1.1 A bill for an act

1.2 relating to education; modifying provisions for prekindergarten through grade 12
1.3 including general education, education excellence, teachers, charter schools, special
1.4 education, health, safety, nutrition, libraries, facilities, and state agencies; requiring
1.5 reports; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.22,
1.6 subdivisions 7, 10; 120A.35; 120A.40; 120B.021, subdivisions 1, 3; 120B.024,
1.7 subdivision 1; 120B.11, subdivisions 1, 1a, 2, 3; 120B.15; 120B.21; 120B.30,
1.8 subdivision 1a, by adding subdivisions; 120B.35, subdivisions 3, 4; 121A.031,
1.9 subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions; 121A.425;
1.10 121A.45, subdivision 121A.46, subdivision 4, by adding subdivisions; 121A.47,
1.11 subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61; 122A.06,
1.12 subdivisions 2, 5, 6, 7, 8, by adding a subdivision; 122A.07, subdivisions 1, 2, 4a;
1.13 122A.09, subdivisions 4, 6, 9, 10; 122A.091, subdivisions 1, 2; 122A.15,
1.14 subdivision 1; 122A.16; 122A.18, subdivisions 7a, 8, 10; 122A.181, subdivisions
1.15 1, 2, 3, 4, 5, 6, by adding a subdivision; 122A.182, subdivisions 1, 2, 3, 4, 7;
1.16 122A.183, subdivisions 1, 2, 3, by adding a subdivision; 122A.184, subdivisions
1.17 1, 2; 122A.185, subdivisions 1, 4; 122A.187; 122A.19, subdivision 4; 122A.26,
1.18 subdivision 2; 122A.31, subdivision 122A.40, subdivisions 5, 8; 122A.41,
1.19 subdivisions 2, 5; 122A.635, subdivisions 3, 4; 122A.70; 123B.147, subdivision
1.20 3; 124D.09, subdivisions 3, 7, 13; 124D.095, subdivision 2; 124D.111; 124D.128,
1.21 subdivisions 1, 3; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79,
1.22 subdivision 1; 124D.791, subdivision 4; 124D.81, subdivision 1; 124D.861,
1.23 subdivision 2; 124E.02; 124E.03, subdivision 2, by adding subdivisions; 124E.05,
1.24 subdivisions 4, 6, 7; 124E.06, subdivisions 1, 4, 5; 124E.11; 124E.12, subdivision
1.25 1; 124E.13, subdivision 1; 124E.16, subdivision 1; 124E.25, subdivision 1a;
1.26 125A.08; 125A.094; 125A.0942; 134.34, subdivision 1; 144.4165; 179A.03,
1.27 subdivision 19; 290.0679, subdivision 2; 469.176, subdivision 2; 609A.03,
1.28 subdivision 7a; proposing coding for new law in Minnesota Statutes, chapters
1.29 120B; 121A; 122A; 124D; 127A; repealing Minnesota Statutes 2020, sections
1.30 120B.35, subdivision 5; 122A.091, subdivisions 3, 6; 122A.092; 122A.18,
1.31 subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; 122A.2451.
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.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. 4. 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. 5. 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 may be appealed to the commissioner of
education notwithstanding 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. 6. 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.
5.1 (f) For purposes of this subdivision, "outstanding bonds" means bonds which are secured by increments from the district.

5.2 (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.

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.

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 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) (3) provide instruction in a school that is accredited by an accrediting agency,
recognized according to section 123B.445, or recognized by the commissioner;

(5) (4) hold a baccalaureate degree; or

(6) (5) 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. 4. 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 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.

Sec. 5. 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. 6. 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 United States history, geography,
government and citizenship, world history, and economics sufficient to satisfy all of the
academic standards in social studies;

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

(7) a minimum of seven elective credits.

(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.

(c) Students beginning 9th grade in the 2022-2023 school year and later must successfully
complete a personal finance course for credit during their senior year of high school. The
course must include but is not limited to the following topics: creating a household budget;
taking out loans and accruing debt, including how interest works; home mortgages; how to
file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions.

