

1.1 Senator moves to amend S.F. No. 3086 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 GENERAL EDUCATION

1.5 Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended
1.6 to read:

1.7 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including
1.8 electronic books as well as other printed materials delivered electronically, which a pupil
1.9 uses as a text or text substitute in a particular class or program in the school regularly
1.10 attended and a copy of which is expected to be available for the individual use of each pupil
1.11 in this class or program. Textbook includes an online book with an annual subscription cost.
1.12 Textbook includes teacher materials that accompany materials that a pupil uses.

1.13 (b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks,
1.14 the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf
1.15 form, as well as electronic books and other printed materials delivered electronically,
1.16 intended for use as a principal source of study material for a given class or a group of
1.17 students, and must not include teacher materials that accompany materials that a pupil uses.

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

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

1.22 Subd. 5. **Individualized instructional or cooperative learning materials.** (a)
1.23 "Individualized instructional or cooperative learning materials" means educational materials
1.24 which:

1.25 ~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative
1.26 learning group in a particular class or program in the school the pupil regularly attends,
1.27 including teacher materials that accompany materials that a pupil uses;

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

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

2.1 (b) Subject to the requirements in paragraph (a), clauses ~~(a)~~ (1), ~~(b)~~ (2), and ~~(c)~~ (3),
2.2 "individualized instructional or cooperative learning materials" include, but are not limited
2.3 to, the following if they do not fall within the definition of "textbook" in subdivision 2:
2.4 published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial
2.5 or graphic works; prerecorded video programs; prerecorded tapes, cassettes and other sound
2.6 recordings; manipulative materials; desk charts; games; study prints and pictures; desk
2.7 maps; models; learning kits; blocks or cubes; flash cards; individualized multimedia systems;
2.8 prepared instructional computer software programs; choral and band sheet music; electronic
2.9 books and other printed materials delivered electronically; and CD-Rom.

2.10 (c) "Individualized instructional or cooperative learning materials" do not include
2.11 instructional equipment, instructional hardware, or ordinary daily consumable classroom
2.12 supplies.

2.13 (d) For purposes of calculating the annual nonpublic aid entitlement for individualized
2.14 instructional or cooperative learning materials, the term must not include teacher materials
2.15 that accompany materials that a pupil uses.

2.16 Sec. 3. Minnesota Statutes 2016, section 123B.42, subdivision 3, is amended to read:

2.17 Subd. 3. **Cost; limitation.** (a) The cost per pupil of the textbooks, individualized
2.18 instructional or cooperative learning materials, software or other educational technology,
2.19 and standardized tests provided for in this section for each school year must not exceed the
2.20 statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota
2.21 public elementary and secondary schools for textbooks, individualized instructional materials
2.22 and standardized tests as computed and established by the department by February 1 of the
2.23 preceding school year from the most recent public school year data then available.

2.24 (b) The cost computed in clause (a) shall be increased by an inflation adjustment equal
2.25 to the percent of increase in the formula allowance, pursuant to section 126C.10, subdivision
2.26 2, from the second preceding school year to the current school year. ~~Notwithstanding the~~
2.27 ~~amount of the formula allowance for fiscal years 2015 and 2016 in section 126C.10,~~
2.28 ~~subdivision 2, the commissioner shall use the amount of the formula allowance for the~~
2.29 ~~current year minus \$414 in determining the inflation adjustment for fiscal years 2015 and~~
2.30 ~~2016.~~

2.31 (c) The commissioner shall allot to the districts or intermediary service areas the total
2.32 cost for each school year of providing or loaning the textbooks, individualized instructional
2.33 or cooperative learning materials, software or other educational technology, and standardized
2.34 tests for the pupils in each nonpublic school. The allotment shall not exceed the product of

3.1 the statewide average expenditure per pupil, according to clause (a), adjusted pursuant to
3.2 clause (b), multiplied by the number of nonpublic school pupils who make requests pursuant
3.3 to this section and who are enrolled as of September 15 of the current school year.

3.4 Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

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

3.13 Sec. 5. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

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

3.19 Sec. 6. **REPEALER.**

3.20 Minnesota Statutes 2016, sections 123A.26, subdivision 3; and 125A.75, subdivision 9,
3.21 are repealed.

3.22 ARTICLE 2

3.23 EDUCATION EXCELLENCE

3.24 Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

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

4.1 charter school, or the nonpublic school in which a transferring student is next enrolling in
4.2 order to comply with this subdivision.

4.3 (b) A closed charter school must transfer the student's educational records, within ten
4.4 business days of the school's closure, to the student's school district of residence where the
4.5 records must be retained unless the records are otherwise transferred under this subdivision.

4.6 (c) A school district, a charter school, or a nonpublic school that receives services or aid
4.7 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
4.8 school district or other educational entity, charter school, or nonpublic school to which the
4.9 student is transferring must include in the transmitted records information about any formal
4.10 suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections
4.11 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent
4.12 the inappropriate behavior from recurring. The district, the charter school, or the nonpublic
4.13 school that receives services or aid under sections 123B.40 to 123B.48 must provide notice
4.14 to a student and the student's parent or guardian that formal disciplinary records will be
4.15 transferred as part of the student's educational record, in accordance with data practices
4.16 under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States
4.17 Code, title 20, section 1232(g).

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

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

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

4.29 Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

4.30 Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control
4.31 of a child may apply to a school district to have the child excused from attendance for the
4.32 whole or any part of the time school is in session during any school year. Application may
4.33 be made to any member of the board, a truant officer, a principal, or the superintendent.

5.1 The school district may state in its school attendance policy that it may ask the student's
5.2 parent or legal guardian to verify in writing the reason for the child's absence from school.
5.3 A note from a physician or a licensed mental health professional stating that the child cannot
5.4 attend school is a valid excuse. The board of the district in which the child resides may
5.5 approve the application upon the following being demonstrated to the satisfaction of that
5.6 board:

5.7 (1) that the child's physical or mental health is such as to prevent attendance at school
5.8 or application to study for the period required, which includes:

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

5.10 (ii) family emergencies;

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

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

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

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

5.16 (2) that the child is in active duty in any branch of the United States armed forces;

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

5.19 ~~(2)~~ (4) that the child has already completed state and district standards required for
5.20 graduation from high school; or

5.21 ~~(3)~~ (5) that it is the wish of the parent, guardian, or other person having control of the
5.22 child, that the child attend for a period or periods not exceeding in the aggregate three hours
5.23 in any week, a school for religious instruction conducted and maintained by some church,
5.24 or association of churches, or any Sunday school association incorporated under the laws
5.25 of this state, or any auxiliary thereof. This school for religious instruction must be conducted
5.26 and maintained in a place other than a public school building, and it must not, in whole or
5.27 in part, be conducted and maintained at public expense. However, a child may be absent
5.28 from school on such days as the child attends upon instruction according to the ordinances
5.29 of some church.

5.30 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from
5.31 an all-day, every day kindergarten program and put their child in a half-day program, if

6.1 offered, or an alternate-day program without being truant. A school board must excuse a
6.2 kindergarten child from a part of a school day at the request of the child's parent.

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

6.4 Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended
6.5 to read:

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

6.8 (1) language arts;

6.9 (2) mathematics;

6.10 (3) science;

6.11 (4) social studies, including history, geography, economics, and government and
6.12 citizenship that includes civics consistent with section 120B.02, subdivision 3;

6.13 (5) physical education;

6.14 (6) health, for which locally developed academic standards apply; and

6.15 (7) the arts, for which statewide or locally developed academic standards apply, as
6.16 determined by the school district. Public elementary and middle schools must offer at least
6.17 three and require at least two of the following four arts areas: dance; music; theater; and
6.18 visual arts. Public high schools must offer at least three and require at least one of the
6.19 following five arts areas: media arts; dance; music; theater; and visual arts.

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

6.26 (c) The department must adopt the most recent SHAPE America (Society of Health and
6.27 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical
6.28 education as the required physical education academic standards. The department may
6.29 modify and adapt the national standards to accommodate state interest. The modification
6.30 and adaptations must maintain the purpose and integrity of the national standards. The
6.31 department must make available sample assessments, which school districts may use as an

7.1 alternative to local assessments, to assess students' mastery of the physical education
7.2 standards beginning in the 2018-2019 school year.

7.3 (d) A school district may include child sexual abuse and sexual exploitation prevention
7.4 instruction in a health curriculum, consistent with paragraph (a), clause (6). Child sexual
7.5 abuse and sexual exploitation prevention instruction may include age-appropriate instruction
7.6 on recognizing sexual abuse ~~and~~, assault, and sexual exploitation; boundary violations; and
7.7 ways offenders identify, groom, or desensitize victims, as well as strategies to promote
7.8 disclosure, reduce self-blame, and mobilize bystanders. A school district may consult with
7.9 other federal, state, or local agencies and community-based organizations to identify
7.10 research-based tools, curricula, and programs to prevent child sexual abuse and sexual
7.11 exploitation. A school district may provide instruction under this paragraph in a variety of
7.12 ways, including at an annual assembly or classroom presentation. A school district may
7.13 also provide parents information on the warning signs of child sexual abuse and sexual
7.14 exploitation and available resources. Child sexual exploitation prevention instruction must
7.15 be consistent with the definition of sexually exploited youth under section 260C.007,
7.16 subdivision 31.

7.17 (e) A school district may include instruction in a health curriculum for students in grades
7.18 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances
7.19 as defined in section 152.01, subdivision 4, prescription and nonprescription medications,
7.20 and illegal drugs. A school district is not required to use a specific methodology or
7.21 curriculum.

7.22 (f) District efforts to develop, implement, or improve instruction or curriculum as a result
7.23 of the provisions of this section must be consistent with sections 120B.10, 120B.11, and
7.24 120B.20.

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

7.26 Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended
7.27 to read:

7.28 Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the
7.29 end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before
7.30 the end of the current school year and ~~shall~~ must identify students in grade 3 or higher who
7.31 demonstrate a reading difficulty to a classroom teacher. A school district must screen for
7.32 dyslexia (1) all students between the beginning of kindergarten and the beginning of grade
7.33 2, and (2) any student in grade 2 or higher who is identified as not reading at grade level.

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

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

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

8.11 (2) convergence insufficiency disorder.

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

8.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

8.15 Sec. 5. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

8.16 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO**
8.17 **POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING**
8.18 **PLANS.**

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

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

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

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

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

9.6 (5) help students access education and career options, including armed forces career
9.7 options;

9.8 (6) integrate strong academic content into career-focused courses and applied and
9.9 experiential learning opportunities and integrate relevant career-focused courses and applied
9.10 and experiential learning opportunities into strong academic content;

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

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

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

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

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

9.32 (d) When assisting students in developing a plan for a smooth and successful transition
9.33 to postsecondary education and employment, districts must recognize the unique possibilities

10.1 of each student and ensure that the contents of each student's plan reflect the student's unique
10.2 talents, skills, and abilities as the student grows, develops, and learns.

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

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

10.11 (g) A school district must provide military recruiters the same access to secondary school
10.12 students as the district provides to institutions of higher education or to prospective employers
10.13 of students.

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

10.19 Sec. 6. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended
10.20 to read:

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

10.26 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
10.27 report separate categories of information using the student categories identified under the
10.28 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in
10.29 addition to "other" for each race and ethnicity, and the Karen community, seven of the most
10.30 populous Asian ~~and Pacific Islander~~ groups, three of the most populous Native groups,
10.31 seven of the most populous Hispanic/Latino groups, and five of the most populous Black
10.32 and African Heritage groups as determined by the total Minnesota population based on the
10.33 most recent American Community Survey in consultation with the state demographer;

11.1 English learners under section 124D.59; home language; free or reduced-price lunch; and
11.2 all students enrolled in a Minnesota public school who are currently or were previously in
11.3 foster care, except that such disaggregation and cross tabulation is not required if the number
11.4 of students in a category is insufficient to yield statistically reliable information or the results
11.5 would reveal personally identifiable information about an individual student.

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

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

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

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

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

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

12.1 required for admission to Minnesota's public colleges and universities as determined by the
12.2 Office of Higher Education under chapter 136A; and

12.3 (2) a rigorous coursework measure indicating the number and percentage of high school
12.4 graduates in the most recent school year who successfully completed one or more
12.5 college-level advanced placement, international baccalaureate, postsecondary enrollment
12.6 options including concurrent enrollment, other rigorous courses of study under section
12.7 120B.021, subdivision 1a, or industry certification courses or programs.

