

S.F. No. 960 – E-12 Education Omnibus (Second Engrossment)

Author: Senator Roger C. Chamberlain

Prepared by: Ann Marie Lewis, Senate Counsel (651/296-5301)
Jenna Hofer, Fiscal Analyst (651/296-5259)
Betsy Hjelseth, Legislative Analyst (651/296-7983)

Date: April 20, 2021

ARTICLE 1 – GENERAL EDUCATION

Section 1. Governance. Removes the requirement for an area learning center to be operated by at least two districts, unless the district is located in a city of the first class. Encourages districts to establish area learning centers with other districts.

Section 2. Provided services. Expands the requirement that each district provide guidance and counseling services to nonpublic pupils. Includes elementary pupils enrolled in a nonpublic school within the school district as well as elementary and secondary pupils enrolled in an American Indian-controlled tribal contract or grant school located within the school district.

Section 3. Guidance and counseling services; allotment. Modifies the calculation of nonpublic pupil aid by creating an allotment for guidance and counseling services provided to elementary pupils. Specifies that the allotment must not exceed the statewide average per pupil expenditure for elementary guidance and counseling services, multiplied by the number of nonpublic elementary students within the district requesting services. States the nonpublic elementary pupil requesting services must be enrolled by September 15 of the current school year to generate revenue.

Section 4. Computation of maximum allotments. Clarifies that the calculation of the maximum allotment includes guidance and counseling services provided to elementary pupils.

Section 5. Shared time pupils. Broadens the definition of shared time pupils to include those who attend public school career and technical education programs offered for secondary credit outside of the regular school day.

Section 6. Extended time revenue. Allows pupils placed in a children's residential facility to generate extended time revenue for summer programming. Provides a definition for children's residential facility.

Section 7. Pupil transportation adjustment. Increases the pupil transportation adjustment from 18.2 percent to 70 percent of a district's unreimbursed transportation costs for the prior year.

Section 8. Use of revenue. Clarifies the uses of basic skills revenue by removing obsolete language, updating program names, and reorganizing program references.

Section 9. Annual expenditure report. Requires a district to report expenditures for basic skills revenue by functional area.

Section 10. Referendum equalization levy. Modifies first and second tier referendum equalization rates for fiscal year 2023 and later.

(b) States that a district's first tier referendum levy must not exceed the amount raised by a tax rate of 0.062 percent times the referendum market value of the district times the ratio of the district's first tier referendum equalization allowance to \$460.

(c) States that a district's second tier referendum levy must not exceed the amount raised by a tax rate of 0.155 percent times the referendum market value of the district times the ratio of the district's second tier referendum equalization allowance to an amount equal to 25 percent of the formula allowance, minus the sum of \$300 and the district's first tier referendum equalization allowance.

Section 11. Excess tax increment. Clarifies the calculation of aid and levy limitations for a district receiving excess tax increment financing revenue by updating the fiscal year used in the calculation.

Section 12. Excess increments. Adds language to clarify the process for MDE reporting on tax increment financing districts.

Section 13. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 2 - EDUCATION EXCELLENCE

Section 1. Absence from school for religious observance. Requires a school board to provide annual notice to parents of the school district's policy on absence from school for religious observance.

Section 2. School calendar. Removes flexible learning year programs from the exceptions to the Labor Day start requirement. Allows a school district to consider their community's religious observance when adopting the annual school calendar.

Section 3. Length of school year; hours of instruction. (b) Allows a school board to include an unlimited number of distance learning days in the annual school calendar.
(c) Expands the definition of hours of instruction to include all learning opportunities and services designed to support a student to be prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives.

Section 4. Distance learning days. Renames e-learning days to distance learning days. Allows a school board to use its 2020-2021 school year distance learning plan as its plan for providing online instruction when there is a weather, health, or natural disaster emergency in the district.

Section 5. Conduct of school on certain holidays. Allows a group or organization identified as a patriotic society in United States Code, title 36, to be included in school programs conducted on certain holidays or to have an opportunity to speak to students for a reasonable amount of time during the school day.

Section 6. Revisions and reviews required. Moves the review and revision of the academic standards and related benchmarks for physical education from the 2022-2023 school year to the 2026-2027 school year.

Section 7. Definitions. Defines “on track for graduation” as meaning a student that has earned at least five credits and has received no more than one failing grade in a language arts, mathematics, science, or social studies by the end of grade 9.

Section 8. Performance measures. Amends the world’s best work force performance measures for a school district or school sites to include participation in honors or gifted and talented programming and the number and percentage of students, by student subgroup, who are on track for graduation. Requires performance measures to be reported for all student subgroups under section 120B.35, subdivision 3, paragraph (b), clause (2).

Section 9. Establishment; eligibility. Requires a district or charter school that receives an AP/IB grant to adopt either a three-year plan to establish a new international baccalaureate program that leads to international baccalaureate authorization, expand an existing program that leads to international baccalaureate authorization, or expand an existing authorized program; or a plan to create a new or expand an existing program to implement the college board advanced placement courses and exams or preadvanced placement initiative.

Section 10. Funding; permissible funding uses. Establishes the maximum grant funding award at \$150,000 per district or charter school for grants to increase science, technology, engineering, and math course offerings.

Section 11. Provision of separate teams. Prohibits a Minnesota State High School League member school from permitting a male student from participating in interscholastic or intramural athletic teams designed for female students. Prohibits the section from being construed as invalidating a court order.

Section 12. Dismissal of students in kindergarten through grade three. Allows a student in kindergarten through grade 3 to be dismissed from school only if the child poses a safety threat to themselves or others.

Section 13. Policies to be established.

Subd. 2. Annual discipline policy review; stakeholder group. (a) Requires a school board to annually convene a stakeholder group to review the district’s discipline policy. Requires the group membership to consist of at least 25 percent parents or guardians of current students and at least 25 percent current students. Allows the school board to assign the policy review to an existing school or site council with the same make up.

(b) Allows the stakeholder group to make recommendations to the school board regarding changes to the discipline policy. Requires that the stakeholder group have access to discipline records, excluding any records with identifiable student information.

Subd. 3. Parent, guardian, or student review of suspensions. Requires the discipline policy to include a process for an adult student, parent, or guardian to request review of an imposed suspension.

