

1.1 A bill for an act

1.2 relating to education; providing for prekindergarten through grade 12 education;  
1.3 including general education, education excellence, special programs, libraries,  
1.4 state agencies, and self-sufficiency and lifelong learning; amending Minnesota  
1.5 Statutes 2006, sections 13.32, by adding subdivisions; 120A.22, subdivisions  
1.6 5, 6; 120A.24, subdivision 1; 120B.02; 120B.021, subdivision 1a; 120B.023,  
1.7 subdivision 2; 120B.31, as amended; 120B.35, as amended; 120B.36, as  
1.8 amended; 120B.362; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision  
1.9 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.14, by adding  
1.10 subdivisions; 122A.18, subdivisions 2, 2a, by adding subdivisions; 122A.75,  
1.11 subdivision 1; 123B.02, subdivision 21; 123B.14, subdivision 7; 123B.51, by  
1.12 adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5;  
1.13 123B.83, subdivision 3; 124D.09, subdivision 5; 124D.095, subdivision 10;  
1.14 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14;  
1.15 124D.522; 124D.60, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision  
1.16 4; 125A.744, subdivision 3; 126C.40, subdivision 6; 134.31, subdivision 6,  
1.17 by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision  
1.18 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision  
1.19 1; 120B.024; 120B.30; 123B.143, subdivision 1; 123B.81, subdivision 4;  
1.20 124D.095, subdivisions 4, 7; 124D.10, subdivisions 4, 23a; 125A.14; 125A.76,  
1.21 subdivision 2; 134.31, subdivision 4a; proposing coding for new law in  
1.22 Minnesota Statutes, chapters 1; 120B; 121A; 124D; 125B; 127A; repealing  
1.23 Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.67; 125A.16;  
1.24 125A.19; 125A.20; 125A.57; Laws 2006, chapter 263, article 3, section 16.

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

1.26 **ARTICLE 1**

1.27 **GENERAL EDUCATION**

1.28 Section 1. Minnesota Statutes 2006, section 123B.02, subdivision 21, is amended to  
1.29 read:

1.30 Subd. 21. **Wind energy conversion system.** The board, or more than one board  
1.31 acting jointly under the authority granted by section 471.59, may construct, acquire, own  
1.32 in whole or in part, operate, and sell and retain and spend the payment received from

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2.1 selling energy from a wind energy conversion system, as defined in section 216C.06,  
2.2 subdivision 19. The board's share of the installed capacity of the wind energy conversion  
2.3 systems authorized by this subdivision must not exceed 3.3 megawatts of nameplate  
2.4 capacity. A board owning, operating, or selling energy from a wind energy conversion  
2.5 system must integrate information about wind energy conversion systems in its educational  
2.6 programming. The board, or more than one board acting jointly under the authority  
2.7 granted by section 471.59, may be a limited partner in a partnership, a member of a limited  
2.8 liability company, or a shareholder in a corporation, established for the sole purpose of  
2.9 constructing, acquiring, owning in whole or in part, financing, or operating a wind energy  
2.10 conversion system for the benefit of the district or districts in accordance with this section.

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

2.12 Sec. 2. Minnesota Statutes 2006, section 123B.14, subdivision 7, is amended to read:

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

- 2.23 ~~(1) The condition and value of school property;~~  
2.24 ~~(2) (1)~~ (1) The revenues and expenditures in detail, and such other financial information  
2.25 required by law, rule, or as may be called for by the commissioner;  
2.26 ~~(3) (2)~~ (2) The length of school term and the enrollment and attendance by grades; and  
2.27 ~~(4) (3)~~ (3) Such other items of information as may be called for by the commissioner.

2.28 The clerk shall enter in the clerk's record book copies of all reports and of the  
2.29 teachers' term reports, as they appear in the registers, and of the proceedings of any  
2.30 meeting as furnished by the clerk pro tem, and keep an itemized account of all the  
2.31 expenses of the district. The clerk shall furnish to the auditor of the proper county, by  
2.32 ~~October 10~~ September 30 of each year, an attested copy of the clerk's record, showing the  
2.33 amount of ~~money~~ proposed property taxes voted by the district or the board for school  
2.34 purposes; draw and sign all orders upon the treasurer for the payment of money for bills  
2.35 allowed by the board for salaries of officers and for teachers' wages and all claims, to be

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3.1 countersigned by the chair. Such orders must state the consideration, payee, and the  
3.2 fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in  
3.3 the order in which they become due, and no money applicable for teachers' wages shall  
3.4 be used for any other purpose, nor shall teachers' wages be paid from any fund except  
3.5 that raised or apportioned for that purpose.

