requirement for geographic diversity in appointments is met;

(3) one individual who is the director of a licensed child care center with at least 50 percent of its enrolled children eligible for or currently receiving public assistance for early care and education;

(4) two individuals who are license holders of family child care programs, one from greater Minnesota and one from the seven-county metropolitan area;

(5) one individual who is both a licensed early childhood teacher and a member of a licensed early childhood educator union;
(6) two parents of children under the age of five who are enrolled in early care and education programs, one parent from greater Minnesota and one parent from the seven-county metropolitan area;

(7) one representative of an organization that organizes licensed child care centers and employees;

(8) one representative from the statewide child care resource and referral network, known as Child Care Aware;

(9) one representative of a trade organization representing the interests of licensed child care centers;

(10) one representative of a federally recognized Tribe;

(11) one representative from the Minnesota Association of County Social Service Administrators;

(12) one nationally recognized expert in early care and education financing;

(13) one representative from an association representing small business interests;

(14) one representative of a statewide advocacy organization that supports and promotes early childhood education and welfare;

(15) one representative from the Minnesota Head Start Association;

(16) one representative from an organization representing community education directors;

and

(17) one representative from the Children's Cabinet.

(b) One representative from each of the following state agencies shall serve as a nonvoting member of the task force who participates in meetings and provides data and information to the task force upon request:

(1) the Department of Education;

(2) the Department of Employment and Economic Development;

(3) the Department of Health;

(4) the Department of Human Services;

(5) the Department of Labor and Industry;

(6) the Department of Management and Budget; and

(7) the Department of Revenue.
Subd. 3. **Administration.** (a) The governor must select a chair or cochairs for the task force from among the voting members. The first task force meeting shall be convened by the chair or cochairs and held no later than September 1, 2021. Thereafter, the chair or cochairs shall convene the task force at least monthly and may convene other meetings as necessary. The chair or cochairs shall convene meetings in a manner to allow for access from diverse geographic locations in Minnesota.

(b) Members of the task force shall serve without compensation.

(c) The commissioner of management and budget shall provide staff and administrative services for the task force.

(d) The task force shall expire upon submission of the final report required under subdivision 8.

(e) The duties of the task force in this section shall be transferred to an applicable state agency if specifically authorized under law to carry out such duties.

(f) The task force is subject to Minnesota Statutes, chapter 13D.

Subd. 4. **Plan development.** (a) The task force must develop a plan to achieve the goal outlined in subdivision 1 by 2031. The plan must incorporate strategies that:

1. create a system under which no family pays more than seven percent of its income for early care and education;
2. ensure that a child's access to high-quality early care and education is not determined by the child's race, income, or zip code; and
3. increase compensation to at least a livable wage and increase professional development and credentialing opportunities for the early care and education workforce, which includes but is not limited to early educators working in Head Start, family child care programs, child care centers, school-based programs, and early childhood special education.

(b) Development of the strategies must incorporate or otherwise take into account the factors identified in subdivisions 5 and 6.

Subd. 5. **Affordable, high-quality early care and education.** In developing the plan under subdivision 4, the task force must:

1. identify the benefit mechanisms, financing mechanisms, and infrastructure under which families will access financial assistance so early care and education is affordable;
2. describe how the plan will be administered, including the roles for state agencies, local government agencies, and community-based organizations;
(3) describe how the plan will maintain and encourage the further development of Minnesota's mixed-delivery system for early care and education;

(4) consider the recommendations from previous work including the Transforming Minnesota's Early Childhood Workforce project;

(5) consider how provider payment rates will be determined and updated under a seven percent cap; and

(6) consider how the state can develop and implement diverse methods of assessing and monitoring developmental and achievement benchmarks in early care and education settings to assess kindergarten readiness.

Subd. 6. Workforce compensation. In developing the plan under subdivision 4, the task force must:

(1) endeavor to preserve and increase racial and ethnic equity and diversity in the early care and education workforce and recognize the value of cultural competency and multilingualism;

(2) include a salary floor that supports recruitment and retention of a qualified workforce in every early care and education setting;

(3) consider the need for and development of a mechanism that ties provider reimbursement rates to employee compensation;

(4) consider how compensation standards for early educators will apply at both child care centers and family child care programs;

(5) increase compensation to incentivize advancements in relevant higher education credentials, training, years of experience, and credential equivalencies, including certified demonstrations of competencies developed through apprenticeships, peer learning models, and community-based training; and

(6) set compensation for the early care and education workforce by reference to compensation for licensed elementary school teachers, and consider differentiating base compensation for:

(i) varying levels of responsibility, including but not limited to center directors, assistant directors, lead teachers, assistant teachers, paraprofessionals, family child care license holders, second adult caregivers, substitutes, and helpers; and

(ii) different geographic areas of the state.
Subd. 7. Implementation timeline. The task force must develop an implementation timeline for the plan developed under subdivision 4 that phases in the plan over a period of no more than six years, beginning in July 2025 and finishing no later than July 2031. In developing the implementation timeline, the task force must consider:

(1) how to simultaneously apply the seven percent cap to as many families as possible while minimizing disruptions in the availability and cost of currently available early care and education arrangements;

(2) the capacity for the state to increase the availability of different types of early care and education settings from which a family may choose;

(3) how the inability to afford and access early care and education settings disproportionately affects certain populations; and

(4) how to provide additional targeted investments for early care and education providers serving a high proportion of families currently eligible for or receiving public assistance for early care and education.

Subd. 8. Required reports. By July 1, 2022, the task force must submit to the governor and legislative committees with jurisdiction over early childhood programs preliminary findings and draft implementation plans pursuant to the plan required under subdivision 4. By February 1, 2023, the task force must submit to the governor and legislative committees with jurisdiction over early childhood programs final recommendations and implementation plans pursuant to subdivision 4.

Sec. 16. DIRECTION TO THE CHILDREN'S CABINET; EARLY CHILDHOOD GOVERNANCE REPORT.

Subdivision 1. Recommendations. The Children's Cabinet shall develop recommendations on the governance of programs relating to early childhood development, care, and learning, including how such programs could be consolidated into an existing state agency or a new state Department of Early Childhood. The recommendations shall address the impact of such a consolidation on:

(1) state efforts to ensure that all Minnesota children are kindergarten-ready, with race, income, and zip code no longer predictors of school readiness;

(2) coordination and alignment among programs;

(3) the effort required of families to receive services to which they are entitled;

(4) the effort required of service providers to participate in childhood programs; and
the articulation between early care and education programs and the kindergarten through grade 12 system.

Subd. 2. Public input. In developing the recommendations required under subdivision 1, the Children's Cabinet must provide for a community engagement process to seek input from the public and stakeholders.

Subd. 3. Report. (a) The Children's Cabinet shall produce a report that includes:

(1) the recommendations required under subdivision 1;

(2) the explanations and reasoning behind such recommendations;

(3) a description of the community engagement process required under subdivision 2;

and

(4) a summary of the feedback received from the public and early care and education stakeholders through the community engagement process.

(b) The Children's Cabinet may arrange for consultants to assist with the development of the report.

(c) By February 1, 2022, the Children's Cabinet shall submit the report to the governor and the legislative committees with jurisdiction over early childhood programs.

Sec. 17. DIRECTION TO THE CHILDREN'S CABINET; EVALUATION OF THE USE OF FEDERAL MONEY.

(a) The Children's Cabinet, with the assistance of the commissioners of human services, education, and employment and economic development, shall conduct an evaluation of the use of federal money received pursuant to the American Rescue Plan Act of 2021 (Public Law 117-2), the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (Public Law 116-260), and the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) to address the state's needs in the area of early care and education. The Children's Cabinet may arrange for consultants to assist with the evaluation.