Section 14. Comprehensive, scientifically based reading instruction. Strikes the requirement that schools provide reading instruction that is balanced.

Section 15. Board control. (b) Allows a school board and a nonpublic school to agree to a written plan for the school board to provide nonpublic pupil transportation.

- (1) Allows a school board that provides nonpublic pupil transportation through its employees to retain the nonpublic pupil transportation aid attributable to the plan. Allows the nonpublic school to make a payment to the school district to cover additional transportation services agreed to in the plan, but not required under sections 123B.84 to 123B.87.
- (2) Allows a school board that contracts for pupil transportation services to enter into a contractual agreement with the school bus contractor to provide nonpublic pupil transportation according to the plan. Allows the school board to retain the nonpublic pupil aid attributable to that plan to pay the school bus contractor. Allows the nonpublic school to make a payment to the school district to cover additional transportation services agreed to in the plan, but not required under sections 123B.84 to 123B.87.

(c) Requires the school district to report to the commissioner the number of nonpublic pupils transported, and the nonpublic pupil transportation expenditures incurred.

Section 16. Authorization; career or technical education. Allows a 10th grade student that qualifies to enroll in a career or technical education course under this subdivision to enroll in more than one career or technical education course in their first semester of their 10th grade year.

Section 17. Dissemination of information; notification of intent to enroll. Allows a student to notify their school district of their intent to enroll in Postsecondary Enrollment Options (PSEO) courses at any time if the district did not meet the requirements for dissemination of information.

Section 18. Enrollment priority. Removes the limitation on postsecondary institutions ability to advertise PSEO programs on financial grounds. Strikes obsolete language.

Section 19. Participation in high school activities. Clarifies that a student enrolled in PSEO may have leadership roles in activities sponsored by their high school and participate in national organizations sponsored by their high school.

Section 20. Credits; grade point average weighting policy. Requires a school board to adopt an identical policy for weighted grade point averages for credits earned through PSEO coursework as it gives to credits earning through comparable concurrent enrollment coursework.

Section 21. Transportation. Allows a school district to be reimbursed for transportation costs for PSEO students whose family income is at or below the federal poverty level. Prohibits the school district that is reimbursed for transporting a student under this subdivision from charging any pupil for transportation to or from a postsecondary institution.

Section 22. Distance learning option. Allows a school district to offer a full-time distance learning option to its enrolled resident students as part of its curriculum offerings. Allows a student to meet all their graduation requirements through distance learning. States that a school district that offers distance learning is not an online provider. Allows a school district to assign a student who is participating in full-time distance learning to a building for compensatory revenue pupil units and free and reduced-price meal eligibility.

Section 23. Purpose of flexible learning year programs. Removes obsolete language. Eliminates language stating future four-day week plans are contingent upon meeting the school district's performance goals under section 120B.11. Eliminates language requiring the commissioner to give a school district one school year's notice before revoking approval of a flexible learning year program.

Sections 24 to 27. Flexible learning year program. Removes the commissioner's authority to approve or disapprove a school district's application for the flexible learning year program. Allows a school board to approve their plan.

Section 28. Rural career and technical education consortium grants.

Subdivision 1. Definition. Defines "rural career and technical education (CTE) consortium" as a voluntary collaboration of at least one greater Minnesota service cooperative and other regional partners that work together to provide career and technical education opportunities within the service cooperative's multicounty service area.

Subd. 2. Establishment. Requires a CTE consortium to:

- (1) focus on development of courses and programs that encourage collaboration;
- (2) develop new career and technical programs that focus on the industry sectors that fuel the rural regional economy;
- (3) facilitate the development of highly trained and knowledgeable students with technical and workplace skills needed by employers;
- (4) improve access to career and technical education programs by developing public and private partnerships with business and industry leaders and by coordinating high school and postsecondary program options;
- (5) increase awareness of the availability and benefit of career and technical education courses and training opportunities; and
- (6) provide capital start-up costs for items such as mobile welding lab, medical equipment and lab, and industrial kitchen equipment.

(b) Permits a rural CTE consortium to address the teacher shortage crisis in CTE and provide transportation reimbursement grants.

Subd. 3. Rural career and technical education advisory committee. Requires a service cooperative to establish a rural CTE advisory committee to advise the cooperative on the administration of the rural CTE consortium to be eligible for a grant under this section.

Subd. 4. Private funding. Allows a rural CTE consortium to receive other sources of funds to supplement state funding.

Subd. 5. Reporting requirements. Directs a CTE consortium to submit an annual report by January 15 of each year to the commissioner on the progress of its activities. Requires the annual report to include a financial report of the preceding fiscal year.

Subd. 6. Grant Awards. Allows the Minnesota Service Cooperatives to consult with the commissioner to grant awards to qualifying rural CTE consortia.

Section 29. Review by commissioner. Allows a school district that is a charter school authorizer to submit a new written promise that satisfied their initial application requirements to the commissioner during the five-year review.

Section 30. Corrective Action. Paragraph (a) updates language stating that the corrective action plan for an authorizer cannot last more than 130 business days. Allows the commissioner to prohibit an authorizer that is on a corrective plan from accepting a charter school transfer application or an application to establish a charter school.

Paragraph (b) requires the commissioner to notify the authorizer in writing that it has been placed on a corrective plan. Requires the notice to include any findings that may subject the authorizer to corrective action at the end of the corrective plan. Requires the commissioner to hold an informal hearing within 15 days of a request for a hearing. Requires the authorizer to make the improvements in the plan within 45 business days if they are not resolved at the informal hearing. The commissioner has 20 business days to review the changes and notify the authorizer of any remaining issues that must be fixed. The authorizer has 20 business days to address the remaining issues. After that, the commissioner has 15 business days to review the changes and notify the authorizer whether all the issues in the corrective plan have been resolved.

Paragraph (c) requires the commissioner to assist a charter school if its authorizer's ability to charter a school is terminated. Allows the charter school board of directors to submit a request to the commissioner for transfer to a new authorizer without approval of the current authorizer if that authorizer has been under a correction action plan for over 130 business days.

Paragraph (d) allows the commissioner to terminate an authorizer's ability to charter a school, terminate a contract with a charter school, or take other appropriate sanctions for failing to meet the terms of a corrective action plan by the specified deadline.