12.8 When reporting the core measures under clauses (1) and (2), the commissioner must also
12.9 analyze and report separate categories of information using the student categories identified
12.10 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
12.11 and other student categories under paragraph (a), clause (2).

12.12 (d) When reporting student performance under section 120B.36, subdivision 1, the
12.13 commissioner annually, beginning July 1, 2014, must report summary data on school safety
12.14 and students' engagement and connection at school, consistent with the student categories
12.15 identified under paragraph (a), clause (2). The summary data under this paragraph are
12.16 separate from and must not be used for any purpose related to measuring or evaluating the
12.17 performance of classroom teachers. The commissioner, in consultation with qualified experts
12.18 on student engagement and connection and classroom teachers, must identify highly reliable
12.19 variables that generate summary data under this paragraph. The summary data may be used
12.20 at school, district, and state levels only. Any data on individuals received, collected, or
12.21 created that are used to generate the summary data under this paragraph are nonpublic data
12.22 under section 13.02, subdivision 9.

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

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

12.29 (2) the percent of students under this paragraph whose progress and performance levels
12.30 are meeting career and college readiness benchmarks under section 120B.30, subdivision
12.31 1; and

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

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

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

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

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

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

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

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

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

13.22 **Sec. 7. [120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.**

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

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

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

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

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

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

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

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

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

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

14.31 (f) "Low-income students" means students who qualify for free or reduced-price school
14.32 lunch.

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

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

15.6 (i) "Students of color" means students who identify themselves as American Indian,
15.7 Asian, Hispanic, Black, or two or more races consistent with section 120B.35, subdivision
15.8 3, paragraph (a), clause (2).

15.9 Subd. 3. **Primary school rating components.** The commissioner must assign all
15.10 elementary and middle schools a star rating based on the following equally weighted factors
15.11 unique to each school:

15.12 (1) the percentage of students rated proficient on the statewide reading test;

15.13 (2) the percentage of students rated proficient on the statewide math test;

15.14 (3) the academic growth rate for the statewide reading test;

15.15 (4) the academic growth rate for the statewide math test;

15.16 (5) the low-income student achievement gap score;

15.17 (6) the students of color achievement gap score;

15.18 (7) the English learner proficiency rate, as defined in the approved state Every Student
15.19 Succeeds Act plan; and

15.20 (8) the consistent attendance rate, as defined in the approved state Every Student Succeeds
15.21 Act plan.

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

15.24 (1) the percentage of students rated proficient on the statewide reading test;

15.25 (2) the percentage of students rated proficient on the statewide math test;

15.26 (3) the four-year graduation rate gap score;

15.27 (4) the low-income student achievement gap score;

15.28 (5) the students of color achievement gap score;

15.29 (6) the English learner proficiency rate, as defined in the approved state Every Student
15.30 Succeeds Act plan; and

16.1 (7) the consistent attendance rate, as defined in the approved state Every Student Succeeds
 16.2 Act plan.

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

16.5 (1) the percentage of third grade students rated proficient on the statewide reading test;

16.6 (2) the low-income student achievement gap score, as applied at the district level;

16.7 (3) the students of color achievement gap score, as applied at the district level;

16.8 (4) the percentage of high school students rated proficient on the statewide reading test;

16.9 (5) the percentage of high school students rated proficient on the statewide math test;

16.10 and

16.11 (6) the district's four-year high school graduation rate.

16.12 Sec. 8. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended
 16.13 to read:

16.14 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner
 16.15 shall report: student academic performance data under section 120B.35, subdivisions 2 and
 16.16 3; school and district academic achievement ratings under section 120B.355; the percentages
 16.17 of students showing low, medium, and high growth under section 120B.35, subdivision 3,
 16.18 paragraph (b); school safety and student engagement and connection under section 120B.35,
 16.19 subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3,
 16.20 paragraph (c); the percentage of students under section 120B.35, subdivision 3, paragraph
 16.21 (b), clause (2), whose progress and performance levels are meeting career and college
 16.22 readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3,
 16.23 paragraph (e); longitudinal data on the progress of eligible districts in reducing disparities
 16.24 in students' academic achievement and realizing racial and economic integration under
 16.25 section 124D.861; the acquisition of English, and where practicable, native language
 16.26 academic literacy, including oral academic language, and the academic progress of all
 16.27 English learners enrolled in a Minnesota public school course or program who are currently
 16.28 or were previously counted as English learners under section 124D.59; two separate
 16.29 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections
 16.30 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding
 16.31 salaries; student enrollment demographics; foster care status, including all students enrolled
 16.32 in a Minnesota public school course or program who are currently or were previously in
 16.33 foster care, student homelessness, and district mobility; and extracurricular activities.

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

17.6 (c) The commissioner shall develop, annually update, and post on the department Web
17.7 site school performance reports consistent with paragraph (a) and section 120B.11.

17.8 (d) The commissioner must make available performance reports by the beginning of
17.9 each school year.

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

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

17.18 Sec. 9. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

17.19 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,
17.20 or creates under section 120B.11, governing the world's best workforce, or uses to determine
17.21 and set goals for federal expectations under the most recently reauthorized Elementary and
17.22 Secondary Education Act, set state growth targets, and determine student growth, learning,
17.23 and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision
17.24 9, until the commissioner publicly releases the data.

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

18.1 Sec. 10. Minnesota Statutes 2016, section 121A.22, subdivision 1, is amended to read:

18.2 Subdivision 1. **Applicability.** (a) This section applies only:

18.3 (1) when the parent of a pupil requests school personnel to administer drugs or medicine
18.4 to the pupil; or

18.5 (2) when administration is allowed by the individualized education program of a child
18.6 with a disability.

18.7 The request of a parent may be oral or in writing. An oral request must be reduced to
18.8 writing within two school days, provided that the district may rely on an oral request until
18.9 a written request is received.

18.10 (b) If the administration of a drug or medication described in paragraph (a) requires the
18.11 school to store the drugs or medication, the parent or legal guardian must inform the school
18.12 if the drug or medication is a controlled substance. For drugs or medications that are not
18.13 controlled substances, the request must include a provision designating the school district
18.14 as an authorized entity to transport the drug or medication for the purpose of destruction if
18.15 any unused drug or medication is left in the possession of school personnel. For drugs or
18.16 medications that are controlled substances, the request must specify that the parent or legal
18.17 guardian is required to retrieve the drug when requested by the school.

18.18 Sec. 11. Minnesota Statutes 2016, section 121A.22, is amended by adding a subdivision
18.19 to read:

18.20 Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district shall adopt a
18.21 procedure for the collection and transport of any unclaimed or abandoned prescription drugs
18.22 or over-the-counter medications left in the possession of school personnel in accordance
18.23 with this subdivision. The procedure must ensure that before the transportation of any
18.24 prescription drug under this subdivision, the school district shall make a reasonable attempt
18.25 to return the unused prescription drug to the student's parent or legal guardian. The procedure
18.26 must provide that transportation of unclaimed or unused prescription drugs or
18.27 over-the-counter medications occur at least annually, or more frequently as determined by
18.28 the school district.

18.29 (b) If the unclaimed or abandoned prescription drug is not a controlled substance as
18.30 defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school
18.31 district may designate an individual who shall be responsible for transporting these drugs
18.32 or medications to a designated drop-off box or collection bin or may request a law

19.1 enforcement agency to transport the drugs or medications to a drop-off box or collection
19.2 bin on behalf of the school district.

19.3 (c) If the unclaimed or abandoned prescription drug is a controlled substance as defined
19.4 in section 152.01, subdivision 4, a school district or school personnel is prohibited from
19.5 transporting the prescription drug to a drop-off box or collection site for prescription drugs
19.6 identified under this paragraph. The school district must request a law enforcement agency
19.7 to transport the prescription drug or medication to a collection bin that complies with Drug
19.8 Enforcement Agency regulations, or if a bin is not available, under the agency's procedure
19.9 for transporting drugs.

19.10 Sec. 12. Minnesota Statutes 2016, section 121A.39, is amended to read:

19.11 **121A.39 SCHOOL COUNSELORS.**

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

19.14 (b) A school counselor shall assist a student in meeting the requirements for high school
19.15 graduation, college and career exploration, and selection, college affordability planning,
19.16 and successful transitions into postsecondary education or training. As part of college and
19.17 career exploration, a counselor is encouraged to present and explain the career opportunities
19.18 and benefits offered by the United States armed forces and share information provided to
19.19 the counselor by armed forces recruiters. In discussing military service with a student or a
19.20 student's parent, a school counselor is encouraged to provide the student or parent information
19.21 concerning the military enlistment test.

19.22 Sec. 13. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
19.23 to read:

19.24 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**
19.25 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
19.26 policies and practices that are alternatives to removing a pupil from class or dismissing a
19.27 pupil from school, including, but not limited to, positive behavioral interventions and
19.28 supports and alternative education services, that require school officials to intervene in,
19.29 redirect, and support a pupil's behavior before removing a pupil from class or beginning
19.30 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are
19.31 not limited to the policies and practices under sections 121A.031, subdivision 4, paragraph
19.32 (a), clause (1); 121A.575, clauses (1) and (2); and 121A.61, subdivision 3, paragraph (q).

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

20.2 Sec. 14. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
20.3 to read:

20.4 Subd. 13. **Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal
20.5 or written agreement between a school or district administrator and a pupil's parent or
20.6 guardian to withdraw a student from the school district to avoid expulsion or exclusion
20.7 dismissal proceedings. The duration of the withdrawal agreement may be no longer than
20.8 12 months.

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

20.10 Sec. 15. Minnesota Statutes 2016, section 121A.42, is amended to read:

20.11 **121A.42 POLICY.**

20.12 (a) No public school shall deny due process or equal protection of the law to any public
20.13 school pupil involved in a dismissal proceeding which may result in suspension, exclusion,
20.14 or expulsion.

20.15 (b) School officials are encouraged to use nonexclusionary disciplinary policies and
20.16 practices before beginning dismissal proceedings.

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

20.18 Sec. 16. Minnesota Statutes 2016, section 121A.45, is amended to read:

20.19 **121A.45 GROUNDS FOR DISMISSAL.**

20.20 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
20.21 without attempting to provide alternative educational services or use nonexclusionary
20.22 disciplinary policies and practices before dismissal proceedings, except where it appears
20.23 that the pupil will create an immediate and substantial danger to self or to surrounding
20.24 persons or property.

20.25 Subd. 2. **Grounds for dismissal.** A pupil may be dismissed ~~on any of the following~~
20.26 ~~grounds~~ for:

20.27 ~~(a) (1) willful violation of any reasonable school board regulation. Such regulation must~~
20.28 ~~be~~ that is specific and sufficiently clear and definite to provide notice to pupils that they
20.29 must conform their conduct to its requirements;

21.1 ~~(b)~~ (2) willful conduct that significantly disrupts the rights of others to an education, or
 21.2 the ability of school personnel to perform their duties, or school sponsored extracurricular
 21.3 activities; or

21.4 ~~(e)~~ (3) willful conduct that endangers the pupil or other pupils, or surrounding persons,
 21.5 including school district employees, or property of the school.

21.6 ~~Subd. 3. **Parent notification and meeting.** If a pupil's total days of removal from school~~
 21.7 ~~exceeds ten cumulative days in a school year, the school district shall make reasonable~~
 21.8 ~~attempts to convene a meeting with the pupil and the pupil's parent or guardian before~~
 21.9 ~~subsequently removing the pupil from school and, with the permission of the parent or~~
 21.10 ~~guardian, arrange for a mental health screening for the pupil. The district is not required to~~
 21.11 ~~pay for the mental health screening. The purpose of this meeting is to attempt to determine~~
 21.12 ~~the pupil's need for assessment or other services or whether the parent or guardian should~~
 21.13 ~~have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a~~
 21.14 ~~mental health disorder.~~

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

21.16 Sec. 17. Minnesota Statutes 2016, section 121A.46, subdivision 2, is amended to read:

21.17 Subd. 2. **Administrator notifies pupil of grounds for suspension.** At the informal
 21.18 administrative conference, a school administrator shall notify the pupil of the grounds for
 21.19 the suspension, ~~provide an explanation of~~ and explain the evidence the authorities have,
 21.20 ~~and the pupil may present the pupil's version of the facts.~~ The pupil may present the pupil's
 21.21 version of the facts and ask questions but is not required to do so.