(b) The evaluation shall address at least the following topics with results disaggregated, to the extent practicable, by age, race, ethnicity, and geographic areas of the state:

(1) changes in the number of children who are able to access early care and education programs, including children from the following categories: those from low-income families; those who have disabilities or developmental delays; those who are English language learners; those who are members of American Indian Tribes; and those who are migrant, homeless, in foster care, or are in need of child protective services;
(2) changes in the supply of early care and education, particularly in areas of the state
with shortages of early care and education;

(3) changes in the quality of early care and education programs, as measured pursuant
to the state's quality rating and improvement system under Minnesota Statutes, section
124D.142; and

(4) changes in the average compensation and credentials of the early care and education
workforce.

(c) The Children's Cabinet shall submit interim findings of the evaluation to the governor
and the legislative committees with jurisdiction over early childhood programs by February
1 in each of calendar years 2022, 2023, and 2024. The Children's Cabinet shall submit a
final report to the governor and the legislative committees with jurisdiction over early
childhood programs by February 1, 2025.

Sec. 18. APPROPRIATIONS; MINNESOTA MANAGEMENT AND BUDGET.

(a) $500,000 in fiscal year 2022 is appropriated from the general fund to the commissioner
of management and budget for the Great Start for All Minnesota Children Task Force. This
is a onetime appropriation.

(b) $250,000 in fiscal year 2022 is appropriated from the general fund to the commissioner
of management budget for the early childhood governance report. This is a onetime
appropriation.

Sec. 19. APPROPRIATIONS; DEPARTMENT OF EDUCATION.

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

Subd. 2. School readiness. (a) For revenue for school readiness programs under
Minnesota Statutes, sections 124D.15 and 124D.16:

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<tbody>
<tr>
<td>2022</td>
<td>$33,683,000</td>
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<tr>
<td>2023</td>
<td>$33,683,000</td>
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</table>

(b) The 2022 appropriation includes $3,368,000 for fiscal year 2021 and $30,315,000
for fiscal year 2022.

(c) The 2023 appropriation includes $3,368,000 for fiscal year 2022 and $30,315,000
for fiscal year 2023.
Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program under Minnesota Statutes, section 124D.165:

- $88,949,000 for fiscal year 2022.
- $88,949,000 for fiscal year 2023.

(b) This appropriation is subject to the requirements under Minnesota Statutes, section 124D.165, subdivision 6.
(c) The base for each of fiscal years 2024 and 2025 is $89,997,000.

Subd. 4. **Head Start program.** For Head Start programs under Minnesota Statutes, section 119A.52:

- $25,100,000 for fiscal year 2022.
- $25,100,000 for fiscal year 2023.

Subd. 5. **Early childhood family education aid.** (a) For early childhood family education aid under Minnesota Statutes, section 124D.135:

- $34,380,000 for fiscal year 2022.
- $35,349,000 for fiscal year 2023.

(b) The 2022 appropriation includes $3,341,000 for fiscal year 2021 and $31,039,000 for fiscal year 2022.
(c) The 2023 appropriation includes $3,448,000 for fiscal year 2022 and $31,901,000 for fiscal year 2023.

Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

- $3,582,000 for fiscal year 2022.
- $3,476,000 for fiscal year 2023.

(b) The 2022 appropriation includes $360,000 for fiscal year 2021 and $3,222,000 for fiscal year 2022.
(c) The 2023 appropriation includes $358,000 for fiscal year 2022 and $3,118,000 for fiscal year 2023.

Subd. 7. **ParentChild+ program.** (a) For a grant to the ParentChild+ program:

- $1,500,000 for fiscal year 2022.
- $1,500,000 for fiscal year 2023.
The ParentChild+ program must use the grant to implement its evidence-based and research-validated early childhood literacy and school readiness program for children ages 16 months to four years. The program must be implemented at existing ParentChild+ program locations, including Cass County, Hennepin County, and Rice County, and the cities of Rochester and St. Cloud, or at any new rural, suburban, or urban locations.

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

Subd. 8. Kindergarten readiness assessment. (a) For the kindergarten readiness assessment under Minnesota Statutes, section 124D.162:

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<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
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<tbody>
<tr>
<td>2022</td>
<td>$2,516,000</td>
<td>2023</td>
</tr>
</tbody>
</table>

(b) The base for fiscal year 2024 is $2,204,000. The base for fiscal year 2025 is $2,004,000.

Subd. 9. Quality rating and improvement system. (a) For transfer to the commissioner of human services for the purposes of expanding the quality rating and improvement system under Minnesota Statutes, section 124D.142, in greater Minnesota and increasing supports for providers participating in the quality rating and improvement system:

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<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
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<tbody>
<tr>
<td>2022</td>
<td>$1,750,000</td>
<td>2023</td>
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(b) The amounts in paragraph (a) must be in addition to any federal funding under the child care and development block grant authorized under Public Law 101-508 in that year for the system under Minnesota Statutes, section 124D.142.

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

Subd. 10. Early childhood programs at Tribal contract schools. For early childhood family education programs at Tribal contract schools under Minnesota Statutes, section 124D.83, subdivision 4:

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<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$68,000</td>
<td>2023</td>
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</table>

Subd. 11. Educate parents partnership. For the educate parents partnership under Minnesota Statutes, section 124D.129:

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<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
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<tbody>
<tr>
<td>2022</td>
<td>$49,000</td>
<td>2023</td>
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</tbody>
</table>
Subd. 12. Home visiting aid. (a) For home visiting aid under Minnesota Statutes, section 124D.135:

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<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2022</td>
<td>$462,000</td>
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<tr>
<td>2023</td>
<td>$444,000</td>
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</tbody>
</table>

(b) The 2022 appropriation includes $47,000 for fiscal year 2021 and $415,000 for fiscal year 2022.

(c) The 2023 appropriation includes $46,000 for fiscal year 2022 and $398,000 for fiscal year 2023.

Subd. 13. Reach Out and Read Minnesota. (a) For a grant to support Reach Out and Read Minnesota to expand its statewide program that encourages early childhood development through a network of health care clinics:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2022</td>
<td>$150,000</td>
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<tr>
<td>2023</td>
<td>$150,000</td>
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</tbody>
</table>

(b) The grant recipient must implement a plan that includes:

1. integrating children's books and parent education into well-child visits;
2. creating literacy-rich environments at clinics, including books for visits outside of Reach Out and Read Minnesota parameters or for waiting room use or volunteer readers to model read-aloud techniques for parents where possible;
3. working with public health clinics, federally qualified health centers, Tribal sites, community health centers, and clinics that belong to health care systems, as well as independent clinics in underserved areas; and
4. training medical professionals on speaking with parents of infants, toddlers, and preschoolers on the importance of early literacy.

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

Subd. 14. Early childhood Tribal education and engagement grants. (a) For grants to the 11 Tribal Nations located in Minnesota to provide programming and services for parents and children who are enrolled or eligible for enrollment in a federally recognized Tribe. Admission may not be limited to those enrolled or eligible for enrollment in a federally recognized Tribe:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2022</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>2023</td>
<td>$3,300,000</td>
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</tbody>
</table>
(b) Grant funds must be used to support programming and services in one or more of three focus areas:

1. implementing strategies to support comprehensive, authentic family engagement and education;
2. implementing strategies to increase language and literacy outcomes through language revitalization efforts; or
3. implementing strategies supporting the recruitment and retention of prospective American Indian teachers and enhancing the practice of current American Indian teachers and adults who work in Tribal communities through deep pedagogical professional development.

(c) Each Tribal Nation may apply to the department for grants of up to $100,000 per focus area for a maximum amount of $285,000. Each Tribal Nation grant recipient must submit an annual proposal to the commissioner that outlines specific strategies for providing early childhood family engagement and education programs and outreach.