Notwithstanding section 124D.095, a district may provide a personal finance course through
online instruction, in-person instruction, or a combination of in-person and online instruction.

Sec. 7. 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. The ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.

(f) "Rigorous" means meeting state K-12 academic standards.

(g) "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.

(h) "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.

(i) "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.

(j) "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 semester in a course in language arts, mathematics, science, or social studies. A student is off track for graduation if the student fails to meet either of these criteria.

Sec. 8. 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. 9. 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, and identifying the strengths and weaknesses of instruction in pursuit
of student and school success and curriculum affecting students' progress and growth toward
career and college readiness and leading to the world's best workforce;

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

(4) strategies for improving instruction, curriculum, and student achievement, including:
(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.

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

Sec. 10. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

Subd. 3. District advisory committee. Each school board shall 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, shall 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 shall 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 shall 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 must comprise at least two-thirds of advisory committee members.

Sec. 11. [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. 12. 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 should 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. 13. 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.

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

(1) 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.

(4) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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. 14. 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. 15. 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. 16. 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. 17. 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. 18. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.

Subdivision 1. Prohibition. (a) A school district 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 school district 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.

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:
   1. any Tribe or band terminated since 1940; and
   2. 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. 19. 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
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. 20. 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
(q); 122A.627, clause (3); and 123A.56.
EFFECTIVE DATE. This section is effective for the 2021-2022 school year and later.

Sec. 21. 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. 22. 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 July 1, 2021.

Sec. 23. 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. 24. 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. 25. 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. 26. 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.
Sec. 27. 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 must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on the department's website;

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

(3) present evidence; and

(4) confront and cross-examine witnesses.

Sec. 28. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

Subd. 14. Admission or readmission plan. (a) A school administrator must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan must include measures to improve the pupil's behavior, including which may include completing a character education program, consistent with section 120B.232, subdivision 1, and social and emotional learning, counseling, social work services, mental health services, referrals for special education or 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. 29. 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. 30. 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 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 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 needs and providing the necessary multitiered supports to meet students' needs. The policies must be designed to address prevent students' inappropriate behavior from recurring.

(b) The policies shall must 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. 31. 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. 32. 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 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
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:

(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;

(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 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

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

EFFECTIVE DATE. This section is effective July 1, 2022.
Sec. 33. 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. 34. 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. 35. 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. 36. 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.

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

(g) (h) "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) (i) "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) (j) "Supplemental online learning" means an online learning course taken in place of a course period at a local district school.

(j) (k) "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.

(k) (l) "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. 37. 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. 38. 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. 39. 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. 40. 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
are planned, operated, and evaluated with the involvement of and in consultation with parents
of students served by the programs.

Sec. 41. 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. 42. 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
40.1 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and
other programs for the education of American Indian people;

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

40.5 (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:

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

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

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

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

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

40.18 (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.

40.19 Sec. 43. [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.

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

Sec. 44. 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;

(8) 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

(9) 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. 45. 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. 46. 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.

(f) 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.
(b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The commissioner also must develop and maintain a list of experts to help individualized education program teams reduce the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

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. 47. 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.

(b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian may carry a medicine pouch containing loose tobacco intended in observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian Tribe as defined in section 260.755, subdivision 12, or a person who maintains cultural identification through Tribal affiliation or community recognition.

Sec. 48. 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.
50.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

50.2 Sec. 49. **ACADEMIC STANDARDS REVIEW AND REVISION SUSPENSION.**

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.

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

50.13 Sec. 50. **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.

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Sec. 51. 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.2451, 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 sections 121A.031 and
363A.13, consistent with local collective bargaining agreements and sections 121A.41 to
121A.56.

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;
and
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.

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 having 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.

(a) **(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.

(b) **(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:

(i) 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 obtain 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) an executed criminal history consent form, including fingerprints; and

(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 any teacher 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;
Sec. 17. Minnesota Statutes 2020, section 122A.181, subdivision 2, is amended to read:

Subd. 2. Professional requirements. (a) A candidate applicant 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) 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 (c);
2. the candidate has obtained a passing score on the required licensure exams under section 122A.185; and

1. 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
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.