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

21.23 Sec. 18. Minnesota Statutes 2016, section 121A.46, subdivision 3, is amended to read:

21.24 Subd. 3. **Written notice of grounds for suspension.** A written notice ~~containing~~ of
 21.25 grounds for suspension shall be personally served upon the pupil at or before the time the
 21.26 suspension is to take effect and served upon the pupil's parent or guardian electronically or
 21.27 by mail within 48 hours of the conference. A written notice required under this section must
 21.28 contain:

21.29 (1) the grounds for suspension;₂

21.30 (2) a brief statement of the facts;₂

21.31 (3) a description of the testimony;₂

22.1 (4) documents indicating the nonexclusionary disciplinary policies and practices initially
22.2 used with the pupil, if applicable;

22.3 (5) the length of the suspension;

22.4 (6) a readmission plan, that includes the pupil's date of return to school;

22.5 (7) a request for a meeting with the pupil's parent or guardian consistent with subdivision
22.6 3a; and

22.7 (8) a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at
22.8 or before the time the suspension is to take effect, and upon the pupil's parent or guardian
22.9 by mail within 48 hours of the conference.

22.10 The district shall make reasonable efforts to notify the parents of the suspension by telephone
22.11 or electronically as soon as possible following the suspension. In the event a pupil is
22.12 suspended without an informal administrative conference on the grounds that the pupil will
22.13 create an immediate and substantial danger to surrounding persons or property, the written
22.14 notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of
22.15 the suspension. Service by mail is complete upon mailing.

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

22.17 Sec. 19. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
22.18 to read:

22.19 **Subd. 3a. Parent notification and meeting; suspension; mental health screening.** (a)
22.20 After suspending a pupil from school, a school official must make reasonable attempts to
22.21 convene a meeting with the pupil and the pupil's parent or guardian within 30 calendar days
22.22 of the dismissal. The purpose of the meeting is to engage the pupil's parent or guardian in
22.23 developing a plan to help the pupil succeed in school by addressing the behavior that led
22.24 to the dismissal.

22.25 (b) If a pupil's total days of removal from school exceeds ten cumulative days in a school
22.26 year, the school district shall make reasonable attempts to convene a meeting with the pupil
22.27 and the pupil's parent or guardian before subsequently removing the pupil from school and,
22.28 with the permission of the parent or guardian, arrange for a mental health screening for the
22.29 pupil. The district is not required to pay for the mental health screening. The purpose of
22.30 this meeting is to attempt to determine the pupil's need for assessment or other services or
22.31 whether the parent or guardian should have the pupil assessed or diagnosed to determine
22.32 whether the pupil needs treatment for a mental health disorder.

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

23.2 Sec. 20. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
23.3 to read:

23.4 Subd. 5. **Minimum education services.** School officials must give a suspended pupil
23.5 a reasonable opportunity to complete all school work assigned during the pupil's suspension
23.6 and to receive full credit for satisfactorily completing the assignments. The school principal
23.7 or other person having administrative control of the school building or program is encouraged
23.8 to designate a district or school employee as a liaison to work with the pupil's teachers to
23.9 allow the suspended pupil to (1) receive timely course materials and other information, and
23.10 (2) complete daily and weekly assignments and receive teachers' feedback.

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

23.12 Sec. 21. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

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

23.14 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

23.15 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
23.16 of their testimony;

23.17 ~~(c)~~ (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary
23.18 disciplinary policies and practices under section 121A.41, subdivision 12;

23.19 (4) state the date, time, and place of the hearing;

23.20 ~~(d)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

23.21 ~~(e)~~ (6) describe alternative educational services accorded the pupil in an attempt to avoid
23.22 the exclusion or expulsion proceedings; and

23.23 ~~(f)~~ (7) inform the pupil and parent or guardian of the right to:

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

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

23.29 ~~(3)~~ (iii) present evidence; and

23.30 ~~(4)~~ (iv) confront and cross-examine witnesses.

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

24.2 Sec. 22. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

24.3 Subdivision 1. **Exclusions and expulsions; physical assaults.** Consistent with
 24.4 subdivision 2, the school board must ~~report through~~ use the department electronic reporting
 24.5 system to report to the commissioner each exclusion or expulsion ~~and,~~ each physical assault
 24.6 of a district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30
 24.7 days of the effective date of the dismissal action or assault ~~to the commissioner of education.~~
 24.8 This report must ~~include a statement of alternative educational services, or other sanction,~~
 24.9 ~~intervention, or resolution in response to the assault given the pupil and the reason for,~~
 24.10 identify:

24.11 (1) the pupil's behavior leading to the discipline;

24.12 (2) the nonexclusionary disciplinary policies and practices used, if applicable;

24.13 (3) any attempts to provide the pupil with alternative education services before excluding
 24.14 or expelling the pupil;

24.15 (4) the effective date, and of the disciplinary action; and

24.16 (5) the duration of the exclusion or expulsion or other sanction, intervention, or resolution.

24.17 The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special
 24.18 education status.

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

24.20 Sec. 23. Minnesota Statutes 2016, section 121A.55, is amended to read:

24.21 **121A.55 POLICIES TO BE ESTABLISHED.**

24.22 (a) The commissioner of education shall promulgate guidelines to assist each school
 24.23 board. Each school board shall establish uniform criteria for dismissal and adopt written
 24.24 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 24.25 shall emphasize preventing dismissals through early detection of problems and shall be
 24.26 designed to address ~~students'~~ pupils' inappropriate behavior from recurring.

24.27 (b) The policies shall recognize the continuing responsibility of the school for the
 24.28 education of the pupil during the dismissal period. The alternative educational services, if
 24.29 the pupil wishes to take advantage of them, must be adequate to allow the pupil to make
 24.30 progress towards meeting the graduation standards adopted under section 120B.02 and help
 24.31 prepare the pupil for readmission, and are consistent with section 121A.46, subdivision 5.

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

25.3 (1) if school-linked mental health services are provided in the district under section
 25.4 245.4889, pupils continue to be eligible for those services until they are enrolled in a new
 25.5 district; and

25.6 (2) the district must provide to the pupil's parent or guardian a list of mental health and
 25.7 counseling services available to the pupil after expulsion. The list must also be posted on
 25.8 the district's Web site.

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

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

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

25.17 Sec. 24. Minnesota Statutes 2016, section 121A.61, is amended to read:

25.18 **121A.61 DISCIPLINE AND REMOVAL OF ~~STUDENTS~~ PUPILS FROM CLASS.**

25.19 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide
 25.20 school discipline policy which includes written rules of conduct for ~~students~~ pupils, ~~minimum~~
 25.21 potential consequences for violations of the rules, parental notification requirements, and
 25.22 grounds and procedures for removal of a ~~student~~ pupil from class. The board must develop
 25.23 the policy ~~must be developed~~ in consultation with administrators, teachers, employees,
 25.24 pupils, parents, community members, law enforcement agencies, county attorney offices,
 25.25 social service agencies, and such other individuals or organizations as the board determines
 25.26 appropriate. A school site council may adopt additional provisions to the policy subject to
 25.27 the approval of the school board.

25.28 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds
 25.29 for which a ~~student~~ pupil may be removed from a class in the district for a period of time
 25.30 under the procedures specified in the policy. The policy must include a procedure for
 25.31 notifying and meeting with a ~~student's~~ pupil's parent or guardian to discuss the problem that
 25.32 is causing the ~~student~~ pupil to be removed from class after the ~~student~~ pupil has been removed
 25.33 from class more than ~~ten~~ five times in one school year. The grounds in the policy must

26.1 include at least the following provisions as well as other grounds determined appropriate
26.2 by the board:

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

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

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

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

26.11 (a) rules governing ~~student~~ pupil conduct and procedures for informing ~~students~~ pupils
26.12 of the rules;

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

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

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

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

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

26.22 (g) the procedures for return of a ~~student~~ pupil to the specified class from which the
26.23 ~~student~~ pupil has been removed;

26.24 (h) the procedures for notifying a ~~student~~ pupil and the ~~student's~~ pupil's parents or
26.25 guardian of violations of the rules of conduct and of resulting disciplinary actions;

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

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

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

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

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

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

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

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

27.11 (q) an agreement regarding procedures to coordinate crisis services to the extent funds
27.12 are available with the county board responsible for implementing sections 245.487 to
27.13 245.4889 for ~~students~~ pupils with a serious emotional disturbance or other ~~students~~ pupil's
27.14 who have an individualized education program whose behavior may be addressed by crisis
27.15 intervention; and

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

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

27.21 Sec. 25. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision
27.22 to read:

27.23 **Subd. 3. Parent notification.** A school administrator must make and document efforts
27.24 to immediately contact the parent or guardian of a pupil removed from a school building
27.25 or school grounds by a peace or school resource officer unless such notice is specifically
27.26 prohibited by law. If a pupil is secluded, a school administrator must make reasonable efforts
27.27 to notify the pupil's parent or guardian of the seclusion by the end of the same school day.

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

28.1 Sec. 26. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a
28.2 subdivision to read:

28.3 Subd. 4b. **Essential data.** The Professional Educator Licensing and Standards Board
28.4 shall maintain a list of essential data elements which must be recorded and stored about
28.5 each licensed and nonlicensed staff member. Each school district must provide the essential
28.6 data to the board in the form and manner prescribed by the board.

28.7 Sec. 27. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

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

28.18 ~~(1) the revenues and expenditures in detail, and such other financial information required~~
28.19 ~~by law, rule, or as may be called for by the commissioner;~~

28.20 ~~(2) the length of school term and the enrollment and attendance by grades; and~~

28.21 ~~(3) such other items of information as may be called for by the commissioner.~~

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

29.1 Sec. 28. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

29.2 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American
29.3 Indian school must submit to the department a copy of a resolution adopted by the American
29.4 Indian education parent advisory committee. The copy must be signed by the chair of the
29.5 committee and must state whether the committee concurs with the educational programs
29.6 for American Indian students offered by the school board or American Indian school. If the
29.7 committee does not concur with the educational programs, the reasons for nonconcurrence
29.8 and recommendations shall be submitted directly to the school board with the resolution.
29.9 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,
29.10 to each recommendation made by the committee and state its reasons for not implementing
29.11 the recommendations.

29.12 Sec. 29. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

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

29.17 Sec. 30. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

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

29.24 Sec. 31. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended
29.25 to read:

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

29.31 (b) Notwithstanding the issuance of an expungement order:

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

30.5 (2) when a criminal justice agency seeks access to a record that was sealed under section
30.6 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
30.7 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
30.8 sentencing, the requesting agency must obtain an ex parte court order after stating a
30.9 good-faith basis to believe that opening the record may lead to relevant information;

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

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

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

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

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

30.33 (d) An expunged record that is opened or exchanged under this subdivision remains
30.34 subject to the expungement order in the hands of the person receiving the record.

31.1 (e) A criminal justice agency that receives an expunged record under paragraph (b),
31.2 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
31.3 record to the investigation, prosecution, or sentencing for which it was obtained.

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

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

31.8 Sec. 32. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended
31.9 to read:

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

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

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

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

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

31.19 (c) "Facility" means:

31.20 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
31.21 residential facility, agency, hospital, sanitarium, or other facility or institution required to
31.22 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
31.23 144H, 245D, or 245H;

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

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

31.28 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
31.29 subsequent child maltreatment, and family strengths and needs that is applied to a child
31.30 maltreatment report that does not allege sexual abuse or substantial child endangerment.
31.31 Family assessment does not include a determination as to whether child maltreatment

32.1 occurred but does determine the need for services to address the safety of family members
32.2 and the risk of subsequent maltreatment.

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

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

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

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

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

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

32.28 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
32.29 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
32.30 child with sympathomimetic medications, consistent with section 125A.091, subdivision
32.31 5;

32.32 (5) nothing in this section shall be construed to mean that a child is neglected solely
32.33 because the child's parent, guardian, or other person responsible for the child's care in good

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

33.7 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
33.8 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
33.9 the child at birth, results of a toxicology test performed on the mother at delivery or the
33.10 child at birth, medical effects or developmental delays during the child's first year of life
33.11 that medically indicate prenatal exposure to a controlled substance, or the presence of a
33.12 fetal alcohol spectrum disorder;

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

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

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

33.21 (h) "Nonmaltreatment mistake" means:

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

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

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

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

33.31 (5) except for the period when the incident occurred, the facility and the individual
33.32 providing services were both in compliance with all licensing requirements relevant to the
33.33 incident.

34.1 This definition only applies to child care centers licensed under Minnesota Rules, chapter
34.2 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
34.3 maltreatment by the individual, the commissioner of human services shall determine that a
34.4 nonmaltreatment mistake was made by the individual.