(d) The department will provide technical assistance to the grant recipients by designing, in collaboration with the 11 Tribal Nations, guidance that includes potential strategies and examples of comprehensive, coherent approaches.

(e) Each Tribe awarded a grant will submit an annual report to the commissioner on July 1 on the numbers of families and children participating and measurable outcomes on engagement, language revitalization, and supporting American Indian teachers in Tribal communities.

(f) Up to five percent is reserved to the department for program and grant administration.

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

Sec. 20. REPEALER.

Laws 2017, First Special Session chapter 5, article 8, section 9, is repealed.

ARTICLE 10

COMMUNITY EDUCATION AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2020, section 124D.531, subdivision 1, is amended to read:

Subdivision 1. State total adult basic education aid. (a) The state total adult basic education aid for fiscal year 2014-2022 equals $44,419,000 $51,781,000, plus any amount that is not paid during the previous fiscal year as a result of adjustments under subdivision
4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education aid for later fiscal years equals:

1. The state total adult basic education aid for the preceding fiscal year plus any amount that is not paid for during the previous fiscal year, as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3; times

2. The lesser of 1.03, or the greater of:

   i. One plus the percent change in the formula allowance under section 126C.10, subdivision 2, from the previous fiscal year to the current fiscal year;

   ii. The average growth in state total contact hours over the prior ten program years.

Three percent of the state total adult basic education aid must be set aside for adult basic education supplemental service grants under section 124D.522.

(b) The state total adult basic education aid, excluding basic population aid, equals the difference between the amount computed in paragraph (a), and the state total basic population aid under subdivision 2.

EFFECTIVE DATE. This section is effective for revenue in fiscal year 2022 and later.

Sec. 2. Minnesota Statutes 2020, section 124D.55, is amended to read:

124D.55 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST FEES.

(a) The commissioner shall pay 60 percent of the fee that is charged to an eligible individual for the full battery of the commissioner-selected high school equivalency tests, but not more than $40 for an eligible individual.

(b) Notwithstanding paragraph (a), for fiscal years 2020 and 2021 only, the commissioner shall pay 100 percent of the fee charged to an eligible individual for the full battery of the commissioner-selected high school equivalency tests, but not more than the cost of one full battery of tests per year for any individual.

Sec. 3. APPROPRIATIONS.

Subdivision 1. Department of Education. The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated. Any balances in the first year do not cancel but are available in the second year.
Subd. 2. Community education aid. For community education aid under Minnesota Statutes, section 124D.20:

- $180,000 in 2022
- $155,000 in 2023

The 2022 appropriation includes $22,000 for 2021 and $158,000 for 2022.

The 2023 appropriation includes $17,000 for 2022 and $138,000 for 2023.

Subd. 3. Adults with disabilities program aid. For adults with disabilities programs under Minnesota Statutes, section 124D.56:

- $710,000 in 2022
- $710,000 in 2023

The 2022 appropriation includes $71,000 for 2021 and $639,000 for 2022.

The 2023 appropriation includes $71,000 for 2022 and $639,000 for 2023.

Subd. 4. Hearing-impaired adults. For programs for hearing-impaired adults under Minnesota Statutes, section 124D.57:

- $70,000 in 2022
- $70,000 in 2023

Subd. 5. School-age care aid. For school-age care aid under Minnesota Statutes, section 124D.22:

- $1,000 in 2022
- $1,000 in 2023

The 2022 appropriation includes $0 for 2021 and $1,000 for 2022.

The 2023 appropriation includes $0 for 2022 and $1,000 for 2023.

Subd. 6. Tier 1 grants. (a) For education partnership program Tier 1 sustaining grants under Minnesota Statutes, section 124D.99:

- $3,580,000 in 2022
- $3,580,000 in 2023

(b) Of the amounts in paragraph (a), $1,790,000 each year is for the Northside Achievement Zone and $1,790,000 each year is for the St. Paul Promise Neighborhood.

(c) Any balance in the first year does not cancel but is available in the second year.
Subd. 7. **Tier 2 implementing grants.** (a) For Tier 2 implementing grants under Minnesota Statutes, section 124D.99:

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<tr>
<th>Year</th>
<th>Amount</th>
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<tr>
<td>2023</td>
<td>$1,500,000</td>
<td>2023</td>
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(b) Of the amounts in paragraph (a), $250,000 each year is for each of the following programs:

1. the Northfield Healthy Community Initiative in Northfield;
2. the Jones Family Foundation for the Every Hand Joined program in Red Wing;
3. the United Way of Central Minnesota for the Partners for Student Success program;
4. Austin Aspires;
5. Rochester Area Foundation as fiscal host for the Cradle 2 Career program; and

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

(d) The 2024 base amount for each recipient listed in paragraph (b) is $250,000.

Subd. 8. **Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

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<th>Year</th>
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</tr>
<tr>
<td>2023</td>
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The 2022 appropriation includes $5,177,000 for 2021 and $48,014,000 for 2022.

The 2023 appropriation includes $5,334,000 for 2022 and $49,434,000 for 2023.

Subd. 9. **High school equivalency tests.** For payment of the costs of the commissioner-selected high school equivalency tests under Minnesota Statutes, section 124D.55:

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<thead>
<tr>
<th>Year</th>
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<th>Fiscal Year</th>
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<td>2023</td>
<td>$250,000</td>
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ARTICLE 11
STATE AGENCIES

Section 1. Minnesota Statutes 2020, section 122A.07, subdivision 1, is amended to read:

Subdivision 1. Appointment of members. The Professional Educator Licensing and Standards Board consists of 13 members appointed by the governor, with the advice and consent of the senate. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. No member may be reappointed for more than one additional term. A member must not serve more than two consecutive terms.

Sec. 2. Minnesota Statutes 2020, section 122A.07, subdivision 2, is amended to read:

Subd. 2. Eligibility; board composition. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

(1) six teachers who are currently teaching in a Minnesota school or who were teaching at the time of the appointment, have at least five years of teaching experience, and are not serving in an administrative function at a school district or school when appointed a position requiring an administrative license, pursuant to section 122A.14. The six teachers must include the following:

(i) one teacher in a charter school;
(ii) one teacher from a school located in the seven-county metropolitan area, as defined in section 473.121, subdivision 2;
(iii) one teacher from a school located outside the seven-county metropolitan area;
(iv) one teacher from a related service category licensed by the board;
(v) one special education teacher; and
(vi) one teacher from a teacher preparation program two teachers licensed in licensure areas that represent current or emerging trends in education;

(2) one educator currently teaching in a Minnesota-approved teacher preparation program;

(2) one superintendent that alternates each term between a superintendent from a school district in the seven-county metropolitan area, as defined in section 473.121, subdivision 2, and a superintendent from a school district outside the metropolitan area;
(4) One administrator of a cooperative unit under section 123A.24, subdivision 2, who oversees a special education program and who works closely with a cooperative unit under section 123A.24, subdivision 2;

(5) One principal that alternates, alternating each term between an elementary and a secondary school principal; and

(6) One member of the public that may be a current or former school board member.

Sec. 3. Minnesota Statutes 2020, section 122A.07, subdivision 4a, is amended to read:

Subd. 4a. Administration. (a) The executive director of the board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director shall maintain the records of the board, account for all fees received by the board, supervise and direct employees servicing the board, and perform other services as directed by the board.

(b) The Department of Administration must provide administrative support in accordance with section 16B.371. The commissioner of administration must assess the board for services it provides under this section.

(c) The Department of Education must provide suitable offices and other space to the board at reasonable cost until January 1, 2020. Thereafter, the board may contract with either the Department of Education or the Department of Administration for the provision of suitable offices and other space, joint conference and hearing facilities, and examination rooms.