Section 31. Average daily membership. Includes distance learning and distance learning days in the definition of average daily membership.

Section 32. Evidence-based education grants.

Subdivision 1. Purpose and applicability. States that the purpose of this section is to create a process to evaluate the effectiveness of all prekindergarten through grade 12 education programs funded by the legislature to the commissioner of education for grants to organizations on or after July 1, 2022.

Subd. 2. Goals. Requires that each applicant applying for a grant must include in the grant application a statement of the goals of the education program and grant funds. Requires goals to be aligned to state and federal accountability plans, to the extent practicable.

Subd. 3. Strategies and data. Requires that the grant application must include a description of the strategies that will be used to meet the goals specified in the application, and a plan to collect data to measure the effectiveness of the strategies used.

Subd. 4. Reporting. Requires each grant recipient to create a report describing the data that was collected and the effectiveness of the strategies used within 180 days of the grant period ending. Requires that the report identify or propose alternative strategies.

Subd. 5. Grant defined. Defines “grant” as money appropriated from the state general fund to the commissioner of education for distribution to the grant recipients.

Section 33. Education Innovation Zone Program.

Subd. 1. Establishment; requirements for participation; innovation zone plans.

Paragraph (a) updates the innovation research zone pilot program to the education innovation zone program.

Paragraph (c) removes language requiring an innovation zone partnership to research and implement innovative programs and models that are based on proposed hypotheses. Adds examples of innovative programs and models that may include:

(10) new models of evaluation, assessment, and accountability using multiple indicators including models that demonstrate alternative ways to validate students’ academic attainment that have predictive validity to the state tests;

(11) improving teacher and principal mentoring and evaluation;

(12) granting a high school diploma to a student who meets the graduation requirements, who demonstrates preparation for postsecondary education or a career consistent with the world’s best workforce goals, and who meet the following requirements: (i) completes four years of high school; and (ii) completes at least one year of postsecondary education at a two- or four-year college or university through concurrent enrollment, advanced placement, or international baccalaureate courses; or (iii) completes the requirements for a career certification up to the apprenticeship program level, if one is required for that certification;

(13) use of the provisions governing standard adult high school diploma requirements, experiential and applied learning opportunities, and the use of independent study;

(14) allow a student in grade 10, 11, or 12 to participate in career and technical programs after school, on weekends, and during school breaks, and be included in average daily membership up to one;

(15) methods to initiate prevention models to reduce student needs for special education and to reduce teacher time devoted to required special education documentation; or

(16) other innovations as determined by the local boards.

Paragraph (e) removes the commissioner of education’s authority to approve an innovation zone partnership to extend membership to other partners.

Paragraph (g) removes the commissioner of education’s authority to approve or reject the innovation zone partnership plan.

Paragraph (h) states that an innovation zone plan must not cause an increase in state aid or levies for partners.

Subd. 2. Exemptions from laws and rules. States that an innovation zone partner with a plan filed with the commissioner must not cause an increase in state aid or levies.

Subd. 3. Innovation Research Zone Advisory Panel. Strikes the requirement for the commissioner to establish and convene an Innovation Research Zone Advisory Panel to review all plans submitted for approval.

Subd. 4. Commissioner duties. Removes language referring to the Innovation Research Zone Advisory Panel.

Subd. 5. Project evaluation, dissemination, and report to legislature. Requires that each innovation zone partnership must submit project data to the commissioner in the form and manner specified by the commissioner. States that every two years, the commissioner may analyze each innovation zone’s progress in meeting the objectives of the innovation zone partnership’s plan. States that, to the extent practicable, the commissioner may summarize and categorize innovation zone plans and submit a report to the legislature.

Section 34. Academic standards review suspension. Directs the commissioner to suspend any ongoing review or revision of state academic standards or implementation of revised academic standards until June 1, 2023.

Section 35. Digital well-being grant.

Subdivision 1. Findings; grant. Paragraph (d) Requires the commissioner to award a grant to LiveMore ScreenLess, a Minnesota-based organization that works with communities to support digital well-being.

Subd. 2. Digital well-being resource hub. Requires the grant to be used to support the creation of a library of resources which promote digital well-being in Minnesota.

Subd. 3. Network of organizations. Requires that LiveMore ScreenLess identify, collaborate, and coordinate with both local and national organizations that are focused on healthy screen use and healthy youth development. This includes cyberbullying, suicide prevention, mental health, antipornography, mindfulness, and social and emotional learning.

Subd. 4. Train-the-trainer series. Requires LiveMore ScreenLess to implement the digital well-being train-the-trainer series for everyone in Minnesota who serves and advocates for young people in Minnesota.

Subd. 5. Peer-to-peer training development. Requires LiveMore ScreenLess to deliver peer-to-peer training so that young people in the state can advocate and promote digital well-being to other students.

Section 36. Education Savings Accounts for Students Act.

Subdivision 1. Title. Establishes the act as the “Education Savings Accounts for Students Act.”

Subd. 2. Definitions. (b) Defines “commissioner” as the commissioner of education.

(c) Defines “department” as the Department of Education.

(d) Defines “educational service provider” as an eligible school, tutor, or other person or organization that provides education-related services and products to participating students. Excludes the eligible student’s parents from being an educational service provider for that student.

(e) Defines “eligible school” as a nonpublic school that is recognized by the commissioner or accredited by an accrediting agency recognized by the Minnesota Nonpublic Education Council. Excludes a home school.

(f) Defines “eligible student” as a student who resides in Minnesota and who attended a public school or charter school during the semester preceding participation in the program.

(g) Defines “parent” as a resident of the state who is a parent, legal guardian, custodian, or other person with the authority to act on behalf of the eligible student.

(h) Defines “postsecondary institution” as a college or university accredited by a state, regional, or national accrediting organization.

(i) Defines “program” as a program to implement education savings accounts (ESAs).

(j) Defines “tutor” as a person who (1) is certified or licensed by a state, regional, or national certification or licensing organization to teach, (2) has earned a valid teacher’s license, or (3) has experience teaching at a postsecondary institution

Subd. 3. Education savings account (ESA) program. (a) An eligible student qualifies to participate in the program if their parent agrees to the following:

(1) to arrange for the provision of organized, appropriated educational services with measurable goals to the participating student in the subjects of reading, writing, mathematics, social studies, and science; and

(2) to not enroll the participating student in a public school or charter school for as long as the student is participating in the program.