(b) The board must issue a Tier 3 license to an applicant who provides information sufficient to demonstrate the following, regardless of whether the candidate meets other requirements in this section:

1. the applicant has completed student teaching comparable to the student teaching expectations in Minnesota; and
2. the applicant has completed either:
(i) a teacher preparation program from a culturally specific Minority Serving Institution in the United States, such as Historically Black Colleges and Universities, Tribal Colleges, or Hispanic-Serving Institutions including those in Puerto Rico, and is eligible for a teacher license in another state; or

(ii) a university teacher preparation program in another country and has taught at least two years.

Sec. 29. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

Subd. 2. Coursework. A candidate 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 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 an 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's applicant's license is in good standing, and two years of field-specific teaching experience;

or

(5) the applicant fills a shortage area under section 122A.06, subdivision 6, 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. (a) The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a candidate 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.

(b) Notwithstanding paragraph (a), the board must issue a Tier 4 license to an applicant who provides information sufficient to demonstrate that the applicant has teaching experience in another state and achieved tenure, has continuing contract status, or has completed three consecutive years of employment for at least 120 days per year with a single employer.

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) The board must adopt and revise rules requiring candidates 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 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 monthly opportunities for untimed 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 waiving testing fees 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 is offered through a community education program and 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 is offered 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 that 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 paragraph 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 another state must serve a one-year probationary period in a Minnesota
school district.

EFFECTIVE DATE. This section is effective for collective bargaining agreements
effective July 1, 2021, and thereafter.

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
referred to 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.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 school district may negotiate a contract with a one-year probationary period with a teacher who has obtained tenure, has continuing contract status, or has completed three consecutive years of employment for at least 120 days per year with a single employer.

EFFECTIVE DATE. This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter.

Sec. 42. 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. 43. [122A.411] UNREQUESTED LEAVE OF ABSENCE PROCESS.

Subdivision 1. Exemption. Notwithstanding any law to the contrary, a school district
and the exclusive representative for teachers may agree to a process for exempting up to
five percent of its employees from unrequested leaves of absence and nonrenewal regardless
of probationary status or position on a seniority list, provided the teachers meet the
requirements of this section and the exclusive representative for licensed educators provides
written approval of the process no later than October 1 of each school year. The process
must satisfy the requirements of subdivision 2.

Subd. 2. Process requirements. (a) The school district and exclusive representative
must establish a committee to select educators to receive the exemption. The committee
must have at least three district representatives, selected by the superintendent or the
superintendent's designee, and at least three licensed educators selected by the exclusive
representative, provided that the committee has an equal number of representatives selected
by the superintendent and exclusive representative. School districts and exclusive
representatives are strongly encouraged to include members of underrepresented communities
as their committee representatives. Before the selection committee begins work, all members
must jointly complete comprehensive anti-racism training by a training provider approved
by the Professional Educator Licensing and Standards Board.

(b) The committee may select up to five percent of the district's total licensed staff for
an exemption as long as the educator has a cultural background that is underrepresented
among licensed staff within the school building or district in comparison to the student
population. "Cultural background" as used in this section includes race, ethnicity, disability
status, and any other group that is underrepresented on staff and has experienced systemic
barriers in education or employment opportunities. Selections must be made on the basis
of an educator's teaching or professional performance as determined by colleagues, mentors,
and administrators.
(c) If the committee cannot achieve consensus regarding its selections, the committee must vote on candidates for the exemption, with the top vote-receiving candidates receiving the exemption if the number of selected staff exceeds five percent of the district’s staff or a percentage agreed upon by the majority vote of the selection committee.

(d) The committee must finalize decisions and notify affected staff no later than February 1 of each school year. The exemption is only valid for the school year in which the exemption is granted unless renewed by the committee in a subsequent year. The committee may, in its discretion, grant an educator a two-year exemption from nonrenewal based on a majority vote of committee members.