Sec. 4. Minnesota Statutes 2020, section 122A.09, subdivision 4, is amended to read:

Subd. 4. Licensing. (a) The Professional Educator Licensing and Standards Board must license teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its authority to make all licensing decisions with respect to candidates for teacher licensure. The board must evaluate candidates for compliance with statutory or rule requirements for licensure and develop licensure verification requirements.

(b) The Professional Educator Licensing and Standards Board must approve teacher preparation providers seeking to prepare candidates for teacher licensure in Minnesota.
Sec. 5. Minnesota Statutes 2020, section 122A.09, subdivision 6, is amended to read:

Subd. 6. Register of persons licensed. The executive director of the Professional Educator Licensing and Standards Board must keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. The register must show the name, address, licenses and permissions held including renewals, and license number and the renewal of the license. The board must on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the register must be available during business hours at the office of the board to any interested person on the board's website.

Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 9, is amended to read:


(b) The board must adopt and revise rules relating to fields of licensure and grade levels that a licensed teacher may teach, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.

(c) The board must adopt rules relating to the grade levels that a licensed teacher may teach.

(d) If a rule adopted by the board is in conflict with a session law or statute, the law or statute prevails. Terms adopted in rule must be clearly defined and must not be construed to conflict with terms adopted in statute or session law.

(e) The board must include a description of a proposed rule's probable effect on teacher supply and demand in the board's statement of need and reasonableness under section 14.131.

(f) The board must adopt rules only under the specific statutory authority.

Sec. 7. Minnesota Statutes 2020, section 122A.09, subdivision 10, is amended to read:

Subd. 10. Permissions. (a) Notwithstanding subdivision 9 and sections 14.055 and 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its
rules upon application by a school district or a charter school for purposes of implementing experimental programs in learning or management.

(b) To enable a school district or a charter school to meet the needs of students enrolled in an alternative education program and to enable licensed teachers instructing those students to satisfy content area licensure requirements, the Professional Educator Licensing and Standards Board annually may permit a licensed teacher teaching in an alternative education program to instruct students in a content area for which the teacher is not licensed, consistent with paragraph (a).

c) A special education license permission issued by the Professional Educator Licensing and Standards Board for a primary employer's low-incidence region is valid in all low-incidence regions.

d) A candidate that has obtained career and technical education certification may apply for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the Professional Educator Licensing and Standards Board must strongly encourage approved college or university-based teacher preparation programs throughout Minnesota to develop alternative pathways for certifying and licensing high school career and technical education instructors and teachers, allowing such candidates to meet certification and licensure standards that demonstrate their content knowledge, classroom experience, and pedagogical practices and their qualifications based on a combination of occupational testing, professional certification or licensure, and long-standing work experience.

Sec. 8. Minnesota Statutes 2020, section 122A.091, subdivision 1, is amended to read:

Subdivision 1. Teacher and administrator preparation and performance data; report. (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators, in cooperation with board-adopted board-approved teacher or administrator preparation programs, annually must collect and report summary data on teacher and administrator preparation and performance outcomes, consistent with this subdivision. The Professional Educator Licensing and Standards Board and the Board of School Administrators annually by June 1 must update and post the reported summary preparation and performance data on teachers and administrators from the preceding school years on a website hosted jointly by the boards their respective websites.

(b) Publicly reported summary data on teacher preparation programs providers must include:
(1) student entrance requirements for each Professional Educator Licensing and Standards Board-approved program, including grade point average for enrolling students in the preceding year;

(2) the average board adopted skills examination or ACT or SAT scores of students entering the program in the preceding year;

(3) summary data on faculty all full-time, part-time, and adjunct teacher educator qualifications, including at least the content areas of faculty teacher educator undergraduate and graduate degrees and their years of experience either as kindergarten through grade 12 classroom teachers or school administrators;

(4) the average time resident and nonresident program graduates in the preceding year needed to complete the program;

(2) the current number and percentage of enrolled candidates who entered the program through a transfer pathway disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(5) the current number and percentage of students program completers by program who graduated, received a standard Minnesota teaching license, and Tier 3 or Tier 4 license disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(4) the current number and percentage of program completers who entered the program through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(5) the current number and percentage of program completers who were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(6) the number of content area credits and other credits by undergraduate program that students in the preceding school year needed to complete to graduate, the current number and percentage of program completers who entered the program through a transfer pathway and who were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield
statistically reliable results or would reveal personally identifiable information about an individual;

(7) students' pass rates on skills pedagogy and subject matter exams required for graduation in each program and licensure area for program completers in the preceding school year;

(8) survey results measuring student and graduate satisfaction with the program how prepared program completers felt during their first year of teaching in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(9) a standard measure of the satisfaction of survey results from school principals or supervising teachers with the program how prepared program completers felt during their first year of teaching in the preceding school year; and

(10) information under subdivision 3, paragraphs (a) and (b) the number and percentage of program completers who met or exceed the state threshold score on the board-adopted teacher performance assessment.

Program reporting must be consistent with subdivision 2.

(c) Publicly reported summary data on administrator preparation programs approved by the Board of School Administrators must include:

(1) summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and the years of experience either as kindergarten through grade 12 classroom teachers or school administrators;

(2) the average time program graduates in the preceding year needed to complete the program;

(3) the current number and percentage of students who graduated, received a standard Minnesota administrator license, and were employed as an administrator in a Minnesota school district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(4) the number of credits by graduate program that students in the preceding school year needed to complete to graduate;
survey results measuring student, graduate, and employer satisfaction with the
program in the preceding school year disaggregated by race, except when disaggregation
would not yield statistically reliable results or would reveal personally identifiable
information about an individual; and
(6) information under subdivision 3, paragraphs (c) and (d).

Program reporting must be consistent with section 122A.14, subdivision 10.

Sec. 9. Minnesota Statutes 2020, section 122A.091, subdivision 2, is amended to read:

Subd. 2. Teacher preparation program reporting. (a) By December 31, 2018, and
annually thereafter, the Professional Educator Licensing and Standards Board shall report
and publish on its website the cumulative summary results of at least three consecutive
years of data reported to the board under subdivision 1, paragraph (b). Where the data are
sufficient to yield statistically reliable information and the results would not reveal personally
identifiable information about an individual teacher, the board shall report the data by teacher
preparation program.

(b) The Professional Educator Licensing and Standards Board must report annually to
the chairs and ranking minority members of the legislative committees with jurisdiction
over kindergarten through grade 12 education, the following information:

(1) the total number of teacher candidates during the most recent school year taking a
board-adopted skills examination;

(2) the number who achieve a qualifying score on the examination;

(3) the number who do not achieve a qualifying score on the examination; and

(4) the number of candidates who have not passed a content or pedagogy exam.

The information reported under this paragraph must be disaggregated by categories of race,
etnicity, and, if applicable, eligibility for financial aid. The report must be submitted in
accordance with section 3.195.

Sec. 10. Minnesota Statutes 2020, section 122A.21, is amended to read:

122A.21 TEACHERS' AND ADMINISTRATORS' LICENSES; FEES.

Subdivision 1. Licensure applications. Each applicant submitting an application to the
Professional Educator Licensing and Standards Board to issue, renew, or extend a teaching
license, including applications for licensure via portfolio under subdivision 4, must include
a processing fee of $85. The processing fee for a teacher's license and for the licenses
of supervisory personnel must be paid to the executive secretary director of the appropriate board and deposited in the state treasury. The fees as set by the board are nonrefundable for applicants not qualifying for a license. However, the commissioner of management and budget must refund a fee in any case in which the applicant already holds a valid unexpired license. The board may waive or reduce fees for applicants who apply at the same time for more than one license.

Subd. 4. Licensure via portfolio. A candidate must pay to the Professional Educator Licensing and Standards Board a $300 fee for the first pedagogical portfolio submitted for review and a $200 fee for any portfolio submitted subsequently each content portfolio. The Professional Educator Licensing and Standards Board executive secretary director must deposit the fee in the education licensure portfolio account in the special revenue fund. The fees are nonrefundable for applicants not qualifying for a license. The Professional Educator Licensing and Standards Board may waive or reduce fees for candidates based on financial need.