(b) Requires a parent to use the ESA funds for any of the following qualifying expenses that meet the requirement in paragraph (a), clause (1):

(1) tuition and fees at an eligible school;

(2) payment to a tutor;

(3) payment for purchase of curriculum, including textbooks and supplemental materials;

(4) fees for transportation to and from an educational service provider paid to a fee-for-service transportation provider;

(5) tuition and fees for online learning programs or courses;

(6) fees for national standardized norm-referenced achievement tests, and fees for advanced placement exams or similar courses and any exams related to college or university admission;

(7) educational services or therapies from a licensed or certified practitioner or provider;

(8) services provided by a public school;

(9) tuition, fees, and textbooks at a postsecondary institution;

(10) no more than \$300 in annual consumable school supplies necessary for the student’s education; or

(11) computer hardware and software and other technological devices if an eligible school, tutor, educational service provider, or licensed medical professional verifies in writing that these items are necessary for the student to meet annual, measurable goals.

(c) Prohibits a participating student or anyone on their behalf from receiving cash or cash-equivalent items from refunds or rebates from a provider of services or products in this program. Requires the rebates or refunds to be credited directly to the student's ESA.

(d) Payment for educational services through an ESA does not preclude a parent from paying for educational services using non-ESA funds.

(e) A student that enrolls in the program remains eligible to receive monthly ESA payments until the student returns to a public school, graduates from high school, or completes the school year in which the student reaches the age of 21, whichever occurs first.

(f) Allows ESA funds remaining after the student's graduation to be used to attend or take courses from a postsecondary institution.

(g) Requires a participating student's ESA to be closed and remaining funds returned to the state general fund if the student graduates from a postsecondary institution or after four consecutive years after high school graduation that the student is not enrolled in a postsecondary institution.

(h) Allows a participating student to return to the resident school district at any time after enrolling in the program. The student's ESA account must be closed, and remaining funds returned to the state general fund.

(i) Requires the commissioner to accept applications for the program on July 1, 2022.

Subd. 4. Funding. Directs the commissioner to determine the amount deposited in each student's ESA on a first-come, first-served basis. The amount is calculated based on the statewide average general education aid per adjusted pupil unit.

Subd. 5. District aid adjustment. Directs the commissioner to make a onetime adjustment to a serving district's general education aid in the fiscal year following a participating student's withdrawal from the district. Directs the commissioner to increase the district's general education aid for each participating student who withdrew from the district.

Subd. 6. Administration. (a) Directs the commissioner to create a form that parents may submit to establish the student's eligibility for an ESA.

(b) Requires the commissioner to provide parents of participating students with a written explanation of the allowable uses of ESAs, the responsibilities of parents, and the duties of the commissioner.

(c) Requires the commissioner to notify all students who are eligible to participate of the existence of the program and to ensure that low-income families are made aware of their potential eligibility.

(d) Allows the commissioner to deduct up to three percent from appropriations made to fund ESAs to cover the costs of overseeing and administering the program.

(e) Requires the commissioner to make monthly payments to ESAs unless there's evidence of misuse of the ESA.

(f) Requires the commissioner to determine of eligibility and approve applications within 45 business days.

Subd. 7. ESA establishment. (a) Directs the commissioner to adopt rules and policies necessary for the administration of the program, including necessary audits of ESAs.

(b) Directs the commissioner to issue ESA cards to parents making expenditures on behalf of a participating student. The ESA cards expired when the participating student's ESA is closed, except for periodic expiration and replacement of cards during the normal course of business.

(c) Directs the commissioner to use merchant category classification (MCC) codes to identify categories of providers. The list of blocked and unblocked MCC codes must be publicly available.

(d) Directs the commissioner to adopt a process to remove educational service providers that defraud parents.

(e) Directs the commissioner to establish an online, anonymous fraud-reporting service and an anonymous telephone hotline for fraud reporting.

(f) Directs the commissioner to adopt rules implementing policies on misspending of ESA funds.

(g) Allows for temporary suspension of ESA card for any amount not spent in the allowable categories.

(h) Allows the commissioner to remove a participant and seek to recover misspent funds using administrative measures.

(i) Provides for the offense to be recorded and held in a parent's file if a parent repays the funds within the requested time frame.

(j) Disqualifies the student from the ESA program if there are three offenses within a three-year period.

(k) Requires the commissioner to suspend a student's participation in the ESA if their parent fails to comply with the terms of the agreement in subdivision 3.

(l) Allows the commissioner to remove the student from the program if the parent fails to respond to the commissioner or make a report required for reinstatement within a 21-day period.

(m) Allows the commissioner's decisions to be subject to judicial review.

(n) Requires the commissioner to refer cases of substantial misuse of funds to law enforcement agencies.

Subd. 8. Scope. States that an eligible nonpublic school is autonomous and:

(1) the commissioner, department, or any other government agency is prohibited from regulating the educational program of a nonpublic school or educational service provider that accepts ESA funds;

(2) creation of the program does not expand the regulatory authority of the state to impose any additional regulation of nonpublic schools or educational service providers beyond those necessary to enforce the requirements of the program; and

(3) eligible schools and educational service providers are given the maximum freedom to provide for the educational needs of their students without governmental control.

Subd. 9. Severability. States that if any provision of this law is found unconstitutional and void, that the remaining provisions that can be given effect without the invalid provision are valid.

Section 37. Appropriations. See fiscal tracking spreadsheets.

Section 38. Revisor Instruction. (a) Directs the revisor to codify section 33 (**Education Innovation Zone Program**).

(b) Directs the revisor of statutes to renumber statutory sections related to statewide assessments according to the chart and make conforming changes as needed.

Section 39. Repealer. Repeals Minnesota Rules part 3500.1000 (Experimental and flexible school year programs).

ARTICLE 3 - TEACHERS

Section 1. Report. Requires the district to give a teacher that was physically assaulted by a student a copy of the report submitted to the commissioner.

Section 2. Policy components. Requires a school principal to remove a student from class for at least three days if the student engaged in assault or violent behavior. Allows the student to return to the classroom after the student has been given assistance to prevent the inappropriate behavior from recurring.