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

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

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

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

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

34.24 (2) striking a child with a closed fist;

34.25 (3) shaking a child under age three;

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

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

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

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

34.31 (8) striking a child who is at least age one but under age four on the face or head, which
34.32 results in an injury;

35.1 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
35.2 substances which were not prescribed for the child by a practitioner, in order to control or
35.3 punish the child; or other substances that substantially affect the child's behavior, motor
35.4 coordination, or judgment or that results in sickness or internal injury, or subjects the child
35.5 to medical procedures that would be unnecessary if the child were not exposed to the
35.6 substances;

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

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

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

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

35.19 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
35.20 care, by a person who has a significant relationship to the child, as defined in section 609.341,
35.21 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
35.22 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
35.23 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
35.24 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~
35.25 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children
35.26 to engage in sexual conduct; communication of sexually explicit materials to children).

35.27 Sexual abuse also includes any act which involves a minor which constitutes a violation of
35.28 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,
35.29 sexual abuse includes all reports of known or suspected child sex trafficking involving a
35.30 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex
35.31 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes
35.32 threatened sexual abuse which includes the status of a parent or household member who
35.33 has committed a violation which requires registration as an offender under section 243.166,

36.1 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,
36.2 subdivision 1b, paragraph (a) or (b).

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

36.6 (1) egregious harm as defined in section 260C.007, subdivision 14;

36.7 (2) abandonment under section 260C.301, subdivision 2;

36.8 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
36.9 physical or mental health, including a growth delay, which may be referred to as failure to
36.10 thrive, that has been diagnosed by a physician and is due to parental neglect;

36.11 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

36.12 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

36.13 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

36.14 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

36.15 (8) criminal sexual conduct under sections 609.342 to 609.3451;

36.16 (9) solicitation of children to engage in sexual conduct under section 609.352;

36.17 (10) malicious punishment or neglect or endangerment of a child under section 609.377
36.18 or 609.378;

36.19 (11) use of a minor in sexual performance under section 617.246; or

36.20 (12) parental behavior, status, or condition which mandates that the county attorney file
36.21 a termination of parental rights petition under section 260C.503, subdivision 2.

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

36.26 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
36.27 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
36.28 of another jurisdiction;

36.29 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
36.30 (b), clause (4), or a similar law of another jurisdiction;

37.1 (3) committed an act that has resulted in an involuntary termination of parental rights
37.2 under section 260C.301, or a similar law of another jurisdiction; or

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

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

37.10 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
37.11 record or recognition of parentage identifying a child who is subject to threatened injury
37.12 under paragraph (p), the Department of Human Services shall send the data to the responsible
37.13 social services agency. The data is known as "birth match" data. Unless the responsible
37.14 social services agency has already begun an investigation or assessment of the report due
37.15 to the birth of the child or execution of the recognition of parentage and the parent's previous
37.16 history with child protection, the agency shall accept the birth match data as a report under
37.17 this section. The agency may use either a family assessment or investigation to determine
37.18 whether the child is safe. All of the provisions of this section apply. If the child is determined
37.19 to be safe, the agency shall consult with the county attorney to determine the appropriateness
37.20 of filing a petition alleging the child is in need of protection or services under section
37.21 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
37.22 determined not to be safe, the agency and the county attorney shall take appropriate action
37.23 as required under section 260C.503, subdivision 2.

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

37.28 Sec. 33. Laws 2017, First Special Session chapter 5, article 2, section 56, is amended to
37.29 read:

37.30 **Sec. 56. INTERMEDIATE SCHOOL DISTRICT MENTAL HEALTH**
37.31 **INNOVATION GRANT PROGRAM; APPROPRIATION.**

37.32 (a) \$2,450,000 in fiscal year 2018 and \$2,450,000 in fiscal year 2019 are appropriated
37.33 from the general fund to the commissioner of human services for a grant program to fund

38.1 innovative projects to improve mental health outcomes for youth attending a qualifying
38.2 school unit.

38.3 (b) A "qualifying school unit" means an intermediate district organized under Minnesota
38.4 Statutes, section 136D.01, or a service cooperative organized under Minnesota Statutes,
38.5 section 123A.21, subdivision 1, paragraph (a), clause (2), that provides instruction to students
38.6 in a setting of federal instructional level 4 or higher. Grants under paragraph (a) must be
38.7 awarded to eligible applicants such that the services are proportionately provided among
38.8 qualifying school units. The commissioner shall calculate the share of the appropriation to
38.9 be used in each qualifying school unit by dividing the qualifying school unit's average daily
38.10 membership in a setting of federal instructional level 4 or higher for fiscal year 2016 by the
38.11 total average daily membership in a setting of federal instructional level 4 or higher for the
38.12 same year for all qualifying school units.

38.13 (c) An eligible applicant is an entity that has demonstrated capacity to serve the youth
38.14 identified in paragraph (a) and that is:

38.15 (1) certified under Minnesota Rules, parts 9520.0750 to 9520.0870;

38.16 (2) a community mental health center under Minnesota Statutes, section 256B.0625,
38.17 subdivision 5;

38.18 (3) an Indian health service facility or facility owned and operated by a tribe or tribal
38.19 organization operating under United States Code, title 25, section 5321; ~~or~~

38.20 (4) a provider of children's therapeutic services and supports as defined in Minnesota
38.21 Statutes, section 256B.0943-; or

38.22 (5) enrolled in medical assistance as a mental health or substance use disorder provider
38.23 agency and must employ at least two full-time equivalent mental health professionals as
38.24 defined in section 245.4871, subdivision 27, clauses (1) to (6), or alcohol and drug counselors
38.25 licensed or exempt from licensure under chapter 148F who are qualified to provide clinical
38.26 services to children and families.

38.27 (d) An eligible applicant must employ or contract with at least two licensed mental health
38.28 professionals as defined in Minnesota Statutes, section 245.4871, subdivision 27, clauses
38.29 (1) to (6), who have formal training in evidence-based practices.

38.30 (e) A qualifying school unit must submit an application to the commissioner in the form
38.31 and manner specified by the commissioner. The commissioner may approve an application
38.32 that describes models for innovative projects to serve the needs of the schools and students.
38.33 The commissioner may provide technical assistance to the qualifying school unit. The

39.1 commissioner shall then solicit grant project proposals and award grant funding to the
 39.2 eligible applicants whose project proposals best meet the requirements of this section and
 39.3 most closely adhere to the models created by the intermediate districts and service
 39.4 cooperatives.

39.5 (f) To receive grant funding, an eligible applicant must obtain a letter of support for the
 39.6 applicant's grant project proposal from each qualifying school unit the eligible applicant is
 39.7 proposing to serve. An eligible applicant must also demonstrate the following:

- 39.8 (1) the ability to seek third-party reimbursement for services;
- 39.9 (2) the ability to report data and outcomes as required by the commissioner; and
- 39.10 (3) the existence of partnerships with counties, tribes, substance use disorder providers,
 39.11 and mental health service providers, including providers of mobile crisis services.

39.12 (g) Grantees shall obtain all available third-party reimbursement sources as a condition
 39.13 of receiving grant funds. For purposes of this grant program, a third-party reimbursement
 39.14 source does not include a public school as defined in Minnesota Statutes, section 120A.20,
 39.15 subdivision 1.

39.16 (h) The base budget for this program is \$0. This appropriation is available until June 30,
 39.17 2020.

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

39.19 Sec. 34. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23,
 39.20 is amended to read:

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

39.23	\$	1,500,000	2018
39.24	\$	1,500,000	2019

39.25 (b) The grants are for school districts and charter schools with more than 30 percent
 39.26 minority students for a ~~Board of Teaching-approved~~ Professional Educator Licensing and
 39.27 Standards Board-approved nonconventional teacher residency pilot program. The program
 39.28 must provide tuition scholarships or stipends to enable school district and charter school
 39.29 employees or community members affiliated with a school district or charter school who
 39.30 seek an education license to participate in a nonconventional teacher preparation program.
 39.31 School districts and charter schools that receive funds under this subdivision are strongly
 39.32 encouraged to recruit candidates of color and American Indian candidates to participate in

40.1 the Grow Your Own new teacher programs. Districts or schools providing financial support
 40.2 may require a commitment as determined by the district to teach in the district or school
 40.3 for a reasonable amount of time that does not exceed five years.

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

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

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

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

40.18 Sec. 35. **REPEALER.**

40.19 Minnesota Statutes 2016, section 120B.35, subdivisions 4 and 5, are repealed.

40.20 **ARTICLE 3**

40.21 **TEACHERS**

40.22 Section 1. Minnesota Statutes 2017 Supplement, section 122A.07, is amended by adding
 40.23 a subdivision to read:

40.24 **Subd. 6. Public employer compensation reduction prohibited.** The public employer
 40.25 of a member shall not reduce the member's compensation or benefits for the member's
 40.26 absence from employment when engaging in the business of the board.

40.27 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 5, is amended
 40.28 to read:

40.29 **Subd. 5. Reading preparation.** (a) The Professional Educator Licensing and Standards
 40.30 Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier
 40.31 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the

41.1 renewal requirements further reading preparation, consistent with section 122A.06,
41.2 subdivision 4.

41.3 (b) The reading preparation under this subdivision must include at least two clock hours
41.4 of training to enable a teacher to:

41.5 (1) understand dyslexia as defined in section 125A.01, subdivision 2, and recognize
41.6 dyslexia characteristics in students; and

41.7 (2) identify and access Department of Education personnel and professional resources
41.8 using evidence-based dyslexia best practices in each license renewal period.

41.9 (c) The Department of Education must provide guidance on evidence-based approaches
41.10 and best practices for trainings.

41.11 (d) The rules adopted under this subdivision do not take effect until they are approved
41.12 by law. Teachers who do not provide direct instruction including, at least, counselors, school
41.13 psychologists, school nurses, school social workers, audiovisual directors and coordinators,
41.14 and recreation personnel are exempt from this section.

41.15 **EFFECTIVE DATE.** This section is effective for teachers who are renewing their Tier
41.16 3 or Tier 4 license on or after July 1, 2019.

41.17 Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended
41.18 to read:

41.19 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional
41.20 Educator Licensing and Standards Board or Board of School Administrators, whichever
41.21 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
41.22 employing a teacher, a teacher organization, or any other interested person, refuse to issue,
41.23 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following
41.24 causes:

41.25 (1) immoral character or conduct;

41.26 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;

41.27 (3) gross inefficiency or willful neglect of duty;

41.28 (4) failure to meet licensure requirements; ~~or~~

41.29 (5) fraud or misrepresentation in obtaining a license; or

41.30 (6) intentional and inappropriate patting, touching, pinching, or other physical contact
41.31 with a student that is unwelcome and sexually motivated.

42.1 The written complaint must specify the nature and character of the charges.

42.2 (b) The Professional Educator Licensing and Standards Board or Board of School
42.3 Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to
42.4 issue, refuse to renew, or automatically revoke a teacher's license to teach without the right
42.5 to a hearing upon receiving a certified copy of a conviction showing that the teacher has
42.6 been convicted of:

42.7 (1) child abuse, as defined in section 609.185₂;

42.8 (2) sex trafficking in the first degree under section 609.322, subdivision 1₂;

42.9 (3) sex trafficking in the second degree under section 609.322, subdivision 1a₂;

42.10 (4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section
42.11 609.324, subdivision 1, ~~sexual abuse~~;

42.12 (5) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or
42.13 609.3451, subdivision 3, ~~or 617.23, subdivision 3~~;

42.14 (6) indecent exposure under section 617.23, subdivision 3;

42.15 (7) solicitation of children to engage in sexual conduct or communication of sexually
42.16 explicit materials to children under section 609.352₂;

42.17 (8) interference with privacy under section 609.746 or stalking under section 609.749
42.18 and the victim was a minor₂;

42.19 (9) using minors in a sexual performance under section 617.246₂;

42.20 (10) possessing pornographic works involving a minor under section 617.247₂; or

42.21 (11) any other offense not listed in this paragraph that requires the person to register as
42.22 a predatory offender under section 243.166, or a crime under a similar law of another state
42.23 or the United States.

42.24 The board ~~shall~~ must send notice of this licensing action to the district in which the teacher
42.25 is currently employed.