Subd. 5. Online licensing system and fees. (a) The Professional Educator Licensing and Standards Board executive director may charge applicants using the online licensing system an $8 fee per license. The fees are nonrefundable.

(b) An educator licensing technology account is established in the special revenue fund.

(c) The Professional Educator Licensing and Standards Board executive director must deposit the fees for using the online licensing system into the educator licensing technology account in the special revenue fund. Funds do not cancel and are available until spent.

(d) The Professional Educator Licensing and Standards Board executive director may use funds in the educator licensing technology account for information technology projects, services, and support.

Sec. 11. [127A.20] EVIDENCE-BASED EDUCATION GRANTS.

Subdivision 1. Purpose; applicability. The purpose of this section is to create a process to describe, measure, and report on the effectiveness of any prekindergarten through grade 12 education program funded in whole or in part through funds appropriated by the legislature to the commissioner of education for grants to organizations. The evidence-based evaluation required by this section applies to all grants awarded by the commissioner of education on or after July 1, 2022.

Subd. 2. Goals. Each applicant for a grant awarded by the commissioner of education must include in the grant application a statement of the goals of the education program and
grant funds. To the extent practicable, the goals must be aligned to the state of Minnesota's world's best workforce and the federally required Every Student Succeeds Act accountability systems.

Subd. 3. Strategies; data. Each applicant must include in the grant application a description of the strategies that will be used to meet the goals specified in the application. The applicant must also include a plan to collect data to measure the effectiveness of the strategies outlined in the grant application.

Subd. 4. Reporting. Within 180 days of the end of the grant period, each grant recipient must compile a report that describes the data that was collected and evaluate the effectiveness of the strategies. The evidence-based report may identify or propose alternative strategies based on the results of the data. The report must be submitted to the commissioner of education and to the chairs and ranking minority members of the legislative committees with jurisdiction over prekindergarten through grade 12 education. The report must be filed with the Legislative Reference Library according to section 3.195.

Subd. 5. Grant defined. For purposes of this section, "grant" means money appropriated from the state general fund to the commissioner of education for distribution to the grant recipients.

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 12. Minnesota Statutes 2020, 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, or 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, or 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. 13. Laws 2019, First Special Session chapter 11, article 10, section 5, subdivision 2, as amended by Laws 2020, chapter 116, article 5, section 4, is amended to read:

Subd. 2. **Department.** (a) For the Department of Education:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$29,196,000</td>
<td>..... 2020</td>
</tr>
<tr>
<td>2021</td>
<td>$24,911,000</td>
<td>..... 2021</td>
</tr>
</tbody>
</table>

Of these amounts:

(1) $319,000 each year is for the Board of School Administrators;

(2) $1,000,000 each year is for regional centers of excellence under Minnesota Statutes, section 120B.115;

(3) $250,000 each year is for the School Finance Division to enhance financial data analysis;

(4) $720,000 each year is for implementing Minnesota's Learning for English Academic Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

(5) $123,000 each year is for a dyslexia specialist;

(6) $4,700,000 in fiscal year 2020 only is for legal fees and costs associated with litigation; and

(7) $400,000 in fiscal year 2020 and $480,000 in fiscal year 2021 and later are for the Department of Education's mainframe update.

(b) None of the amounts appropriated under this subdivision may be used for Minnesota's Washington, D.C. office.

(c) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and shall be spent as indicated.

(d) This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Education under the rates and mechanism specified in that agreement.

(e) To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (a), the base for fiscal year 2022 is
$24,591,000. The base for fiscal year 2023 is $24,611,000. The base for fiscal year 2024 is $24,629,000.

(f) On the effective date of this act, the commissioner of the Department of Education must cancel to the general fund $2,000,000 from the fiscal year 2020 general fund appropriations for legal fees and costs associated with litigation.

(g) On the effective date of this act, the commissioner of the Department of Education must cancel to the general fund $1,252,000 from the fiscal year 2021 general fund appropriations for agency operations.

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

Sec. 14. APPROPRIATIONS; DEPARTMENT OF EDUCATION.

Subdivision 1. Department of Education. Unless otherwise indicated, the sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated. Any balance in the first year does not cancel but is available in the second year.

Subd. 2. Department. (a) For the Department of Education:

2022 $36,684,000 .... 2022

2023 $33,099,000 .... 2023

Of these amounts:

(1) $319,000 each year is for the Board of School Administrators;

(2) $1,000,000 each year is for regional centers of excellence under Minnesota Statutes, section 120B.115;

(3) $250,000 each year is for the School Finance Division to enhance financial data analysis;

(4) $720,000 each year is for implementing Minnesota's Learning for English Academic Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

(5) $123,000 each year is for a dyslexia specialist;

(6) $480,000 each year is for the Department of Education's mainframe update;

(7) $4,500,000 in fiscal year 2022 only is for legal fees and costs associated with litigation;
(8) $455,000 in fiscal year 2022 and $865,000 in fiscal year 2023 are for data analytics for the state count of American Indian children. The base for this program is $510,000 in fiscal year 2024, $355,000 in fiscal year 2025, and $133,000 in fiscal year 2026 and later;

(9) $3,279,000 in fiscal year 2022 and $3,384,000 in fiscal year 2023 are for modernizing district data submission to support students and educators. The base for this program is $3,252,000 in fiscal year 2024 and beyond;

(10) $340,000 in fiscal year 2022 and $340,000 in fiscal year 2023 are for voluntary prekindergarten programs;

(11) $3,000,000 each year is for translation services of which $2,000,000 each year is for grants to support school districts and charter schools with translation services; and

(12) $144,000 in fiscal year 2022 and $148,000 in fiscal year 2023 are for incorporating ethnic studies into the curriculum standards.

(b) None of the amounts appropriated under this subdivision may be used for Minnesota's Washington, D.C., office.

(c) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and must be spent as indicated.

(d) This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Education under the rates and mechanisms specified in that agreement.

(e) Eligible grantees for funds for translation services under clause (11) only include school districts, charter schools, intermediate school districts, and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

(f) To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (a), the base for fiscal year 2024 is $32,630,000 and the base for fiscal year 2025 is $32,475,000.

Sec. 15. APPROPRIATIONS; MINNESOTA STATE ACADEMIES.

(a) The sums indicated in this section are appropriated from the general fund to the Minnesota State Academies for the Deaf and the Blind for the fiscal years designated:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Appropriation</th>
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<tbody>
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<td>2022</td>
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<tr>
<td>2023</td>
<td>$14,317,000</td>
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</table>
Sec. 16. APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.

(a) The sums in this section are appropriated from the general fund to the Perpich Center for Arts Education for the fiscal years designated:

<table>
<thead>
<tr>
<th>Year</th>
<th>Appropriation</th>
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<tbody>
<tr>
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<tr>
<td>2023</td>
<td>$7,527,000</td>
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</tbody>
</table>

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

(c) To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (b), the base for fiscal year 2024 is $14,323,000.

Sec. 17. APPROPRIATIONS; PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD.

Subdivision 1. Professional Educator Licensing and Standards Board. (a) The sums indicated in this section are appropriated from the general fund to the Professional Educator Licensing and Standards Board for the fiscal years designated:

<table>
<thead>
<tr>
<th>Year</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>2022</td>
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<tr>
<td>2023</td>
<td>$2,843,000</td>
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</table>

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

(c) This appropriation includes funds for information technology project services and support subject to Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into an interagency agreement and will be paid to the Office of MN.IT Services by the Professional Educator Licensing and Standards Board under the mechanism specified in that agreement.