Section 3. Notification; teachers' and paraprofessionals' legitimate educational interest. States that a paraprofessional assigned to work alone or on a regular basis with a student with a disability has a legitimate interest in knowing the student's history of violent behavior.

Section 4. Professional license. Defines professional license as a Tier 1, Tier 2, Tier 3, or Tier 4 teaching license.

Section 5. Agreements with out-of-state program providers. Directs the Professional Educator Licensing and Standards Board (PELSB) to encourage Minnesota teacher preparation providers to develop programs in licensure areas where no in-state teacher preparation program exists. Directs

the board to identify out-of-state programs with national accreditation, if an in-state teacher preparation program is not established.

Section 6. Application requirements. Strikes the requirement that a school district or charter school has to post a teaching position and was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position before hiring a Tier 1 licensed teacher.

Section 7. Term of license and renewal. Strikes the requirement that a school district or charter school has to post a teaching position and was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position before the licensing board can renew a Tier 1 teaching license.

Section 8. Hiring, dismissing. Prohibits a school district from giving preference in the hiring or dismissal of a teacher based on the teacher's seniority. Directs a school district to annually report all new teacher hires and terminations, including layoffs, by race and ethnicity to PELSB.

Section 9. Negotiated unrequested leave of absence. Prohibits the unrequested leave of absence plan agreed to by the school board and the exclusive bargaining representative from requiring the board to place a teacher on unrequested leave of absence first based on their tier of licensure.

Section 10. Negotiated unrequested leave of absence. Prohibits the unrequested leave of absence plan agreed to by the school board of a district located in a city of the first class and the exclusive bargaining representative from requiring the board to place a teacher on unrequested leave of absence first based on their tier of licensure.

Section 11. Hiring and dismissal. Prohibits a school district located in cities of the first class from giving preference in the hiring or dismissal of a teacher based on the teacher's seniority. Directs a school district to annually report all new teacher hires and terminations, including layoffs, by race and ethnicity to PELSB.

Section 12. Come teach in Minnesota hiring bonuses.

Subdivision 1. Purpose. Establishes the program to support districts and schools recruiting and offering hiring bonuses to meet staffing needs in shortage areas.

Subd. 2. Eligibility. Requires a district or school to verify that the hiring bonus is given to certain teachers licensed in another state.

Subd. 3. Bonus amount. Allows a district or schools to offer a signing and retention bonus of at least \$2,500 and no more than \$5,000 to a teacher who meets the eligibility requirements. A teacher who meets the eligibility requirements and meets a licensure shortage area in the economic development region of the state where the school is located may be offered a signing bonus of at least \$4,000 and no more than \$8,000. Half of the bonus is paid to the teacher when starting employment and the second half after completing four years of serving in the hiring district or school. Requires the teacher to repay the bonus if they do not complete their first school year. A district may include a signing and retention bonus in its achievement and integration plan.

Subd. 4. Administration. Directs the commissioner to establish a process for districts or schools to seek reimbursement for hiring bonuses and to provide guidance to districts to seek repayment of a hiring bonus from a teacher who does not complete their first year of

employment. Allows the department to conduct a pilot program for the 2022-2023 biennium to establish feasibility, and report to the legislation by December 1, 2022.

Section 13. Staff development revenue. Allows a school district to use the staff development set-aside for teacher mentorship programs.

Section 14. Establishment. Allows the Collaborative Urban and Greater Minnesota Educators of Color Grant Program (CUGMEC) to go to programs that increase the number of teacher candidates of color or who are American Indian and meet the requirements for Tier 1, 2, or 3 licenses. Allows alternative teacher preparation programs to receive grant awards in addition to other teacher preparation programs.

Section 15. Competitive grants. Allows CUGMEC grants to go to programs based on the number or percentage of teachers of color or American Indian being supported by the program. Strikes the language giving priority in awarding grants to institutions that received grants under the 2017 laws and future priority to newly funded programs.

Section 16. Teacher mentorship and retention of effective teachers. Requires a school district to develop a teacher mentoring program for teachers new to the profession or district. Requires PELSB to make grant application forms available for the mentorship grants.

Section 17. Concurrent Enrollment Teacher Partnership. Changes the name of the Northwest Regional Partnership to the Concurrent Enrollment Teacher Partnership. Clarifies that Lakes Country Service Cooperative is the fiscal host for the partnership. Allows the partnership to provide funding for course development in postsecondary subject areas, work with school district to develop incentives for teachers to participate in the program, and enroll college faculty, space permitting, and provide financial assistance if state aid is available. Strikes obsolete language.

Section 18. Teacher and Classroom Safety Coded Elsewhere.

Subdivision 1. Scope. States that the sections in subdivisions 2 to 5 are coded elsewhere and include many, but not all, sections governing teacher and classroom safety.

Subd. 2. Dismissal and disciplinary report to the commissioner. Under section 121A.52, a teacher who was physically assaulted by a student must receive a copy of the report to the commissioner.

Subd. 3. Discipline and removal of students from class. Under section 121A.61, a student must be removed from class immediately if they engage in assault or violent behavior.

Subd. 4. Teachers' and paraprofessionals' legitimate educational interest. (a) Under section 121A.64, a teacher has a legitimate educational interest in knowing which students placed in their classroom have a history of violent behavior.

(b) A paraprofessional assigned to work alone or on a regular basis with a student with a disability has a legitimate educational interest in knowing whether the student has a history of violent behavior.

Subd. 5. General control of school and classroom. Under section 122A.42, a teacher of record must have the general control and government of a school and classroom and may remove violent or disruptive students from class.

Subd. 6. Notice of rights and responsibilities. Requires a teacher and administrator to be informed of their rights and responsibilities under these statutes and related school and district policies.

Section 19. Professional Educator Licensing and Standards Board. Directs the board to extend, by six months, any calendar year 2021 deadline for completion of licensure renewal requirements because of COVID-19 interruptions.

Section 20. Short-call Substitute Teacher Pilot. Allows a school district to employ a person who meets the professional requirements for a Tier 1 license without a baccalaureate degree as a short-call substitute in any content area, not limited to career and technical education. Requires a school district to request a background check according to section 123B.03 on the substitute teacher. Directs the school district to report to PELSB on the short-call substitute teachers employed under this section.

Section 21. Appropriations; Department of Education. See fiscal tracking spreadsheets.