42.26 (c) A person whose license to teach has been revoked, not issued, or not renewed under
42.27 paragraph (b), may petition the board to reconsider the licensing action if the person's
42.28 conviction ~~for child abuse or sexual abuse~~ is reversed by a final decision of the Court of
42.29 Appeals or the Supreme Court or if the person has received a pardon for the offense. The
42.30 petitioner ~~shall~~ must attach a certified copy of the appellate court's final decision or the
42.31 pardon to the petition. Upon receiving the petition and its attachment, the board ~~shall~~ must

43.1 schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2,
43.2 unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding
43.3 the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner
43.4 is disqualified from teaching under paragraph (a), clause (1), the board ~~shall~~ must affirm
43.5 its previous licensing action. If the board finds that the petitioner is not disqualified from
43.6 teaching under paragraph (a), clause (1), it ~~shall~~ must reverse its previous licensing action.

43.7 (d) The Professional Educator Licensing and Standards Board or Board of School
43.8 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,
43.9 refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual
43.10 penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school
43.11 where the teacher works or volunteers. The board may suspend a teacher's license pending
43.12 an investigation into a report of conduct that would be grounds for revocation under this
43.13 paragraph. Section 122A.188 does not apply to a decision by the board to refuse to issue,
43.14 refuse to renew, or revoke a license under this paragraph. A person whose license has been
43.15 revoked, not issued, or not renewed may appeal the decision by filing a written request with
43.16 the Professional Educator Licensing and Standards Board or the Board of School
43.17 Administrators, as appropriate, within 30 days of notice of the licensing action. The board
43.18 must then initiate a contested case under the Administrative Procedure Act, sections 14.001
43.19 to 14.69.

43.20 (e) The Professional Educator Licensing and Standards Board or Board of School
43.21 Administrators, whichever has jurisdiction over a teacher's licensure, must review and may
43.22 refuse to issue, refuse to renew, or revoke a teacher's license to teach upon receiving a
43.23 certified copy of a conviction showing that the teacher has been convicted of:

43.24 (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision
43.25 16;

43.26 (2) embezzlement of public funds under section 609.54; or

43.27 (3) a felony involving a minor as the victim.

43.28 If an offense included in clauses (1) to (3) is already included in paragraph (b), the provisions
43.29 of paragraph (b) apply to the conduct. Section 122A.188 does not apply to a decision by
43.30 the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A
43.31 person whose license has been revoked, not issued, or not renewed may appeal the decision
43.32 by filing a written request with the Professional Educator Licensing and Standards Board
43.33 or the Board of School Administrators, as appropriate, within 30 days of notice of the

44.1 licensing action. The board must then initiate a contested case under the Administrative
 44.2 Procedure Act, sections 14.001 to 14.69.

44.3 (f) The Professional Educator Licensing and Standards Board may suspend a teacher's
 44.4 license to teach during the board's disciplinary investigation of a report of teacher misconduct
 44.5 if the teacher has been charged with a violation of a crime listed in paragraph (b). The
 44.6 teacher's license is suspended until the licensing board completes their disciplinary
 44.7 investigation and makes a determination whether or not disciplinary action is necessary.

44.8 ~~(d)~~ (g) For purposes of this subdivision, the Professional Educator Licensing and
 44.9 Standards Board is delegated the authority to suspend or revoke coaching licenses.

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

44.11 Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended
 44.12 to read:

44.13 Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a
 44.14 board may discharge a continuing-contract teacher, effective immediately, upon any of the
 44.15 following grounds:

44.16 (1) immoral conduct, insubordination, or conviction of a felony;

44.17 (2) conduct unbecoming a teacher which requires the immediate removal of the teacher
 44.18 from classroom or other duties;

44.19 (3) failure without justifiable cause to teach without first securing the written release of
 44.20 the school board;

44.21 (4) gross inefficiency which the teacher has failed to correct after reasonable written
 44.22 notice;

44.23 (5) willful neglect of duty; or

44.24 (6) continuing physical or mental disability subsequent to a 12 months leave of absence
 44.25 and inability to qualify for reinstatement in accordance with subdivision 12.

44.26 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
 44.27 discriminatory practice described in section 363A.13.

44.28 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
 44.29 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
 44.30 after receipt of this notification the teacher may make a written request for a hearing before
 44.31 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend

45.1 a teacher with pay pending the conclusion of the hearing and determination of the issues
45.2 raised in the hearing after charges have been filed which constitute ground for discharge.
45.3 If a teacher has been charged with a felony and the underlying conduct that is the subject
45.4 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
45.5 the conclusion of the hearing and determination of the issues may be without pay. If a
45.6 hearing under this paragraph is held, the board must reimburse the teacher for any salary
45.7 or compensation withheld if the final decision of the board or the arbitrator does not result
45.8 in a penalty to or suspension, termination, or discharge of the teacher.

45.9 (b) A board must discharge a continuing-contract teacher, effective immediately, upon
45.10 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
45.11 license has been revoked due to a conviction for:

45.12 (1) child abuse, as defined in section 609.185;

45.13 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

45.14 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

45.15 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
45.16 609.324, subdivision 1;

45.17 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
45.18 609.3451, subdivision 3, ~~or 617.23, subdivision 3~~;

45.19 (6) indecent exposure under section 617.23, subdivision 3;

45.20 (7) solicitation of children to engage in sexual conduct or communication of sexually
45.21 explicit materials to children under section 609.352;

45.22 (8) interference with privacy under section 609.746 or stalking under section 609.749
45.23 and the victim was a minor;

45.24 (9) using minors in a sexual performance under section 617.246;

45.25 (10) possessing pornographic works involving a minor under section 617.247; ~~or~~

45.26 (11) any other offense not listed in this paragraph that requires the person to register as
45.27 a predatory offender under section 243.166, or a crime under a similar law of another state
45.28 or the United States; or

45.29 (12) any other offense not listed in this paragraph that requires notice of a licensing
45.30 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

46.1 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
46.2 a final determination of child maltreatment involving a teacher under section 626.556,
46.3 subdivision 11, the school principal or other person having administrative control of the
46.4 school must include in the teacher's employment record the information contained in the
46.5 record of the disciplinary action or the final maltreatment determination, consistent with
46.6 the definition of public data under section 13.41, subdivision 5, and must provide the
46.7 Professional Educator Licensing and Standards Board and the licensing division at the
46.8 department with the necessary and relevant information to enable the Professional Educator
46.9 Licensing and Standards Board and the department's licensing division to fulfill their statutory
46.10 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's
46.11 license. Information received by the Professional Educator Licensing and Standards Board
46.12 or the licensing division at the department under this paragraph is governed by section 13.41
46.13 or other applicable law governing data of the receiving entity. In addition to the background
46.14 check required under section 123B.03, a school board or other school hiring authority must
46.15 contact the Professional Educator Licensing and Standards Board and the department to
46.16 determine whether the teacher's license has been suspended or revoked, consistent with the
46.17 discharge and final maltreatment determinations identified in this paragraph. Unless restricted
46.18 by federal or state data practices law or by the terms of a collective bargaining agreement,
46.19 the responsible authority for a school district must disseminate to another school district
46.20 private personnel data on a current or former teacher employee or contractor of the district,
46.21 including the results of background investigations, if the requesting school district seeks
46.22 the information because the subject of the data has applied for employment with the
46.23 requesting school district.

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

46.25 Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended
46.26 to read:

46.27 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in
46.28 paragraph (b), causes for the discharge or demotion of a teacher either during or after the
46.29 probationary period must be:

46.30 (1) immoral character, conduct unbecoming a teacher, or insubordination;

46.31 (2) failure without justifiable cause to teach without first securing the written release of
46.32 the school board having the care, management, or control of the school in which the teacher
46.33 is employed;

47.1 (3) inefficiency in teaching or in the management of a school, consistent with subdivision
47.2 5, paragraph (b);

47.3 (4) affliction with a communicable disease must be considered as cause for removal or
47.4 suspension while the teacher is suffering from such disability; or

47.5 (5) discontinuance of position or lack of pupils.

47.6 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
47.7 discriminatory practice described in section 363A.13.

47.8 (b) A probationary or continuing-contract teacher must be discharged immediately upon
47.9 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
47.10 license has been revoked due to a conviction for:

47.11 (1) child abuse, as defined in section 609.185;

47.12 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

47.13 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

47.14 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
47.15 609.324, subdivision 1;

47.16 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
47.17 609.3451, subdivision 3, or 617.23, subdivision 3;

47.18 (6) indecent exposure under section 617.23, subdivision 3;

47.19 (7) solicitation of children to engage in sexual conduct or communication of sexually
47.20 explicit materials to children under section 609.352;

47.21 (8) interference with privacy under section 609.746 or stalking under section 609.749
47.22 and the victim was a minor;

47.23 (9) using minors in a sexual performance under section 617.246;

47.24 (10) possessing pornographic works involving a minor under section 617.247; or

47.25 (11) any other offense not listed in this paragraph that requires the person to register as
47.26 a predatory offender under section 243.166, or a crime under a similar law of another state
47.27 or the United States; or

47.28 (12) any other offense not listed in this paragraph that requires notice of a licensing
47.29 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

48.1 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
48.2 a final determination of child maltreatment involving a teacher under section 626.556,
48.3 subdivision 11, the school principal or other person having administrative control of the
48.4 school must include in the teacher's employment record the information contained in the
48.5 record of the disciplinary action or the final maltreatment determination, consistent with
48.6 the definition of public data under section 13.41, subdivision 5, and must provide the
48.7 Professional Educator Licensing and Standards Board and the licensing division at the
48.8 department with the necessary and relevant information to enable the Professional Educator
48.9 Licensing and Standards Board and the department's licensing division to fulfill their statutory
48.10 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's
48.11 license. Information received by the Professional Educator Licensing and Standards Board
48.12 or the licensing division at the department under this paragraph is governed by section 13.41
48.13 or other applicable law governing data of the receiving entity. In addition to the background
48.14 check required under section 123B.03, a school board or other school hiring authority must
48.15 contact the Professional Educator Licensing and Standards Board and the department to
48.16 determine whether the teacher's license has been suspended or revoked, consistent with the
48.17 discharge and final maltreatment determinations identified in this paragraph. Unless restricted
48.18 by federal or state data practices law or by the terms of a collective bargaining agreement,
48.19 the responsible authority for a school district must disseminate to another school district
48.20 private personnel data on a current or former teacher employee or contractor of the district,
48.21 including the results of background investigations, if the requesting school district seeks
48.22 the information because the subject of the data has applied for employment with the
48.23 requesting school district.

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

48.25 Sec. 6. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended
48.26 to read:

48.27 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person
48.28 who knows or has reason to believe a child is being neglected or physically or sexually
48.29 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused
48.30 within the preceding three years, shall immediately report the information to the local welfare
48.31 agency, agency responsible for assessing or investigating the report, police department,
48.32 county sheriff, tribal social services agency, or tribal police department if the person is:

48.33 (1) a professional or professional's delegate who is engaged in the practice of the healing
48.34 arts, social services, hospital administration, psychological or psychiatric treatment, child

49.1 care, education, correctional supervision, probation and correctional services, or law
49.2 enforcement; ~~or~~

49.3 (2) employed as a member of the clergy and received the information while engaged in
49.4 ministerial duties, provided that a member of the clergy is not required by this subdivision
49.5 to report information that is otherwise privileged under section 595.02, subdivision 1,
49.6 paragraph (c); or

49.7 (3) a member of the Professional Educator Licensing and Standards Board or the Board
49.8 of School Administrators.

49.9 (b) Any person may voluntarily report to the local welfare agency, agency responsible
49.10 for assessing or investigating the report, police department, county sheriff, tribal social
49.11 services agency, or tribal police department if the person knows, has reason to believe, or
49.12 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

49.13 (c) A person mandated to report physical or sexual child abuse or neglect occurring
49.14 within a licensed facility shall report the information to the agency responsible for licensing
49.15 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
49.16 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
49.17 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
49.18 report may request the local welfare agency to provide assistance pursuant to subdivisions
49.19 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
49.20 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
49.21 the circumstances of the alleged maltreatment to the commissioner of education. Section
49.22 13.03, subdivision 4, applies to data received by the commissioner of education from a
49.23 licensing entity.

49.24 (d) Notification requirements under subdivision 10 apply to all reports received under
49.25 this section.

49.26 (e) For purposes of this section, "immediately" means as soon as possible but in no event
49.27 longer than 24 hours.