Subd. 2. Licensure by portfolio. For licensure by portfolio:

<table>
<thead>
<tr>
<th>Year</th>
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<tr>
<td>2023</td>
<td>$34,000</td>
</tr>
</tbody>
</table>

This appropriation is from the education licensure portfolio account in the special revenue fund.
ARTICLE 12

FORECAST ADJUSTMENTS

Section 1. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 3, as amended by Laws 2020, chapter 116, article 6, section 2, is amended to read:

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tr>
<td>2021</td>
<td>$20,000</td>
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EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 4, as amended by Laws 2020, chapter 116, article 6, section 3, is amended to read:

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

<table>
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<td>2020</td>
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<tr>
<td>2021</td>
<td>$2,827,000</td>
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The 2020 appropriation includes $274,000 for 2019 and $1,496,000 for 2020. The 2021 appropriation includes $166,000 for 2020 and $2,661,000 for 2021.

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

Sec. 3. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 6, as amended by Laws 2020, chapter 116, article 6, section 4, is amended to read:

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>2020</td>
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<td>2021</td>
<td>$18,918,000</td>
</tr>
</tbody>
</table>

The 2020 appropriation includes $1,806,000 for 2019 and $16,119,000 for 2020.
The 2021 appropriation includes $1,790,000 for 2020 and $17,127,000 for 2021.

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

Sec. 4. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 7, as amended by Laws 2020, chapter 116, article 6, section 5, is amended to read:

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$19,168,000</td>
</tr>
<tr>
<td>2021</td>
<td>$20,100,000</td>
</tr>
</tbody>
</table>

The 2020 appropriation includes $1,961,000 for 2019 and $17,207,000 for 2020.

The 2021 appropriation includes $1,911,000 for 2020 and $18,189,000 for 2021.

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

Sec. 5. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 9, as amended by Laws 2020, chapter 116, article 6, section 6, is amended to read:

Subd. 9. **Career and technical aid.** For career and technical aid under Minnesota Statutes, section 124D.4531, subdivision 1b:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$3,857,000</td>
</tr>
<tr>
<td>2021</td>
<td>$3,433,000</td>
</tr>
</tbody>
</table>

The 2020 appropriation includes $422,000 for 2019 and $3,435,000 for 2020.

The 2021 appropriation includes $378,000 for 2020 and $3,055,000 for 2021.

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

Sec. 6. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 2, as amended by Laws 2020, chapter 116, article 3, section 2, is amended to read:

Subd. 2. **Achievement and integration aid.** For achievement and integration aid under Minnesota Statutes, section 124D.862:
The 2020 appropriation includes $7,058,000 for 2019 and $70,189,000 for 2020.

The 2021 appropriation includes $7,763,000 for 2020 and $73,470,000 for 2021.

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

Sec. 7. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 3, as amended by Laws 2020, chapter 116, article 6, section 7, is amended to read:

Subd. 3. Interdistrict desegregation or integration transportation grants. For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

$14,231,000  .....  2020

$14,962,000

$15,670,000  .....  2021

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

Sec. 8. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 6, as amended by Laws 2020, chapter 116, article 6, section 10, is amended to read:

Subd. 6. American Indian education aid. For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

$10,113,000  .....  2020

$10,696,000

$10,939,000  .....  2021

The 2020 appropriation includes $960,000 for 2019 and $9,153,000 for 2020.

The 2021 appropriation includes $1,016,000 for 2020 and $9,680,000 for 2021.

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

Sec. 9. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 16, as amended by Laws 2020, chapter 116, article 6, section 11, is amended to read:

Subd. 16. Charter school building lease aid. For building lease aid under Minnesota Statutes, section 124E.22:
The 2020 appropriation includes $8,021,000 for 2019 and $75,193,000 for 2020.

The 2021 appropriation includes $8,354,000 for 2020 and $80,100,000 for 2021.

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

Sec. 10. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 3, as amended by Laws 2020, chapter 116, article 6, section 12, is amended to read:

Subd. 3. Alternative teacher compensation aid. (a) For alternative teacher compensation aid under Minnesota Statutes, section 122A.415, subdivision 4:

(b) The 2020 appropriation includes $8,974,000 for 2019 and $80,192,000 for 2020.

(c) The 2021 appropriation includes $8,887,000 for 2020 and $79,964,000 for 2021.

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

Sec. 11. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 2, as amended by Laws 2020, chapter 116, article 6, section 13, is amended to read:

Subd. 2. Special education; regular. For special education aid under Minnesota Statutes, section 125A.75:

(b) The 2020 appropriation includes $184,363,000 for 2019 and $1,416,526,000 for 2020.

(c) The 2021 appropriation includes $199,406,000 for 2020 and $1,548,295,000 for 2021.

EFFECTIVE DATE. This section is effective the day following final enactment.
Sec. 12. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 3, as amended by Laws 2020, chapter 116, article 6, section 14, is amended to read:

Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$1,109,000</td>
<td>.....</td>
</tr>
<tr>
<td>2021</td>
<td>$1,644,000</td>
<td>.....</td>
</tr>
</tbody>
</table>

If the appropriation for either year is insufficient, the appropriation for the other year is available.

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

Sec. 13. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 4, as amended by Laws 2020, chapter 116, article 6, section 15, is amended to read:

Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$445,000</td>
<td>.....</td>
</tr>
<tr>
<td>2021</td>
<td>$254,000</td>
<td>.....</td>
</tr>
</tbody>
</table>

The 2020 appropriation includes $40,000 for 2019 and $405,000 for 2020. The 2021 appropriation includes $44,000 for 2020 and $423,000 for 2021.

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

Sec. 14. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 5, as amended by Laws 2020, chapter 116, article 6, section 16, is amended to read:

Subd. 5. **Court-placed special education revenue.** For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>-0-</td>
<td>.....</td>
</tr>
<tr>
<td>2021</td>
<td>$23,000</td>
<td>.....</td>
</tr>
</tbody>
</table>

**EFFECTIVE DATE.** This section is effective the day following final enactment.
Sec. 15. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 2, as amended by Laws 2020, chapter 116, article 6, section 17, and Laws 2020, Fifth Special Session chapter 3, article 5, section 36, is amended to read:

Subd. 2. Debt service equalization aid. For debt service equalization aid under Minnesota Statutes, section 123B.53, subdivision 6:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$20,684,000</td>
<td>2021</td>
<td>$25,380,000</td>
</tr>
<tr>
<td></td>
<td>$25,335,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The 2020 appropriation includes $2,292,000 for 2019 and $18,392,000 for 2020. The 2021 appropriation includes $2,043,000 for 2020 and $23,337,000 for 2021.

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

Sec. 16. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 3, as amended by Laws 2020, chapter 116, article 6, section 18, is amended to read:

Subd. 3. Long-term facilities maintenance equalized aid. For long-term facilities maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$104,690,000</td>
<td>2021</td>
<td>$107,820,000</td>
</tr>
<tr>
<td></td>
<td>$106,356,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The 2020 appropriation includes $10,464,000 for 2019 and $94,226,000 for 2020. The 2021 appropriation includes $10,412,000 for 2020 and $97,408,000 for 2021.