Subd. 3. Process options. Additional clarifications or variations on this procedure, including specific tiers of licenses eligible for the exemption, may be negotiated between the exclusive representative and the district. The percentage of staff eligible for an exemption from nonrenewal or unrequested leave of absence may be decided annually by the committee by majority vote but must not exceed five percent of the district’s licensed educators.

Subd. 4. Data. All data from committee deliberations is private personnel data pursuant to section 13.43.

Subd. 5. Disputes. A dispute over violations of procedures under this section are subject to the grievance procedure in the applicable collective bargaining agreement.

Sec. 44. [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 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 having jurisdiction over kindergarten through grade 12 education detailing the effectiveness of the program and recommendations for improvement in future years.

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. 45. 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. 46. Minnesota Statutes 2020, section 122A.635, subdivision 4, is amended to read:

Subd. 4. Report. (a) By January 15 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. 47. [122A.685] GRANTS FOR GROW YOUR OWN PROGRAMS.

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.

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

(b) "Eligible district" means a school district, charter school, or cooperative unit under section 123A.24, subdivision 2.
(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.

(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.

(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 2021-2022 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.

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 24 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.
90.1 **EFFECTIVE DATE.** This section is effective July 1, 2021.

90.2 Sec. 48. Minnesota Statutes 2020, section 122A.70, is amended to read:

90.3 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE TEACHERS.**

90.4 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. 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 or group of school districts; a coalition of districts, teachers,
and teacher education institutions; or, a school or coalition of schools, or a coalition of
teachers, or nonlicensed educators may apply for a program grant. A higher education
institution or nonprofit organization may partner with a grant applicant but is not eligible
as a sole applicant for grant funds. 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. (a) At a minimum, applicants 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 or teacher educators;
(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.

(b) Priority for awarding grants must be for efforts to induct, mentor, and retain Tier 2
or Tier 3 teachers who are of color or American Indian and Tier 2 or Tier 3 teachers in
licensure shortage areas.

Subd. 4. Additional funding. 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. Grants may be awarded for implementing activities over a period of time up to 24 months. New and expanding mentorship sites that are funded 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. 5a. Grant program administration. The Professional Educator Licensing and Standards Board may enter into an interagency agreement with the Office of Higher Education or the Department of Education. The agreement may include a transfer of funds to the Office of Higher Education or the Department of Education to help administer the competitive grant process.

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. 49. 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 for annually evaluating 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;

2.1 include formative and summative evaluations based on multiple measures of student progress toward career and college readiness;

2.2 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;

2.3 include on-the-job observations and previous evaluations;

2.4 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;

2.5 use longitudinal data on student academic growth as 35 percent of the evaluation and incorporate district achievement goals and targets;

2.6 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

2.7 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.
(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.

2. 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;

(2) (3) 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 provide an annual certification of compliance with this requirement to the commissioner; 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. 51. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

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.

Sec. 52. 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.
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 of 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 authorizer's ability to charter a school, 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.
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; or
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:
102.1 (1) the school developer's:
102.2 (i) mission statement;
102.3 (ii) school purposes;
102.4 (iii) program design;
102.5 (iv) financial plan;
102.6 (v) market need and demand study;
102.7 (vi) governance and management structure; and
102.8 (vii) background and experience;
102.9 (2) any other information the authorizer requests; and
102.10 (3) a "statement of assurances" of legal compliance prescribed by the commissioner.
102.11 (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:
102.12 (1) current and projected demographic information;
102.13 (2) student enrollment patterns;
102.14 (3) information on existing schools and types of educational programs currently available;
102.15 (4) characteristics of proposed students and families;
102.16 (5) availability of properly zoned and classified facilities; and
102.17 (6) quantification of existing demand for the new school, grade or site expansion, or preschool program.
102.18 (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.
102.19 Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:
102.20 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 422A.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.