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

49.29 Sec. 7. Minnesota Statutes 2016, section 626.556, subdivision 10a, is amended to read:

49.30 Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency**
49.31 **reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the
49.32 report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent,
49.33 guardian, sibling, person responsible for the child's care functioning within the family unit,

50.1 or a person who lives in the child's household and who has a significant relationship to the
50.2 child, in a setting other than a facility as defined in subdivision 2, the local welfare agency
50.3 shall immediately notify the appropriate law enforcement agency, which shall conduct an
50.4 investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

50.5 (b) The local agency may rely on the fact-finding efforts of the law enforcement
50.6 investigation conducted under this subdivision to make a determination whether or not
50.7 threatened injury or other maltreatment has occurred under subdivision 2 if an alleged
50.8 offender has minor children or lives with minors.

50.9 (c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement
50.10 agency shall immediately notify the local welfare agency, which shall offer appropriate
50.11 social services for the purpose of safeguarding and enhancing the welfare of the abused or
50.12 neglected minor.

50.13 (d) The law enforcement agency must report to the Professional Educator Licensing and
50.14 Standards Board an investigation under paragraph (a), involving a person licensed by the
50.15 board.

50.16 Sec. 8. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended
50.17 to read:

50.18 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
50.19 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
50.20 the assessment or investigation may be extended to permit the completion of a criminal
50.21 investigation or the receipt of expert information requested within 45 days of the receipt of
50.22 the report.

50.23 (b) After conducting a family assessment, the local welfare agency shall determine
50.24 whether services are needed to address the safety of the child and other family members
50.25 and the risk of subsequent maltreatment.

50.26 (c) After conducting an investigation, the local welfare agency shall make two
50.27 determinations: first, whether maltreatment has occurred; and second, whether child
50.28 protective services are needed. No determination of maltreatment shall be made when the
50.29 alleged perpetrator is a child under the age of ten.

50.30 (d) If the commissioner of education conducts an assessment or investigation, the
50.31 commissioner shall determine whether maltreatment occurred and what corrective or
50.32 protective action was taken by the school facility. If a determination is made that
50.33 maltreatment has occurred, the commissioner shall report to the employer, the school board,

51.1 and any appropriate licensing entity the determination that maltreatment occurred and what
51.2 corrective or protective action was taken by the school facility. In all other cases, the
51.3 commissioner shall inform the school board or employer and any appropriate licensing
51.4 entity that a report was received, the subject of the report, the date of the initial report, the
51.5 category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was
51.6 not determined, and a summary of the specific reasons for the determination.

51.7 (e) When maltreatment is determined in an investigation involving a facility, the
51.8 investigating agency shall also determine whether the facility or individual was responsible,
51.9 or whether both the facility and the individual were responsible for the maltreatment using
51.10 the mitigating factors in paragraph (i). Determinations under this subdivision must be made
51.11 based on a preponderance of the evidence and are private data on individuals or nonpublic
51.12 data as maintained by the commissioner of education.

51.13 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts
51.14 or omissions:

51.15 (1) physical abuse as defined in subdivision 2, paragraph (k);

51.16 (2) neglect as defined in subdivision 2, paragraph (g);

51.17 (3) sexual abuse as defined in subdivision 2, paragraph (n);

51.18 (4) mental injury as defined in subdivision 2, paragraph (f); or

51.19 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

51.20 (g) For the purposes of this subdivision, a determination that child protective services
51.21 are needed means that the local welfare agency has documented conditions during the
51.22 assessment or investigation sufficient to cause a child protection worker, as defined in
51.23 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment
51.24 if protective intervention is not provided and that the individuals responsible for the child's
51.25 care have not taken or are not likely to take actions to protect the child from maltreatment
51.26 or risk of maltreatment.

51.27 (h) This subdivision does not mean that maltreatment has occurred solely because the
51.28 child's parent, guardian, or other person responsible for the child's care in good faith selects
51.29 and depends upon spiritual means or prayer for treatment or care of disease or remedial care
51.30 of the child, in lieu of medical care. However, if lack of medical care may result in serious
51.31 danger to the child's health, the local welfare agency may ensure that necessary medical
51.32 services are provided to the child.

52.1 (i) When determining whether the facility or individual is the responsible party, or
52.2 whether both the facility and the individual are responsible for determined maltreatment in
52.3 a facility, the investigating agency shall consider at least the following mitigating factors:

52.4 (1) whether the actions of the facility or the individual caregivers were according to,
52.5 and followed the terms of, an erroneous physician order, prescription, individual care plan,
52.6 or directive; however, this is not a mitigating factor when the facility or caregiver was
52.7 responsible for the issuance of the erroneous order, prescription, individual care plan, or
52.8 directive or knew or should have known of the errors and took no reasonable measures to
52.9 correct the defect before administering care;

52.10 (2) comparative responsibility between the facility, other caregivers, and requirements
52.11 placed upon an employee, including the facility's compliance with related regulatory standards
52.12 and the adequacy of facility policies and procedures, facility training, an individual's
52.13 participation in the training, the caregiver's supervision, and facility staffing levels and the
52.14 scope of the individual employee's authority and discretion; and

52.15 (3) whether the facility or individual followed professional standards in exercising
52.16 professional judgment.

52.17 The evaluation of the facility's responsibility under clause (2) must not be based on the
52.18 completeness of the risk assessment or risk reduction plan required under section 245A.66,
52.19 but must be based on the facility's compliance with the regulatory standards for policies
52.20 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota
52.21 Rules.

52.22 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
52.23 committed by an individual who is also the facility license or certification holder, both the
52.24 individual and the facility must be determined responsible for the maltreatment, and both
52.25 the background study disqualification standards under section 245C.15, subdivision 4, and
52.26 the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07
52.27 apply.

52.28 ARTICLE 4

52.29 SPECIAL EDUCATION

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

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

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

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

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

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

53.26 Sec. 2. **SPECIAL EDUCATION LEGISLATIVE WORKING GROUP.**

53.27 Subdivision 1. **Duties.** (a) A legislative working group on special education is created
 53.28 to review special education delivery and cost containment in Minnesota, to consult with
 53.29 stakeholders, and to submit a written report to the legislature recommending policy changes
 53.30 to reduce costs. The special education legislative working group must examine and consider:

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

54.1 (2) relevant state and federal special education laws and regulations and where state
54.2 mandates exceed federal requirements;

54.3 (3) trends in special education enrollment, the reasons for the increased proportion of
54.4 Minnesota students receiving special education, and the role that reading instruction
54.5 effectiveness plays;

54.6 (4) strategies or programs that would be effective in reducing the need for special
54.7 education services;

54.8 (5) funding for nonresident children in accordance with Minnesota Statutes, sections
54.9 125A.11 and 127A.47, and tuition billing reports for the most recent five-year period;

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

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

54.15 (8) the 2013 evaluation report by the Office of the Legislative Auditor on special
54.16 education and the status of implementing its recommendations.

54.17 (b) In making its recommendations, the special education legislative working group
54.18 must consider a ten-year strategic plan informed by the policy findings in paragraph (a) to
54.19 help reduce the costs contributing to the special education cross-subsidy and overall special
54.20 education funding.

54.21 Subd. 2. **Membership.** (a) The legislative working group on special education consists
54.22 of:

54.23 (1) six duly elected and currently serving members of the house of representatives, three
54.24 appointed by the speaker of the house and three appointed by the house minority leader,
54.25 one of whom must be the current chair of the house of representatives Education Innovation
54.26 Policy Committee; and

54.27 (2) six duly elected and currently serving senators, three appointed by the senate majority
54.28 leader and three appointed by the senate minority leader, one of whom must be the current
54.29 chair of the senate Education Policy Committee.

54.30 (b) Only duly elected and currently serving members of the house of representatives or
54.31 senate may be members of the special education legislative working group.

55.1 Subd. 3. **Organization; process; administrative and technical support.** The special
 55.2 education legislative working group appointments must be made by July 1, 2018. If a vacancy
 55.3 occurs, the leader of the caucus in the house of representatives or senate to which the vacating
 55.4 working group member belonged must fill the vacancy. The chair of the house of
 55.5 representatives Education Innovation Policy Committee shall serve as a cochair of the
 55.6 working group and shall convene the first meeting. The chair of the senate Education Policy
 55.7 Committee shall serve as a cochair of the working group. The working group must meet
 55.8 periodically. Meetings of the working group must be open to the public. The Legislative
 55.9 Coordinating Commission shall provide administrative assistance upon request. The
 55.10 Minnesota Department of Education must provide technical assistance upon request.

55.11 Subd. 4. **Consultation with stakeholders.** In developing its recommendations, the
 55.12 special education legislative working group must consult with interested and affected
 55.13 stakeholders.

55.14 Subd. 5. **Report.** The special education legislative working group must submit a report
 55.15 providing its findings and policy recommendations to the legislature by January 15, 2019.

55.16 Subd. 6. **Expiration.** The special education legislative working group expires on January
 55.17 16, 2019, unless extended by law.

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

55.19 **ARTICLE 5**

55.20 **FACILITIES AND TECHNOLOGY**

55.21 Section 1. Minnesota Statutes 2016, section 13.321, is amended by adding a subdivision
 55.22 to read:

55.23 Subd. 12. **Student online privacy.** Section 125B.27 governs student privacy and
 55.24 information practices of operators of online services for school purposes.

55.25 Sec. 2. **[125B.27] STUDENT ONLINE PRIVACY.**

55.26 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

55.27 (b) "Covered information" means personally identifiable information or material, or
 55.28 information that is linked to personally identifiable information or material, in any media
 55.29 or format that is not publicly available and is any of the following:

56.1 (1) created by or provided to an operator by a student, or the student's parent or legal
56.2 guardian, in the course of the student's, parent's, or legal guardian's use of the operator's
56.3 site, service, or application for school purposes;

56.4 (2) created by or provided to an operator by an employee or agent of a school or school
56.5 district for school purposes; or

56.6 (3) gathered by an operator through the operation of its site, service, or application for
56.7 school purposes and personally identifies a student including, but not limited to, information
56.8 in the student's educational record or e-mail, first and last name, home address, telephone
56.9 number, e-mail address, or other information that allows physical or online contact, discipline
56.10 records, test results, special education data, juvenile dependency records, grades, evaluations,
56.11 criminal records, medical records, health records, Social Security number, biometric
56.12 information, disabilities, socioeconomic information, food purchases, political affiliations,
56.13 religious information, text messages, documents, student identifiers, search activity, photos,
56.14 voice recordings, or geolocation information.

56.15 (c) "Interactive computer service" has the meaning given in United States Code, title
56.16 47, section 230.

56.17 (d) "Operator" means, to the extent that it is operating in this capacity, the operator of
56.18 an Internet Web site, online service, online application, or mobile application with actual
56.19 knowledge that the site, service, or application is used primarily for school purposes and
56.20 was designed and marketed for school purposes. Operator includes:

56.21 (1) an agent or assignee of the operator or a person acting under the supervision or control
56.22 of the operator; or

56.23 (2) a vendor.

56.24 (e) "School purposes" means purposes that are directed by or that customarily take place
56.25 at the direction of a school, teacher, or school district or aid in the administration of school
56.26 activities including, but not limited to, instruction in the classroom or at home, administrative
56.27 activities, and collaboration between students, school personnel, or parents or legal guardians
56.28 or are otherwise for the use and benefit of the school.

56.29 (f) "Student" means a student in prekindergarten through grade 12.

56.30 (g) "Targeted advertising" means presenting advertisements to a student where the
56.31 advertisement is selected based on information obtained or inferred over time from that
56.32 student's online behavior, usage of applications, or covered information. It does not include
56.33 advertising to a student at an online location based upon that student's current visit to that

57.1 location, or in response to that student's request for information or feedback, without the
57.2 retention of that student's online activities or requests over time for the purpose of targeting
57.3 subsequent advertisements.

57.4 (h) "Vendor" means a person who contracts with a school to provide access to an Internet
57.5 Web site, online service, online application, or mobile application for school purposes.