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

Sec. 17. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 2, as amended by Laws 2020, chapter 116, article 6, section 20, is amended to read:

Subd. 2. School lunch. For school lunch aid under Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$16,245,000</td>
<td>2021</td>
<td>$16,514,000</td>
</tr>
<tr>
<td></td>
<td>$4,796,000</td>
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<td></td>
</tr>
</tbody>
</table>

EFFECTIVE DATE. This section is effective the day following final enactment.
Sec. 18. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 3, as amended by Laws 2020, chapter 116, article 6, section 21, is amended to read:

Subd. 3. School breakfast. For traditional school breakfast aid under Minnesota Statutes, section 124D.1158:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$11,428,000</td>
<td>2021</td>
<td>$11,846,000</td>
</tr>
<tr>
<td>2021</td>
<td>$3,242,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Sec. 19. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 4, as amended by Laws 2020, chapter 116, article 6, section 22, is amended to read:

Subd. 4. Kindergarten milk. For kindergarten milk aid under Minnesota Statutes, section 124D.118:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$658,000</td>
</tr>
<tr>
<td>2021</td>
<td>$658,000</td>
</tr>
</tbody>
</table>

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

Sec. 20. Laws 2019, First Special Session chapter 11, article 8, section 13, subdivision 5, as amended by Laws 2020, chapter 116, article 6, section 23, is amended to read:

Subd. 5. Early childhood family education aid. (a) For early childhood family education aid under Minnesota Statutes, section 124D.135:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$32,151,000</td>
</tr>
<tr>
<td>2021</td>
<td>$33,204,000</td>
</tr>
</tbody>
</table>

(b) The 2020 appropriation includes $3,098,000 for 2019 and $29,053,000 for 2020.

(c) The 2021 appropriation includes $3,133,000 for 2020 and $30,407,000 for 2021.

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

Sec. 21. Laws 2019, First Special Session chapter 11, article 8, section 13, subdivision 14, as amended by Laws 2020, chapter 116, article 6, section 24, is amended to read:

Subd. 14. Home visiting aid. (a) For home visiting aid under Minnesota Statutes, section 124D.135:
(b) The 2020 appropriation includes $54,000 for 2019 and $467,000 for 2020.

(c) The 2021 appropriation includes $51,000 for 2020 and $477,000 $430,000 for 2021.

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

Sec. 22. Laws 2019, First Special Session chapter 11, article 9, section 3, subdivision 2, as amended by Laws 2020, chapter 116, article 6, section 25, is amended to read:

**Subd. 2. Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

The 2020 appropriation includes $40,000 for 2019 and $287,000 for 2020.

The 2021 appropriation includes $31,000 for 2020 and $218,000 $205,000 for 2021.

**EFFECTIVE DATE.** This section is effective the day following final enactment.
120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.

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.

122A.091 REPORTS.

Subd. 3. School district reports. (a) School districts annually by October 1 must report to the Professional Educator Licensing and Standards Board the following information for all teachers who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year:

(1) the effectiveness category or rating of the teacher on the summative evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(2) the licensure area in which the teacher primarily taught during the three-year evaluation cycle; and

(3) the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.

(b) School districts annually by October 1 must report to the Professional Educator Licensing and Standards Board the following information for all probationary teachers in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year:

(1) the licensure areas in which the probationary teacher taught; and

(2) the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.

(c) School districts annually by October 1 must report to the Board of School Administrators the following information for all school principals and assistant principals who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year:

(1) the effectiveness category or rating of the principal or assistant principal on the summative evaluation under section 123B.147, subdivision 3; and

(2) the principal preparation program providing instruction to the principal or assistant principal.

(d) School districts annually by October 1 must report to the Board of School Administrators all probationary school principals and assistant principals in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year.

Subd. 6. Implementation report. By January 1, 2019, the Professional Educator Licensing and Standards Board must prepare a report to the legislature on the implementation of the teacher licensure system established under sections 122A.18 to 122A.184. The report must include the number of applicants for licensure in each tier, the number of applications granted and denied, summary data on the reasons applications were denied, and the status of the board's rulemaking process for all licensure-related rules.

122A.092 TEACHER PREPARATION PROGRAMS.

Subdivision 1. Rules. The board must adopt rules to approve teacher preparation programs, including alternative teacher preparation programs under section 122A.2451, nonconventional programs, and Montessori teacher training programs.

Subd. 2. Requirements for board approval. Teacher preparation programs must demonstrate the following to obtain board approval:
(1) the program has implemented a research-based, results-oriented curriculum that focuses on the skills teachers need in order to be effective;

(2) the program provides a student teaching program;

(3) the program demonstrates effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes;

(4) the program includes a common core of teaching knowledge and skills. This common core shall meet the standards developed by the Interstate New Teacher Assessment and Support Consortium in its 1992 model standards for beginning teacher licensing and development. Amendments to standards adopted under this clause are subject to chapter 14. The Professional Educator Licensing and Standards Board shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this clause during the most recent school year;

(5) the program includes instruction on the knowledge and skills needed to provide appropriate instruction to English learners to support and accelerate their academic literacy, including oral academic language and achievement in content areas in a regular classroom setting; and

(6) the program includes culturally competent training in instructional strategies consistent with section 120B.30, subdivision 1, paragraph (q).

Subd. 3. Specialized credentials. The board must adopt rules creating flexible, specialized teaching licenses, credentials, and other endorsement forms to increase students' participation in language immersion programs, world language instruction, career development opportunities, work-based learning, early college courses and careers, career and technical programs, Montessori schools, and project- and place-based learning, among other career and college readiness learning offerings.

Subd. 4. Teacher educators. The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary and secondary teaching environments.

Subd. 5. Reading strategies. (a) A teacher preparation provider approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in its teacher preparation programs research-based best practices in language immersion programs, world language instruction, career development opportunities, work-based learning, early college courses and careers, career and technical programs, Montessori schools, and project- and place-based learning, among other career and college readiness learning offerings.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in applying comprehensive, scientifically based or evidence-based, and structured reading instruction programs that:

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

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

(c) Board-approved teacher preparation programs for teachers of elementary education, early childhood education, special education, and reading intervention must include instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation programs may consult with the Department of Education, including the dyslexia specialist under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia must be modeled on practice standards of the International Dyslexia Association, and must address:

(1) the nature and symptoms of dyslexia;

(2) resources available for students who show characteristics of dyslexia;

(3) evidence-based instructional strategies for students who show characteristics of dyslexia, including the structured literacy approach; and
(4) outcomes of intervention and lack of intervention for students who show characteristics of dyslexia.

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

Subd. 6. Technology strategies. All preparation providers approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in their teacher preparation programs the knowledge and skills teacher candidates need to engage students with technology and deliver digital and blended learning and curriculum.

Subd. 7. Student teaching program. A teacher preparation program may provide a year-long student teaching program that combines clinical opportunities with academic coursework and in-depth student teaching experiences to offer students:

(1) ongoing mentorship;
(2) coaching;
(3) assessment;
(4) help to prepare a professional development plan; and
(5) structured learning experiences.

Subd. 8. Existing programs. The approval of teacher preparation programs approved by the Board of Teaching before July 1, 2018, must remain in effect unless and until the Professional Educator Licensing and Standards Board denies approval or reapproves the program.

122A.18 BOARD TO ISSUE LICENSES.

Subd. 7c. Temporary military license. The Professional Educator Licensing and Standards Board shall establish a temporary license in accordance with section 197.4552 for teaching. The fee for a temporary license under this subdivision shall be $57. The board must provide candidates for a license under this subdivision with information regarding the tiered licensure system provided in sections 122A.18 to 122A.184.

122A.184 TIER 4 LICENSE.

Subd. 3. Mentorship and evaluation. A teacher holding a Tier 4 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan.

122A.23 APPLICANTS TRAINED IN OTHER STATES.

Subd. 3. Teacher licensure agreements with adjoining states. (a) Notwithstanding any other law to the contrary, the Professional Educator Licensing and Standards Board must enter into a National Association of State Directors of Teacher Education and Certification (NASDTEC) interstate agreement and other interstate agreements for teacher licensure to allow fully certified teachers from adjoining states to transfer their certification to Minnesota. The board must enter into these interstate agreements only after determining that the rigor of the teacher licensure or certification requirements in the adjoining state is commensurate with the rigor of Minnesota's teacher licensure requirements. The board may limit an interstate agreement to particular content fields or grade levels based on established priorities or identified shortages. This subdivision does not apply to out-of-state applicants holding only a provisional teaching license.