Section 22. Appropriations; Professional Educator Licensing and Standards Board. See fiscal tracking spreadsheets.

Section 23. Revisor Instruction. Directs the Revisor to codify Laws 2017, First Special Session chapter 5, article 2, section 51 (Agriculture educator grants) as section 122A.77.

ARTICLE 4 – SPECIAL EDUCATION

Section 1. School Health Services.

Subdivision. 2. Definitions. Defines “clinical nursing provider,” “clinical nursing services,” and “pupil who is medically fragile.”

Subd. 3. Clinical nursing services at school. (a) States that caring for students who are medically fragile is necessary for their safety, creates a safer environment, and fosters learning and inclusion.

(b) Requires that a pupil who is medically fragile and who requires clinical nursing services at home must receive clinical nursing services care at school or while being transported to and from school. The school and the parent or legal guardian may work with the pupil’s provider about services and care needed to meet the pupil’s clinical nursing service needs. If an agreement is not met, the school and the parent or legal guardian must contact the pupil’s licensed care provider to try and work together to consult and clarify the medical orders outlined in the plan of care.

(c) Requires that a parent or legal guardian of a pupil who is medically fragile and who requires clinical nursing services at school or while being transported to and from school must meet with the school to discuss options available. The options include, but are not limited to:

- (1) allowing the pupil's clinical nursing provider from home to provide clinical nursing services to the pupil. These services are paid for by the pupil's home care services or other insurance;
- (2) allowing the school to contract with the pupil's existing clinical nursing provider; and
- (3) allowing the school to arrange for clinical nursing services for the pupil either by school staff or a contract with another clinical nursing services provider.

(d) Requires the school and parents or legal guardians of a pupil who is medically fragile to consider various factors when looking into options for arranging for clinical nursing services. These factors include:

- (1) whether the clinical nursing provider is able to provide the specific clinical nursing services the pupil requires;
- (2) how familiar the clinical nursing provider is with the pupil's clinical nursing service needs; and
- (3) how the selection of a clinical nursing provider impacts the availability of clinical nursing services for the pupil at home. Establishes that the meeting and decision between the school and parents or legal guardians may take place during individualized education plan team meetings. Dispute resolutions processes available under Disabilities in Education Act or meetings required by Section 504 of the Rehabilitation Act are available to the school and to the parents or legal guardian.

(e) Requires the school district and nurse or clinical nursing service provider to enter into agreements as necessary so that mutual expectations in the school environment are set.

Section 2. Special Education Recovery Services and Supports.

Subdivision. 1. Special education recovery. Requires the commissioner of education, school districts, and charter schools to collaborate with families of students with disabilities as described in this section to address the impact of distributions to in-person instruction due to COVID-19.

Subd. 2. Special education services and supports. (a) Requires a school district or charter school that serves one or more students with disabilities to invite the parents of a student with a disability to a meeting of each individualized education program team as soon as practicable, to determine whether special education services and supports are necessary to address the lack of progress on IEP goals or in the general education curriculum due to distributions from COVID-19. States that the services and supports may include extended school year services, additional IEP services, compensatory services, or other appropriate services. Requires services and supports be included in the IEP of the student. Requires the district or charter school to report to the commissioner the services and supports provided to students with disabilities under this section, including the cost.

(b) Requires the IEP team to consider the following in determining whether a student is eligible for services and supports, and what services and supports are appropriate for the student under paragraph (a):

- (1) the services and supports provided to the student before the disruptions to in-person instructions due to COVID-19;
- (2) the ability of the student to access services and supports;
- (3) the student's progress toward IEP goals and in the general education curriculum;
- (4) the student's lost skills resulting from disruptions to instruction;

- (5) other significant influences on the student’s ability to participate in and benefit from instruction as a result of COVID-19; and
- (6) the types of services and supports that would benefit and improve the student’s ability to benefit from school;

(c) Requires the IEP team to take into account the timing and delivery method most appropriate for the student when considering how and when the services and supports described in paragraph (a) should be provided. Allows the IEP team to determine that providers in addition to school district or charter school staff are most appropriate to provide the services supports in paragraph (a).

(d) Requires that a school district or charter school make available the services and supports included in an IEP, as described in paragraph (a), until the IEP team determines that services and supports are no longer necessary.

(e) Allows a school district or charter school to use federal funds to comply with this section.

Section 3. Report on behavioral health services reimbursement. Directs the commissioners of education and human services to consult with stakeholders to find strategies to streamline access and reimbursement for behavioral health services for children with an individualized education program or an individualize family service plan who are enrolled in Medical Assistance.

Section 4. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 5 – HEALTH AND SAFETY

Section 1. [121A.24] Seizure Training and Action Plan.

Subdivision 1. Seizure action plan. Paragraph (a) defines “seizure action plan” as a written individualized health plan designed to acknowledge and prepare for the health care needs of a student with a seizure disorder diagnosed by the student’s treating licensed health care provider.

(b) Requires school districts and charter schools to follow this subdivision if an enrolled student’s parent or guardian has notified them that the student has a diagnosed seizure disorder and has seizure rescue medication. Requires the parent or guardian to work with school personnel to implement the seizure action plan.

(c) Requires a seizure plan to identify at least one on duty employee who can administer the seizure rescue medication; require seizure medication training for the identified employee; and be filed in the principal’s office or licensed school nurse’s office.

(d) Requires a district or charter school employee or volunteer responsible for the supervision or care of the student with a diagnosed seizure disorder to be given notice and a copy of the seizure action plan.

Subd. 2. Training requirements. Requires a school district or charter school to provide self-study materials on seizure disorder signs, symptoms, medications, and appropriate responses to all licensed school nurses and other staff who are working with students.

Subd. 3. Department of Health. Allows a school district or charter school to consult with the commissioner of health on the training resources required in this section.

Section 2. [121A.336] Notification of Environmental Hazards. Requires a school district, charter school, or nonpublic school, upon notification by the Department of Health or Pollution Control Agency, to notify school staff, students, and parents of an environmental hazard that may affect the health of students or school staff. Requires the notice to include direction on how to obtain more information about the hazard.

Section 3. Safe Schools Revenue.