57.6 Subd. 2. **Prohibited activities.** (a) An operator must not knowingly do any of the
57.7 following:

57.8 (1) engage in targeted advertising on the operator's site, service, or application or target
57.9 advertising on any other site, service, or application if the targeting of the advertising is
57.10 based on any information, including covered information and persistent unique identifiers,
57.11 that the operator has acquired because of the use of that operator's site, service, or application
57.12 for school purposes;

57.13 (2) use information, including persistent unique identifiers, created or gathered by the
57.14 operator's site, service, or application to amass a profile about a student except in furtherance
57.15 of school purposes. "Amass a profile" does not include the collection and retention of account
57.16 information that remains under the control of the student, the student's parent or legal
57.17 guardian, or the school;

57.18 (3) sell or rent a student's information, including covered information. This clause does
57.19 not apply to the purchase, merger, or other type of acquisition of an operator by another
57.20 entity if the operator or successor entity complies with this section regarding previously
57.21 acquired student information; or

57.22 (4) except as otherwise provided under subdivision 4, disclose covered information
57.23 unless the disclosure is:

57.24 (i) in furtherance of the school purpose of the site, service, or application if the recipient
57.25 of the covered information disclosed under this item does not further disclose the information
57.26 unless done to allow or improve operability and functionality of the operator's site, service,
57.27 or application;

57.28 (ii) to ensure legal and regulatory compliance or protect against liability;

57.29 (iii) to respond to or participate in the judicial process;

57.30 (iv) to protect the safety or integrity of users of the site or others or the security of the
57.31 site, service, or application;

58.1 (v) for a school, educational, or employment purpose requested by the student or the
58.2 student's parent or guardian, provided that the information is not used or further disclosed
58.3 for any other purpose;

58.4 (vi) to a national assessment provider if the provider secures the express written consent
58.5 of the student, parent, or legal guardian given in response to clear and conspicuous notice,
58.6 solely for the purpose of providing access to employment, educational scholarships or
58.7 financial aid, or postsecondary educational opportunities; or

58.8 (vii) to a third party, if the operator contractually prohibits the third party from using
58.9 any covered information for any purpose other than providing the contracted service to or
58.10 on behalf of the operator, prohibits the third party from disclosing any covered information
58.11 provided by the operator with subsequent third parties, and requires the third party to
58.12 implement and maintain reasonable security procedures and practices.

58.13 (b) Nothing in this subdivision prohibits the operator's use of information for maintaining,
58.14 developing, supporting, improving, or diagnosing the operator's site, service, or application.

58.15 **Subd. 3. Security procedures and practices; return or destruction of information.**

58.16 (a) An operator shall implement and maintain reasonable security procedures and practices
58.17 in writing that are appropriate to the nature of the covered information and designed to
58.18 ensure protection of covered information from unauthorized access, destruction, use,
58.19 modification, or disclosure.

58.20 (b) Within 30 days of a request from a student, parent, or legal guardian, an operator
58.21 that is not a vendor shall destroy or return the covered information to the student, parent,
58.22 or legal guardian. A vendor shall comply with the provisions of subdivision 7 governing
58.23 destruction or return of data to the school.

58.24 **Subd. 4. Permissible disclosures.** An operator may use or disclose covered information
58.25 of a student under the following circumstances:

58.26 (1) if other provisions of federal or state law require the operator to disclose the
58.27 information and the operator complies with the requirements of federal and state law in
58.28 protecting and disclosing that information;

58.29 (2) for legitimate research purposes as required by state or federal law and subject to
58.30 the restrictions under applicable state and federal law or as allowed by state or federal law
58.31 and under the direction of a school, school district, or the Department of Education if covered
58.32 information is not used for advertising or to amass a profile on the student for purposes
58.33 other than school purposes; or

59.1 (3) to a state or local educational agency, including schools and school districts, for
59.2 school purposes as permitted by state or federal law.

59.3 Subd. 5. Use of information by operator. This section does not prohibit an operator
59.4 from doing any of the following:

59.5 (1) using covered information to improve educational products if that information is not
59.6 associated with an identified student within the operator's site, service, or application or
59.7 other sites, services, or applications owned by the operator;

59.8 (2) using covered information that is not associated with an identified student to
59.9 demonstrate the effectiveness of the operator's products or services, including in their
59.10 marketing;

59.11 (3) sharing covered information that is not associated with an identified student for the
59.12 development and improvement of educational sites, services, or applications;

59.13 (4) using recommendation engines to recommend to a student either of the following:

59.14 (i) additional content relating to an educational, other learning, or employment opportunity
59.15 purpose within an online site, service, or application if the recommendation is not determined
59.16 in whole or in part by payment or other consideration from a third party; or

59.17 (ii) additional services relating to an educational, other learning, or employment
59.18 opportunity purpose within an online site, service, or application if the recommendation is
59.19 not determined in whole or in part by payment or other consideration from a third party; or

59.20 (5) responding to a student's request for information or for feedback without the
59.21 information or response being determined in whole or in part by payment or other
59.22 consideration from a third party.

59.23 Subd. 6. Certain activities not affected. This section does not:

59.24 (1) limit the authority of a law enforcement agency to obtain any content or information
59.25 from an operator as authorized by law or under a court order;

59.26 (2) limit the ability of an operator to use student data, including covered information,
59.27 for adaptive learning or customized student learning purposes;

59.28 (3) apply to general audience Internet Web sites, general audience online services, general
59.29 audience online applications, or general audience mobile applications even if the login
59.30 credentials created for an operator's site, service, or application may be used to access those
59.31 general audience sites, services, or applications;

60.1 (4) limit service providers from providing Internet connectivity to schools or students
60.2 and their families;

60.3 (5) prohibit an operator of an Internet Web site, online service, online application, or
60.4 mobile application from marketing educational products directly to parents or legal guardians
60.5 if the marketing did not result from the use of covered information obtained by the operator
60.6 through the provision of services covered under this section;

60.7 (6) impose a duty upon a provider of an electronic store, gateway, marketplace, or other
60.8 means of purchasing or downloading software or applications to review or enforce
60.9 compliance with this section on those applications or software;

60.10 (7) impose a duty upon a provider of an interactive computer service to review or enforce
60.11 compliance with this section by third-party content providers; or

60.12 (8) prohibit students from downloading, exporting, transferring, saving, or maintaining
60.13 their own student data or documents.

60.14 Subd. 7. **Special requirements applicable to vendors.** (a) In addition to the requirements
60.15 of subdivisions 2 to 6, a vendor must comply with this subdivision.

60.16 (b) A vendor is subject to the provisions of section 13.05, subdivision 11. Covered
60.17 information created, received, or maintained by a vendor pursuant or incidental to the
60.18 contract are the property of the school and are not the property of the vendor. Unless renewal
60.19 of the contract is reasonably anticipated, within 30 days of expiration of the contract, or
60.20 within 30 days of a request from the school, the vendor must destroy or return the covered
60.21 information to the school.

60.22 Sec. 3. Minnesota Statutes 2016, section 299F.30, subdivision 1, is amended to read:

60.23 Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037,
60.24 and this section, it shall be the duty of the state fire marshal, deputies and assistants, to
60.25 require public and private schools and educational institutions to have at least five fire drills
60.26 each school year, including at least three drills as provided under subdivision 2, paragraph
60.27 (a), and to keep all doors and exits unlocked from the inside of the building during school
60.28 hours.

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

61.1 Sec. 4. Minnesota Statutes 2016, section 299F.30, subdivision 2, is amended to read:

61.2 Subd. 2. **Fire drill.** (a) Each superintendent, principal, or other person in charge of a
 61.3 public or private school, educational institution, children's home or orphanage housing 20
 61.4 or more students or other persons, shall instruct and train such students or other persons to
 61.5 quickly and expeditiously quit the premises in case of fire or other emergency by means of
 61.6 drills or rapid dismissals while such school, institution, home, or orphanage is in operation.

61.7 (b) In addition to the drills required under paragraph (a), a public or private school or
 61.8 educational institution may implement an alternative fire drill that does not require students
 61.9 or other persons to quit the premises. A school or education institution choosing to develop
 61.10 and implement nonevacuating fire drill protocols must work in partnership with the local
 61.11 fire chief or the fire chief's designee and chief law enforcement officers or their designee.

61.12 (c) Records of ~~such~~ fire drills shall be posted so that such records are available for review
 61.13 by the state fire marshal at all times and shall include the type of drill conducted,
 61.14 nonevacuation or evacuation, and drill date and the time required to evacuate the building,
 61.15 if the drill required an evacuation.

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

61.17 **ARTICLE 6**

61.18 **NUTRITION**

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

61.21 Subd. 7. **Food service contracts.** A contract between a school board and a food service
 61.22 management company that complies with Code of Federal Regulations, title 7, section
 61.23 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for
 61.24 not more than four additional years.

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

61.26 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**
 61.27 **ACCOUNTING.**

61.28 Subdivision 1. **School ~~lunch aid computation~~ meals policies.** (a) Each Minnesota
 61.29 participant in the national school lunch program must adopt and post to its Web site, or the
 61.30 Web site of the organization where the meal is served, a school meals policy.

62.1 (b) The policy must be in writing and clearly communicate student meal charges when
62.2 payment cannot be collected at the point of service. The policy must be reasonable and
62.3 well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise
62.4 ostracizing the student.

62.5 (c) The policy must address whether the participant uses a collections agency to collect
62.6 unpaid school meals debt.

62.7 (d) The policy must ensure that once a participant has placed a meal on a tray or otherwise
62.8 served the meal to a student, the meal may not be subsequently withdrawn from the student
62.9 by the cashier or other school official, whether or not the student has an outstanding meals
62.10 balance.

62.11 (e) The policy must ensure that a student who has been determined eligible for free and
62.12 reduced-price lunch must always be served a reimbursable meal even if the student has an
62.13 outstanding debt.

62.14 (f) If a school contracts with a third party for its meal services, it must provide the vendor
62.15 with its school meals policy. Any contract between the school and a third-party provider
62.16 entered into or modified after the July 1, 2018, effective date of this act, must ensure that
62.17 the third-party provider adheres to the participant's school meals policy.

62.18 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay participants
62.19 in the national school lunch program the amount of 12.5 cents for each full paid and free
62.20 student lunch and 52.5 cents for each reduced-price lunch served to students.

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

62.24 Subd. 2a. **Federal child and adult care food program; criteria and notice.** The
62.25 commissioner must post on the department's Web site eligibility criteria and application
62.26 information for nonprofit organizations interested in applying to the commissioner for
62.27 approval as a multisite sponsoring organization under the federal child and adult care food
62.28 program. The posted criteria and information must inform interested nonprofit organizations
62.29 about:

62.30 (1) the criteria the commissioner uses to approve or disapprove an application, including
62.31 how an applicant demonstrates financial viability for the Minnesota program, among other
62.32 criteria;

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

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

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

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

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

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

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

63.29 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
63.30 from the food service fund.

63.31 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
63.32 is not eliminated by revenues from food service operations in the next fiscal year, then the
63.33 deficit must be eliminated by a permanent fund transfer from the general fund at the end of

64.1 that second fiscal year. However, if a district contracts with a food service management
64.2 company during the period in which the deficit has accrued, the deficit must be eliminated
64.3 by a payment from the food service management company.

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

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

64.14 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
64.15 make lunch available without charge to all participating students who qualify for free or
64.16 reduced-price meals.

64.17 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
64.18 in a respectful manner according to the policy adopted under subdivision 1. The participant
64.19 must ensure that any reminders for payment of outstanding student meal balances do not
64.20 demean or stigmatize any child participating in the school lunch program-, including, but
64.21 not limited to, dumping meals, withdrawing a meal that has been served, announcing or
64.22 listing students names publicly, or affixing stickers, stamps, or pins. The participant must
64.23 not impose any other restriction prohibited under section 123B.37 due to unpaid student
64.24 meal balances.

64.25 (b) If the commissioner or the commissioner's designee determines a participant has
64.26 violated the requirement to provide meals to participating students in a respectful manner,
64.27 the commissioner or the commissioner's designee must send a letter of noncompliance to
64.28 the participant. The participant is required to respond and, if applicable, remedy the practice
64.29 within 60 days.

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

65.1

ARTICLE 7

65.2

EARLY CHILDHOOD AND FAMILY SUPPORT

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

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

65.7 (1) have an eligible child; and

65.8 (2) have income equal to or less than 185 percent of federal poverty level income in the
65.9 current calendar year, or be able to document their child's current participation in the free
65.10 and reduced-price lunch program or Child and Adult Care Food Program, National School
65.11 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution
65.12 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections
65.13 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act
65.14 of 2007; Minnesota family investment program under chapter 256J; child care assistance
65.15 programs under chapter 119B; the supplemental nutrition assistance program; or placement
65.16 in foster care under section 260C.212. Parents or guardians are not required to provide
65.17 income verification under this clause if the child is an eligible child under paragraph (b),
65.18 clause (4) or (5).

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

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

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

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

65.25 ~~(4) homeless, in foster care, or in need of child protective services.~~

65.26 (4) designated as a child in need of child protective services as defined under section
65.27 260C.007; or

65.28 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance
65.29 Act, United States Code, title 42, section 11434a.