(b) The Professional Educator Licensing and Standards Board must work with designated authorities in adjoining states to establish interstate teacher licensure agreements under this section.

122A.2451 ALTERNATIVE TEACHER PREPARATION PROVIDERS AND PROGRAMS.

Subdivision 1. Definitions. (a) "Provider" or "unit" means an eligible entity that seeks or has obtained approval for an alternative teacher preparation program consistent with this section.

(b) "Program" means content provided by a provider that leads toward licensure in a specific content area.

Subd. 2. Purpose. To provide alternative pathways towards Minnesota teacher licensure outside of the traditional means, improve ethnic and cultural diversity in the classroom, and to close the achievement gap, the Professional Educator Licensing and Standards Board must approve qualified
teacher preparation providers and programs under this section that are a means to acquire a Tier 2 license under section 122A.182 and prepare for acquiring a Tier 3 license under section 122A.183.

Subd. 3. Eligibility. A school district, charter school, or nonprofit corporation organized under chapter 317A for an education-related purpose is eligible to participate under this section. An eligible entity may apply for provider and program approval simultaneously.

Subd. 4. Provider approval. An eligible entity must be approved as a provider before being approved to provide programs towards licensure. The Professional Educator Licensing and Standards Board must approve eligible entities under subdivision 3 that meet the following requirements:

1. has evidence and history of fiscal solvency, capacity, and operation;
2. has evidence of necessary infrastructure to provide accurate, timely, and secure data for the purposes of admission, candidate monitoring, testing, background checks, and license recommendations;
3. has policies and procedures in place ensuring the security of candidate records under the federal Family Educational Rights and Privacy Act; and
4. has the instructional capacity or ability to obtain the instructional capacity to provide an adequate instructional phase under subdivision 5.

Subd. 5. Program approval. The board must approve programs offered by approved providers based on nontraditional criteria. An approved program must have the following characteristics:

1. an instructional phase that provides intensive preparation and classroom experience that is commensurate with the scope of licensure standards defined under rule, before the teacher candidate assumes classroom responsibilities;
2. a research-based and results-oriented approach focused on best teaching practices to increase student proficiency and growth measured against state academic standards;
3. a strategy to combine pedagogy and best teaching practices to better inform teacher candidates' classroom instruction;
4. provide assessment, supervision, and evaluation of teacher candidates to determine their specific needs throughout the program, and to support efforts to successfully complete the program;
5. provide intensive and ongoing professional learning opportunities that accelerate teacher candidates' professional growth, support student learning, and provide a workplace orientation, professional staff development, mentoring and peer review, focused on standards of professional practice and continuous professional growth; and
6. a process to review a candidate's final proficiency of required licensure content standards that leads to potential candidate recommendation by the provider to the board for a Tier 3 teaching license under subdivision 8.

Subd. 6. Nontraditional means; program instructors. (a) The board must permit alternative teacher preparation providers and teacher candidates to demonstrate pedagogy and content standard proficiency in school-based programs and through other nontraditional means. Nontraditional means may include previous work experiences, teaching experiences, educator evaluations, industry-recognized certifications, and other essentially equivalent demonstrations.

(b) The board must use nontraditional criteria to determine qualifications of program instructors, including permitting instructors to hold a baccalaureate degree only.

Subd. 7. Program disapproval, suspension. If the board determines that a teacher preparation provider or licensure program fails to meet or is deficient in any of the requirements of subdivision 5, it may suspend or revoke the approval of the provider or program after it notifies the provider of the deficiencies and gives the provider an opportunity to remedy the deficiencies.

Subd. 8. Candidate program completion; teacher licensure. (a) A candidate that completes an approved program must apply for a license under the tiered licensure system according to sections 122A.181 to 122A.184.

(b) A person who successfully completes another state's alternative teacher preparation licensure program may apply to the Professional Educator Licensing and Standards Board for a Tier 3 license under section 122A.183.
Subd. 9. Reports. (a) An approved alternative teacher preparation provider must report to the Professional Educator Licensing and Standards Board on items that are defined in statute regarding program candidates, completion, and effectiveness or other items that are required under section 122A.09.

(b) The Professional Educator Licensing and Standards Board must submit a biennial report on the alternative teacher preparation program and providers to legislative committees having jurisdiction over kindergarten through grade 12 education policy and finance by January 15 of each odd-numbered year.
Section 9. SCHOOL READINESS PLUS PROGRAM.

Subdivision 1. Establishment; purpose. A district, a charter school, or a group of districts and charter schools may establish a school readiness plus program for children age four to kindergarten entrance. The purpose of a school readiness plus program is to prepare children for success as they enter kindergarten in the following year.

Subd. 2. Program requirements. A school readiness plus program provider must:

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

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

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

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

(5) coordinate with relevant community-based services;

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

(7) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children with at least one licensed teacher;

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

(9) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least 350 hours of instruction per school year.

Subd. 3. Mixed delivery of services. A district or charter school may contract with a charter school, Head Start or child care center, family child care program licensed under Minnesota Statutes, section 245A.03, or a community-based organization to provide eligible children with developmentally appropriate services that meet the program requirements in subdivision 2.

Subd. 4. Eligibility. (a) A child who is four years of age as of September 1 in the calendar year in which the school year commences and has one or more of the risk factors under paragraph (b) is eligible to participate in a school readiness plus program free of charge. A child who is four years of age as of September 1 in the calendar year in which the school year commences and does not have one or more of the risk factors under paragraph (b) may participate on a fee-for-service basis. A district must adopt a sliding fee schedule based on a family's income but must waive a fee for a participant unable to pay. School districts and charter schools must use school readiness plus aid for eligible children. Each eligible child must complete a health and developmental screening within 90 days of program enrollment under Minnesota Statutes, sections 121A.16 to 121A.19, and provide documentation of required immunizations under section 121A.15.

(b) An at-risk four-year-old child may participate in the school readiness plus program free of charge if the child:

(1) qualifies for free or reduced-price lunch;

(2) is an English language learner;

(3) is homeless;

(4) has an individualized education program, or individual interagency intervention plan;

(5) is identified through health and developmental screening under Minnesota Statutes, sections 121A.16 to 121.19, with a potential risk factor that may influence learning; or

(6) is in foster care.
Subd. 5. Application process; priority for high poverty schools. (a) For 2017-2018 school year, a school district or charter school that did not apply to participate in a voluntary prekindergarten program under Minnesota Statutes, section 124D.151, may apply to the commissioner by July 1, 2017, to participate in a school readiness plus program in the form and manner specified by the commissioner. By June 15, 2017, the commissioner must notify districts and charter schools of the availability of additional money for voluntary prekindergarten and school readiness plus programs. A school district or charter school that previously applied to participate in a voluntary prekindergarten program may amend its application by July 1, 2017, to apply instead for school readiness plus. The commissioner must review all applications for school readiness plus and notify applicant districts and charter schools by August 1, 2017, whether they have been selected for participation.

(b) For the 2018-2019 school year, a school district or charter school may apply to the commissioner by January 30, 2018, to participate in school readiness plus in the form and manner specified by the commissioner.

(c) A district or charter school submitting an application under this section must include: (1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location; (2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; (3) the number of children being served that will be new to the program; and (4) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(d) The commissioner must award funding for school readiness plus programs across school districts and charter schools in the same manner as for the voluntary prekindergarten program.

(e) A school site or mixed-delivery site approved for aid under this subdivision remains eligible for aid if the site continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

Subd. 6. No supplanting. For a site first qualifying in fiscal year 2018 or 2019, mixed delivery revenue, including voluntary prekindergarten and school readiness plus program revenue, must be used to supplement not supplant existing state, federal, and local revenue for prekindergarten activities.

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