Subdivision 1. Safe schools revenue. Increases safe schools revenue in fiscal year 2022 and fiscal year 2023 for a district to \$37, and for fiscal year 2024 and later for a district to \$47 multiplied by the district's adjusted pupil units for the school year,

Subd. 2. Safe schools levy. (a) For fiscal year 2022, allows a school district to levy up to \$36 per adjusted pupil unit.

(b) For fiscal year 2023 and later, allows a school district to levy up to \$37 per adjusted pupil unit. Provides for equalization of the safe schools levy. For fiscal year 2023 and later, sets a district's maximum levy amount to be not more than the district's safe schools revenue multiplied by the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to the safe schools equalizing factor.

Subd. 3. Safe schools aid. States that a district's safe schools aid is equal to its safe schools revenue minus its safe schools levy. Provides that aid must be in the same proportion as the actual amount the district levied to the permitted levy. Provides for fiscal year 2022, a district's safe schools aid equals basic safe schools aid. Provides for fiscal year 2023 and later, a district's safe schools aid equals basic safe schools aid plus safe schools equalization aid.

Subd. 4. Cooperative safe schools revenue. Allows a school district that is a member of a cooperative unit to receive safe schools revenue of \$16 for fiscal year 2022, \$20 for fiscal year 2023, and \$26 for fiscal year 2024 and later.

Subd. 5. Cooperative safe schools levy. For fiscal year 2022 only, allows the cooperative safe schools levy for a school district that is a member of an intermediate to levy up to \$15 per adjusted pupil unit.

(b) For fiscal year 2023 and later, sets a school district that is a member of a cooperative unit's maximum levy amount to be not more than \$20 multiplied by the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to the safe schools equalizing factor.

Subd. 6. Cooperative safe schools aid. (a) States that basic cooperative safe schools aid is equal to its cooperative safe schools revenue minus its cooperative safe schools levy.

(b) States that cooperative safe schools equalization aid is equal to its cooperative safe schools revenue minus its basic cooperative safe schools aid minus its cooperative safe

schools levy. Requires cooperative safe schools equalization aid to be reduced to the proportion actually levied.

(c) For fiscal year 2022, specifies that cooperative safe schools aid for a school district that is a member of a cooperative unit equals basic cooperative safe schools aid. For fiscal year 2023 and later, specifies that the cooperative safe schools aid for a school district that is a member of a cooperative unit equals basic cooperative safe schools aid plus cooperative safe schools equalization aid.

Subd. 7. Safe schools aid for charter schools. For fiscal year 2022 and fiscal year 2023, allows a charter school's safe schools aid be \$37 per adjusted pupil unit. For fiscal year 2024 and later, allows a charter's school safe school aid to be \$47 per adjusted pupil unit. Requires safe schools aid to be used to pay for the safe schools activities listed in **subdivision 10**.

Subd. 8. Safe schools aid for nonpublic schools. For fiscal year 2022 and fiscal year 2023, allows a nonpublic school's safe schools aid be \$37 per enrolled student. For fiscal year 2024 and later, allows a nonpublic school's safe school aid to be \$47 per adjusted pupil unit. Requires safe schools aid to be used to pay for the safe schools activities listed in **subdivision 10**.

Subd. 9. Safe schools aid for American Indian tribal contract or grant schools. For fiscal year 2022 and fiscal year 2023, allows an American Indian tribal contract or grant school's safe school aid be \$37 per enrolled student. For fiscal year 2024 and later, allows an American Indian tribal contract or grant school's school safe school aid to be \$47 per adjusted pupil unit. Requires safe schools aid to be used to pay for the safe schools activities listed in **subdivision 10**.

Subd. 10. Uses of safe schools revenue. Updates the uses of safe schools revenue for fiscal year 2021 and later. Adds two new allowable uses: 1) school-linked mental health services delivered by telemedicine, and 2) costs for enhancing cybersecurity in the district's information system. Requires a school district, charter school, or cooperative unit receiving revenue under this section to annually report safe schools expenditures to the commissioner.

Sec. 4. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 6 – FACILITIES, FUND TRANSFERS, & ACCOUNTING

Section 1. Consulting fees. Requires a school board to post on its website a summary of consulting fees for professional services that exceeded \$25,000 under the UFARS object code 305. Requires the district to include a statement that more information is available upon request.

Section 2. Intermediate districts and other cooperative units. For fiscal year 2023 and later, paragraph (a) makes joint powers districts eligible for long-term facilities maintenance revenue (LTFM). Allows the joint powers district to issue bonds and levy for LTFM costs through member districts. Makes the portion of lease costs attributable to the amortized cost of long-term facilities maintenance projects completed by the landlord on the leased facility an eligible use of LTFM.

For fiscal year 2023 and later, paragraph (b) allows cooperatives and joint powers districts to specify which member districts will levy for LTFM pay-as-you-go projects. Requires that all member districts of the cooperative or joint powers districts levy for debt service costs.

Section 3. To lease building or land. For fiscal year 2023 and later, paragraph (h) makes cooperatives and joint powers districts eligible for \$65 per pupil of levy authority through its member districts for the lease of administrative and classroom space. Allows the intermediate school district, other cooperative unit, or joint powers district to specify which member districts will levy for lease costs.

For fiscal year 2023 and later, paragraph (k) allows a district to levy for its share of deferred maintenance costs for a district-owned facility that is being leased to a cooperative or joint powers district for any instructional purposes or for school storage.

Section 4. Fund Transfers for fiscal years 2020 & 2021 only; revenue redirection fiscal year 2021 only. Allows a school district to redirect any reserved or restricted revenue to another use in fiscal year 2021 only. Prohibits revenue redirection for funds that are already dedicated to staff salaries and benefits or for funds already dedicated under federal law. Requires the school board to adopt a written resolution that approves the revenue redirection. Requires the board-approved resolution to specify the amount that will be redirected and how the funds will be used.

Section 5. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 7 – NUTRITION AND LIBRARIES

Section 1. School Meals Policies; Lunch Aid; Food Service Accounting.

Subdivision 1. School meals policies. (a) Requires a participant in the national school lunch program to adopt and post a school meals policy.

(b) Requires the policy to be in writing, reasonable, well-defined, and clearly communicate student meal charges when payment cannot be collected. Requires the policy to maintain the dignity of students by prohibiting lunch shaming.

(c) Requires the policy to address whether a collections agency is used by the participant to collect unpaid school meals debt.