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

66.1 (d) Early learning scholarships may not be counted as earned income for the purposes
66.2 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota
66.3 family investment program under chapter 256J, child care assistance programs under chapter
66.4 119B, or Head Start under the federal Improving Head Start for School Readiness Act of
66.5 2007.

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

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

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

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

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

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

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

66.25 (b) The commissioner shall establish a target for the average scholarship amount per
66.26 child based on the results of the rate survey conducted under section 119B.02.

66.27 (c) A four-star rated program that has children eligible for a scholarship enrolled in or
66.28 on a waiting list for a program beginning in July, August, or September may notify the
66.29 commissioner, in the form and manner prescribed by the commissioner, each year of the
66.30 program's desire to enhance program services or to serve more children than current funding
66.31 provides. The commissioner may designate a predetermined number of scholarship slots
66.32 for that program and notify the program of that number. For fiscal year 2018 and later, the
66.33 statewide amount of funding directly designated by the commissioner must not exceed the

67.1 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district
67.2 or Head Start program qualifying under this paragraph may use its established registration
67.3 process to enroll scholarship recipients and may verify a scholarship recipient's family
67.4 income in the same manner as for other program participants.

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

67.10 (e) A child who receives a scholarship who has not completed development screening
67.11 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first
67.12 attending an eligible program; or within 90 days after the child's third birthday if a child
67.13 under the age of three is awarded a scholarship.

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

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

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

67.24 (1) participate in the quality rating and improvement system under section 124D.142;
67.25 and

67.26 (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and
67.27 improvement system.

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

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

68.1 Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 3, is amended
68.2 to read:

68.3 Subd. 3. **Administration; design.** (a) The commissioner shall establish program
68.4 requirements, an application process and timeline for each tier of grants specified in
68.5 subdivision 4, criteria for evaluation of applications, and a grant awards process. The
68.6 commissioner's process must minimize administrative costs, minimize burdens for applicants
68.7 and grant recipients, and provide a framework that permits flexibility in program design
68.8 and implementation among grant recipients.

68.9 (b) To the extent practicable, the commissioner shall design the program to align with
68.10 programs implemented or proposed by organizations in Minnesota that:

68.11 (1) identify and increase the capacity of organizations that are focused on achieving
68.12 data-driven, locally controlled positive outcomes for children and youth throughout an entire
68.13 neighborhood or geographic area through programs such as Strive Together, Promise
68.14 Neighborhood, and the Education Partnerships Coalition members;

68.15 (2) build a continuum of educational family and community supports with academically
68.16 rigorous schools at the center;

68.17 (3) maximize program efficiencies by integrating programmatic activities and eliminating
68.18 administrative barriers;

68.19 (4) develop local infrastructure needed to sustain and scale up proven and effective
68.20 solutions beyond the initial neighborhood or geographic area; ~~and~~

68.21 (5) utilize appropriate outcome measures based on unique community needs and interests
68.22 and apply rigorous evaluation on a periodic basis to be used to both monitor outcomes and
68.23 allow for continuous improvements to systems;

68.24 (6) collect and utilize data to improve student outcomes;

68.25 (7) share disaggregated performance data with the community to set community-level
68.26 outcomes;

68.27 (8) employ continuous improvement processes;

68.28 (9) have an anchor entity to manage the partnership;

68.29 (10) convene a cross-sector leadership group and have a documented accountability
68.30 structure; and

68.31 (11) demonstrate use of nonstate funds, from multiple sources, including in-kind
68.32 contributions.

- 69.1 (c) A grant recipient's supportive services programming must address:
- 69.2 (1) kindergarten readiness and youth development;
- 69.3 (2) grade 3 reading proficiency;
- 69.4 (3) middle school mathematics;
- 69.5 ~~(3)~~ (4) high school graduation;
- 69.6 ~~(4)~~ (5) postsecondary educational ~~attainment~~ enrollment;
- 69.7 (6) postsecondary education completion;
- 69.8 ~~(5)~~ (7) physical and mental health;
- 69.9 ~~(6)~~ (8) development of career skills and readiness;
- 69.10 ~~(7)~~ (9) parental engagement and development;
- 69.11 ~~(8)~~ (10) community engagement and programmatic alignment; and
- 69.12 ~~(9)~~ (11) reduction of remedial education.
- 69.13 (d) The commissioner, in consultation with grant recipients, must:
- 69.14 (1) develop and revise core indicators of progress toward outcomes specifying impacts
- 69.15 for each tier identified under subdivision 4;
- 69.16 (2) establish a reporting system for grant recipients to measure program outcomes using
- 69.17 data sources and program goals; and
- 69.18 (3) evaluate effectiveness based on the core indicators established by each partnership
- 69.19 for each tier.
- 69.20 Sec. 5. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 5, is amended
- 69.21 to read:
- 69.22 Subd. 5. **Grants.** (a) The commissioner shall award Tier 1 and Tier 2 grants to qualifying
- 69.23 recipients that can demonstrate a nonstate source of funds, including in-kind contributions.
- 69.24 (b) For Tier 2 grants authorized for fiscal year 2020 and later, the commissioner must
- 69.25 give priority to otherwise qualified past grant recipients that have made progress toward
- 69.26 identified program outcomes under subdivision 3, paragraph (d).

70.1

ARTICLE 8

70.2

SELF-SUFFICIENCY AND LIFELONG LEARNING

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

70.4 **124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**70.5 **TEST TESTS.**

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

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

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

70.21 (1) the projected number of employee trainees;

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

70.25 (3) the competency standard for which training will be provided;

70.26 (4) the credential the employee will receive upon completion of training;

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

70.29 (6) the period of the training; and

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

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

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

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

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

71.16 (2) the school must be licensed by name and authorized by the Office of Higher Education
 71.17 and the board to offer one or more training programs beyond the secondary level.

71.18 ARTICLE 9

71.19 STATE AGENCIES

71.20 Section 1. Minnesota Statutes 2016, section 128C.03, is amended to read:

71.21 **128C.03 ELIGIBILITY BYLAWS, POLICIES, AND PROCEDURES.**

71.22 Subdivision 1. Public input and access to proposed eligibility bylaws, policies, and
 71.23 procedures. (a) The league shall adopt procedures to ensure public notice of all eligibility
 71.24 ~~rules and~~ bylaws, policies, and procedures that will afford the opportunity for public hearings
 71.25 on proposed eligibility ~~rules~~ bylaws, policies, and procedures. If requested by ~~100~~ 25 or
 71.26 more parents or guardians of students, the public hearing must be conducted by an
 71.27 administrative law judge from the Office of Administrative Hearings, or by a person hired
 71.28 under contract by the Office of Administrative Hearings, ~~or by an independent hearing~~
 71.29 ~~officer appointed by the commissioner of education from a list maintained for that purpose.~~
 71.30 At the conclusion of a public hearing ~~requested by 100 or more parents or guardians of~~
 71.31 ~~students~~, the person conducting the hearing shall write a report evaluating the extent to
 71.32 which the league has shown that the proposed ~~rule~~ bylaws, policies, and procedures is needed

72.1 and reasonable and the legality of the proposed ~~rule~~ bylaws, policies, and procedures. The
72.2 league shall pay for hearings under this section.

72.3 (b) The league shall:

72.4 (1) maintain a public docket on the league's Web site that includes historical and proposed
72.5 changes in eligibility bylaws, policies, and procedures;

72.6 (2) post notice and final versions of all proposed changes to eligibility policies,
72.7 procedures, and definitions to the league Web site for at least 30 days prior to board meetings;

72.8 (3) include publication dates on all versions of the league's official handbook or other
72.9 advisory documents regarding league eligibility bylaws, policies, procedures, and definitions;
72.10 and

72.11 (4) reconcile and remove duplicate eligibility policies and procedures.

72.12 Subd. 2. Eligibility review process. (a) The league must establish a process for student
72.13 eligibility review that provides students and parents with a reasonable opportunity to present
72.14 information regarding the student's eligibility. The league must:

72.15 (1) publish general criteria by which a request for review may qualify for a review by
72.16 the league's eligibility committee;

72.17 (2) publish general criteria by which a review may qualify for further review by an
72.18 independent hearing officer;

72.19 (3) indicate the conditions, timelines, and procedures for administering any review under
72.20 clause (1) or (2); and

72.21 (4) provide specific reasons for denying the request for reviews for which the league
72.22 denies a request.

72.23 (b) The eligibility review process contained in this section does not create a property
72.24 right or liberty interest in extracurricular varsity athletic competition.

72.25 Sec. 2. Minnesota Statutes 2016, section 128C.20, is amended to read:

72.26 **128C.20 LEAGUE INFORMATION REVIEW AND REPORT; COMMISSIONER**
72.27 **REVIEW OF LEAGUE RECOMMENDATIONS.**

72.28 Subdivision 1. **Annually.** (a) Each year the ~~commissioner of education~~ league shall
72.29 ~~obtain and~~ review the following information ~~about the league~~:

73.1 (1) an accurate and concise summary of the annual financial and compliance audit
 73.2 prepared by the state auditor that includes information about the compensation of and the
 73.3 expenditures by the executive director of the league and league staff;

73.4 (2) a list of all complaints filed with the league and all lawsuits filed against the league
 73.5 and the disposition of those complaints and lawsuits;

73.6 (3) an explanation of the executive director's performance review;

73.7 (4) information about the extent to which the league has implemented its affirmative
 73.8 action policy, its comparable worth plan, and its sexual harassment and violence policy and
 73.9 rules; ~~and~~

73.10 (5) an evaluation of ~~any proposed changes in league policy~~ bylaws, procedures, policies,
 73.11 and definitions, including those that have been proposed, for compliance with Department
 73.12 of Education programs and applicable state and federal law; and

73.13 (6) an explanation of recent and proposed changes to eligibility bylaws, policies, and
 73.14 procedures, including the eligibility review process under section 128C.03, subdivision 2.

73.15 The league shall post the review on the league's Web site and present written copies of
 73.16 the review to the commissioner of education and the chairs and ranking minority members
 73.17 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

73.18 (b) The commissioner may examine any league activities or league-related issues when
 73.19 the commissioner believes this review is warranted.

73.20 Subd. 2. **Recommend laws.** The commissioner may recommend to the legislature
 73.21 whether any legislation is made necessary by league activities.

73.22 Sec. 3. **REPEALER.**

73.23 Minnesota Statutes 2016, section 128C.02, subdivision 6, is repealed."

73.24 Delete the title and insert:

73.25 "A bill for an act

73.26 relating to education; providing for prekindergarten through grade 12 education,
 73.27 including general education, education excellence, teachers, facilities and
 73.28 technology, nutrition, early childhood and family support, and self-sufficiency and
 73.29 lifelong learning amending Minnesota Statutes 2016, sections 13.321, by adding
 73.30 a subdivision; 120A.20, subdivision 2; 120A.22, subdivisions 7, 12; 120B.36,
 73.31 subdivision 2; 121A.22, subdivision 1, by adding a subdivision; 121A.39; 121A.41,
 73.32 by adding subdivisions; 121A.42; 121A.45; 121A.46, subdivisions 2, 3, by adding
 73.33 subdivisions; 121A.47, subdivision 2; 121A.53, subdivision 1; 121A.55; 121A.61;
 73.34 121A.67, by adding a subdivision; 123B.14, subdivision 7; 123B.41, subdivision
 73.35 5; 123B.42, subdivision 3; 124D.111; 124D.78, subdivision 2; 125B.07, subdivision
 73.36 6; 126C.15, subdivision 5; 127A.45, subdivisions 11, 16; 128C.03; 128C.20;

74.1 299F.30, subdivisions 1, 2; 626.556, subdivision 10a; Minnesota Statutes 2017
74.2 Supplement, sections 120B.021, subdivision 1; 120B.12, subdivision 2; 120B.125;
74.3 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.07, by adding a subdivision;
74.4 122A.09, by adding a subdivision; 122A.187, subdivision 5; 122A.20, subdivision
74.5 1; 122A.40, subdivision 13; 122A.41, subdivision 6; 123B.41, subdivision 2;
74.6 123B.52, subdivision 7; 124D.165, subdivisions 2, 3, 4; 124D.549; 124D.99,
74.7 subdivisions 3, 5; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03,
74.8 subdivision 7a; 626.556, subdivisions 2, 3, 10e; Laws 2017, First Special Session
74.9 chapter 5, article 2, sections 56; 57, subdivision 23; proposing coding for new law
74.10 in Minnesota Statutes, chapters 120B; 125B; repealing Minnesota Statutes 2016,
74.11 sections 120B.35, subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision
74.12 9; 128C.02, subdivision 6."