(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 122A.31, subdivision 1, is amended to read:

Subdivision 1. Requirements for American sign language/English interpreters. (a) In addition to any other requirements that a school district establishes, any person employed to provide American sign language/English interpreting or sign transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must:

(1) hold current interpreter and or transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of education; and

(2) satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution; or

(2) hold a certified deaf interpreter certification issued by RID.

(b) New graduates of an interpreter/transliterator program affiliated with an accredited education institution or certified deaf interpreters who hold a certification issued by RID shall be granted a two-year provisional certificate by the commissioner. During the two-year provisional period, the interpreter/transliterator must develop and implement an education plan in collaboration with a mentor under paragraph (c).

(c) A mentor of a provisionally certified interpreter/transliterator must be an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter and certified transliterator certification and have at least three years of
interpreting/transliterating experience in any educational setting. The mentor, in collaboration
with the provisionally certified interpreter/transliterator, shall develop and implement an
education plan designed to meet the requirements of paragraph (a), clause (1), and include
a weekly on-site mentoring process.

(d) Consistent with the requirements of this paragraph, a person holding a provisional
certificate may apply to the commissioner for one time-limited extension. The commissioner,
in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must
grant the person a time-limited extension of the provisional certificate based on the following
documentation:

(1) letters of support from the person's mentor, a parent of a pupil the person serves, the
special education director of the district in which the person is employed, and a representative
from the regional service center of the deaf and hard-of-hearing;

(2) records of the person's formal education, training, experience, and progress on the
person's education plan; and

(3) an explanation of why the extension is needed.

As a condition of receiving the extension, the person must comply with a plan and the
accompanying time line for meeting the requirements of this subdivision. A committee
composed of the deaf and hard-of-hearing state specialist, a representative of the Minnesota
Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters of
the Deaf, and other appropriate committee members selected by the commissioner
must develop the plan and time line for the person receiving the extension.

(e) A school district may employ only an interpreter/transliterator who has been certified
under paragraph (a) or (b), or for whom a time-limited extension has been granted under
paragraph (d).

(f) An interpreter who meets the requirements of paragraph (a) is "essential personnel"
as defined in section 125A.76, subdivision 1.

Sec. 2. STUDENTS WITH DISABILITIES.

Subdivision 1. On-site instruction. A school board developing or updating a plan to
provide on-site instruction to students must prioritize on-site instruction for a student whose
individualized education program requires instruction in a federal level three or four setting
or who is not demonstrating progress on an individualized education program while not
receiving on-site instruction and a student with a disability who is also identified as an
English learner in accordance with Minnesota Statutes, section 124D.59.
Subd. 2. Home visits. A school district may provide services required by an individualized education program to a student at the student's home. If a district chooses to provide services at a student's home under this subdivision, the services provided by district staff under this subdivision are determined necessary and essential to meet the district's obligation to provide special instruction and services to a student with a disability and qualify for funding in accordance with Minnesota Statutes, chapter 125A. A district choosing to provide the home visit services must meet and negotiate the terms and conditions of employment with the exclusive representative, if any, of the staff providing the services in accordance with Minnesota Statutes, chapter 179A.

Subd. 3. Truancy. A school district must consider how a student's disability may affect the student's ability to engage in distance instruction when determining whether to refer a student for truancy programs and services under Minnesota Statutes, section 260A.02, subdivision 3, or reporting students for educational neglect under Laws 2020, First Special Session chapter 2, article 7. School districts are encouraged to connect families with available county-based services, not including services under chapter 260A, to meet families' needs if a student is struggling with attendance.

Subd. 4. Transition program. A school district must allow a student participating in a special education secondary transition program for a student with a disability and age 18 through 21 who was expected to participate in employment, in-person job training, or independent life skills training during the 2020-2021 school year in accordance with the student's individualized education program, to participate during the 2021-2022 school year notwithstanding the student's age if the student's individualized education program team determines participation in the transition program would be appropriate.

EFFECTIVE DATE. This section is effective the day following final enactment and sunsets at the end of the 2021-2022 school year.

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 must 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;
be provided to the person identified under clause (1); and

(4) 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. [127A.20] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES

LEAD.