(d) Requires the policy to ensure that once a meal is placed on a tray or otherwise served to a student that the meal is not withdrawn from the student.

(e) Requires the policy to ensure that a student who is eligible for a free or reduced-price lunch is always served a reimbursable meal even if they have outstanding debt.

(f) Requires a school to provide a vendor, if applicable, with its school meals policy and require the vendor to adhere to the policy for contracts entered or modified after July 1, 2021.

Subd. 4. No fees. Prohibits a participant that receives school lunch aid from denying a school lunch to a student who qualifies for free or reduced-price lunch whether the student has outstanding school meal debt attributable to a la carte purchases or for any other reason.

Subd. 5. Respectful treatment. (a) Requires the participant to provide meals to students in a respectful manner. Provides examples of prohibited activities, which include dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps, or pins. Prohibits a participant from imposing restrictions under section 123B.37 (Prohibited Fees) due to unpaid student meal balance.

(b) Directs the commissioner to send a letter of noncompliance to the participant if the commissioner determines that they have violated the requirement to provide meals in a respectful manner.

Section 2. Base aid distribution. Increases the basic aid distribution from five percent to 15 percent of the available funds being paid to each regional public library system as their base aid for basic system services.

Section 3. Adjusted net tax capacity per capita distribution. Reduces the adjusted net tax capacity per capita distribution from 25 percent to 15 percent of the available aid funds being paid to regional public library systems. Modifies the adjusted net tax capacity calculation data from the second to the third year preceding the fiscal year for which aid is provided. Makes technical corrections.

Section 4. Population determination. Amends the regional public library's population calculation to use the most recent estimate available under section 477A.011, subdivision 3, at the time the aid amounts are calculated.

Section 5. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 8 - EARLY CHILDHOOD

Section 1. Limit on Screen Time for Children in Preschool and Kindergarten. Prohibits a child in a publicly funded preschool or kindergarten program from using an individual-use screen without engagement from a teacher or other students. Excludes a child with an individualized family service plan or an individualized education program from the application of this section.

Section 2. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 9 – COMMUNITY EDUCATION & LIFELONG LEARNING

Section 1. Advisory Council. Requires that each district's community education advisory council create a system to receive and review feedback and input on the use of general community education revenue. Requires that each district's community education advisory council make written recommendations to the community education director and to the school board on the use of general community education revenue.

Section 2. General Community Education Revenue. For fiscal year 2023 and later, increases the general community education revenue allowance from \$5.42 to \$5.97.

Section 3. Community education aid. Adds supplemental community education aid equal to \$3.90 for fiscal year 2023 and \$16.94 for fiscal year 2024 and later, times the district's average daily membership for the school year.

Section 4. Uses of General Revenue. Authorizes the use of community education revenue for other programs, such as those offered by non-school organizations. Requires that funds used for other programs be consistent with the purpose of community education programs.

Section 5. State total adult basic education aid. Clarifies the calculation of adult basic education aid growth rate.

Section 6. Appropriations. See fiscal tracking spreadsheets.

ARTICLE 10 – STATE AGENCIES

Section 1. Specific authority. Precludes the Governor from relying on emergency management powers under Minnesota Statutes, section 12.21, for authority to order or authorize the commissioner of education to alter school schedules, curtail school activities, or order schools closed. This section applies to elementary schools, middle schools, secondary schools, vocational center schools, charter schools, and elementary schools enrolling prekindergarten pupils in district programs. Precludes the Governor from relying on emergency management powers under section 12.21 to prevent the typical presence of students in school buildings. Permits the Governor to advise and consult with school leaders regarding actions needed for emergency management purposes.

Sections 2-6. Unclassified positions. Makes conforming changes to reflect that the Perpich Center for Arts Education is abolished in other sections of the bill.

Section 7. Lola and Rudy Perpich Arts Education Specialist.

Subdivision 1. Establishment of arts education specialist position. Requires the department of education to support services to school districts throughout Minnesota by establishing an arts education specialist position in the unclassified service.

Subd. 2. Specialist duties. Lists duties of the arts education specialist.

Section. 8. Board. Requires the Minnesota High School League to have at least a 20-member governing board. Makes technical corrections.

Sections 9-11. Sales to government. Makes conforming changes to reflect that the Perpich Center for Arts Education is abolished in other sections of this article.

Section. 12. Limitations of order effective January 1, 2015, and later. Strikes obsolete language.

Section. 13. Department. See fiscal tracking spreadsheets.

Section 14. Perpich Center for Arts Education Closure.

Subdivision 1. Perpich Center for Arts Education abolished. Abolishes the Perpich Center on June 30, 2022. Funds appropriated to the Perpich Center that are unspent and unencumbered on June 30, 2022 will lapse to the fund or account from which they were appropriated. Money in a dedicated fund or account of the Perpich Center on June 30, 2022, is transferred to the general fund.

Subd. 2. Library. Transfers property in the Perpich Arts Library to the State Library Services Division of the department of education, on June 1, 2022.

Subd. 3. Student enrollment. Precludes students from enrolling in the Perpich Arts High School after the 2021-2022 school year.

Subd. 4. Perpich Center property conveyance. Requires the Perpich Center to submit a proposal to the legislature by January 15, 2022, that provides for the conveyance of real and personal property. If the Center does not submit a proposal to the legislature, the property is transferred to the department of administration on June 30, 2022.

Subd. 5. Education records. Requires the Perpich Center to transfer the education records of its students.

Section 15. Waiver request. Directs the commissioner to request waivers from the federal maintenance of effort requirements under the Consolidated Appropriations Act and the American Rescue Plan Act.

Section 16. Appropriations; Department of Education. See fiscal tracking spreadsheets.

Section 17. Appropriations; Minnesota State Academies. See fiscal tracking spreadsheets.

Section 18. Appropriations; Perpich Center for Arts Education. See fiscal tracking spreadsheets.

Section 19. Appropriations; Professional Educator Licensing and Standards Board. See fiscal tracking spreadsheets.

Section 20. Repealer. Repeals Minnesota statutes and rules regarding the Perpich Center. In addition, this section repeals a subdivision that included an errant cross-reference to a Perpich Center statute repealed in this section.

Article 11 - Forecast Adjustments

See fiscal tracking spreadsheets.