Subdivision 1. Lead position established. The department must employ a lead to serve
as a source of information and support for schools in addressing students' mental health
needs and developing comprehensive school mental health systems.

Subd. 2. Assistance to districts. (a) The lead must assist schools in assessing the quality
of their comprehensive school mental health systems and developing improvement plans
to implement evidence-based mental health resources, tools, and practices in school districts
throughout Minnesota.

(b) The comprehensive school mental health services lead must work with school districts
to improve mental health infrastructure support by:

(1) developing guidance and sharing resources on improving the quality of comprehensive
school mental health systems;

(2) developing and sharing resources on evidence-based strategies, behavioral
interventions, and practices or techniques for addressing students' mental health needs,
including implementing a comprehensive approach to suicide prevention;

(3) maintaining a list of local, state, and national mental health resources for school
districts, including public and private funding opportunities, community-based prevention...
and intervention services, model policies, training for teachers and other district staff, and other resources for mental health education under section 120B.21;

(4) providing advice, upon request, to school districts on implementing trauma-informed and culturally responsive school-based programs that provide prevention or intervention services to students;

(5) posting resources on the department's website that school districts may use to address students' mental health needs; and

(6) maintaining a comprehensive list of school district best practices to address students' mental health needs.

(c) The lead may report to the legislature as necessary regarding students' mental health needs, challenges in developing comprehensive school mental health services, successful strategies and outcomes, and recommendations for integrating mental health services and supports in schools.

Subd. 3. Coordination with other agencies. The comprehensive school mental health services lead must consult with the Regional Centers of Excellence; the Department of Health; the Department of Human Services; the Minnesota School Safety Center; and other federal, state, and local agencies as necessary to identify or develop information, training, and resources to help school districts support students' mental health needs.

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

ARTICLE 7

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
sponsors 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

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

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

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

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

That portion of superintendent and fiscal manager costs that can be documented as attributable to the food service program may be charged to the food service fund provided that the school district does not employ or contract with a food service director or other individual who manages the food service program, or food service management company. If the cost of the superintendent or fiscal manager is charged to the food service fund, the charge must be at a wage rate not to exceed the statewide average for food service directors as determined by the department.

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

(e) If the condition set out in paragraph (d) applies, the equipment may be purchased from the food service fund.
(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company.

(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 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
sponsors. 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. [124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.

Subdivision 1. Definition. A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators and must:

1. ensure every student has equitable access to resources and is able to locate, access, and use on-site resources that are organized and cataloged;
2. have 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. be housed in a central location that provides an environment for expanded learning to meet the unique needs and interests of individual students; and
4. have technology tools and broadband access.

Subd. 2. Services. The school district or charter school library or school library media center must employ a licensed school library media specialist or licensed school librarian who:

1. provides instruction for students;
2. provides staff training on the use of new resources and equipment;
3. provides instructional support for and collaboration with teachers of all disciplines;
4. participates in school-wide technology and communications planning and promotes its integration into all instructional programs; and
5. models and supports the ethical use of information, adherence to copyright laws, and respect for intellectual property.
Sec. 3. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

Subdivision 1. Local support levels. (a) Regional library basic system support aid shall be provided to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year or (b) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as $7.62. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

(b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.

(c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for regional library basic system support aid. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified 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.
ARTICLE 8

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.

ARTICLE 9

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 11 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 seven 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 were 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 seven 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;

(3) one superintendent that alternates, alternating 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 school district human resources director;

(5) one administrator of a cooperative unit under section 123A.24, subdivision 2, educator who oversees a special education program and who works closely with a cooperative unit under section 123A.24, subdivision 2;

(6) one principal that alternates, alternating each term between an elementary and a secondary school principal; and

(7) 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.
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.

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.

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 July 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 birth 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 student teachers assigned to a school or supervising teacher supervisors on how prepared they felt their first-year teachers were 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;

(5) 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, ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in accordance with section 3.195.

Sec. 10. 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.
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 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 also must 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. 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.