3.6 Sec. 3. Minnesota Statutes 2007 Supplement, section 123B.143, subdivision 1, is  
3.7 amended to read:

3.8 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary  
3.9 school must employ a superintendent who shall be an ex officio nonvoting member of the  
3.10 school board. The authority for selection and employment of a superintendent must be  
3.11 vested in the board in all cases. An individual employed by a board as a superintendent  
3.12 shall have an initial employment contract for a period of time no longer than three years  
3.13 from the date of employment. Any subsequent employment contract must not exceed a  
3.14 period of three years. A board, at its discretion, may or may not renew an employment  
3.15 contract. A board must not, by action or inaction, extend the duration of an existing  
3.16 employment contract. Beginning 365 days prior to the expiration date of an existing  
3.17 employment contract, a board may negotiate and enter into a subsequent employment  
3.18 contract to take effect upon the expiration of the existing contract. A subsequent contract  
3.19 must be contingent upon the employee completing the terms of an existing contract. If a  
3.20 contract between a board and a superintendent is terminated prior to the date specified in  
3.21 the contract, the board may not enter into another superintendent contract with that same  
3.22 individual that has a term that extends beyond the date specified in the terminated contract.  
3.23 A board may terminate a superintendent during the term of an employment contract for any  
3.24 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall  
3.25 not rely upon an employment contract with a board to assert any other continuing contract  
3.26 rights in the position of superintendent under section 122A.40. Notwithstanding the  
3.27 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law  
3.28 to the contrary, no individual shall have a right to employment as a superintendent based  
3.29 on order of employment in any district. If two or more districts enter into an agreement for  
3.30 the purchase or sharing of the services of a superintendent, the contracting districts have  
3.31 the absolute right to select one of the individuals employed to serve as superintendent  
3.32 in one of the contracting districts and no individual has a right to employment as the  
3.33 superintendent to provide all or part of the services based on order of employment in a  
3.34 contracting district. The superintendent of a district shall perform the following:

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4.1 (1) visit and supervise the schools in the district, report and make recommendations  
4.2 about their condition when advisable or on request by the board;

4.3 (2) recommend to the board employment and dismissal of teachers;

4.4 (3) superintend school grading practices and examinations for promotions;

4.5 (4) make reports required by the commissioner;

4.6 (5) by ~~January~~ August 10, 2009, and each year thereafter, submit an annual report  
4.7 to the commissioner in a manner prescribed by the commissioner, in consultation with  
4.8 school districts, ~~identifying the expenditures that the district requires to ensure an 80~~  
4.9 ~~percent student passage rate on the MCA-IIs taken in the eighth grade~~, identifying the  
4.10 highest student passage rate the district expects it will be able to attain on the ~~MCA-IIs~~  
4.11 GRAD by grade 12, and the amount of expenditures that the district requires to attain the  
4.12 targeted student passage rate; and

4.13 (6) perform other duties prescribed by the board.

4.14 Sec. 4. Minnesota Statutes 2006, section 123B.77, subdivision 3, is amended to read:

4.15 Subd. 3. **Statement for comparison and correction.** (a) By November 30 of the  
4.16 calendar year of the submission of the unaudited financial data, the district must provide to  
4.17 the commissioner audited financial data for the preceding fiscal year. The audit must be  
4.18 conducted in compliance with generally accepted governmental auditing standards, the  
4.19 federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office  
4.20 of the State Auditor. An audited financial statement prepared in a form which will allow  
4.21 comparison with and correction of material differences in the unaudited financial data  
4.22 shall be submitted to the commissioner and the state auditor by December 31. The audited  
4.23 financial statement must also provide a statement of assurance pertaining to uniform  
4.24 financial accounting and reporting standards compliance and a copy of the management  
4.25 letter submitted to the district by the school district's auditor.

4.26 (b) By ~~January~~ February 15 of the calendar year following the submission of the  
4.27 unaudited financial data, the commissioner shall convert the audited financial data  
4.28 required by this subdivision into the consolidated financial statement format required  
4.29 under subdivision 1a and publish the information on the department's Web site.

4.30 Sec. 5. Minnesota Statutes 2006, section 123B.81, subdivision 3, is amended to read:

4.31 Subd. 3. **Debt verification.** The commissioner shall establish a uniform auditing or  
4.32 other verification procedure for districts to determine whether a statutory operating debt  
4.33 exists in any Minnesota school district ~~as of June 30, 1977. This procedure must identify~~  
4.34 ~~all interfund transfers made during fiscal year 1977 from a fund included in computing~~

5.1 ~~statutory operating debt to a fund not included in computing statutory operating debt.~~

5.2 The standards for this uniform auditing or verification procedure must be promulgated  
5.3 by the state board pursuant to chapter 14. If a district applies to the commissioner for  
5.4 a statutory operating debt verification ~~or if the unaudited financial statement for the~~  
5.5 ~~school year ending June 30, 1977 reveals that a statutory operating debt might exist, the~~  
5.6 commissioner shall require a verification of the amount of the statutory operating debt  
5.7 which actually does exist.

5.8 Sec. 6. Minnesota Statutes 2007 Supplement, section 123B.81, subdivision 4, is  
5.9 amended to read:

5.10 Subd. 4. **Debt elimination.** If an audit or other verification procedure conducted  
5.11 pursuant to subdivision 3 determines that a statutory operating debt exists, a district  
5.12 must follow the procedures set forth in ~~this~~ section 123B.83 to eliminate this statutory  
5.13 operating debt.

5.14 Sec. 7. Minnesota Statutes 2006, section 123B.81, subdivision 5, is amended to read:

5.15 Subd. 5. **Certification of debt.** The commissioner shall certify the amount of  
5.16 statutory operating debt for each district. ~~Prior to June 30, 1979, the commissioner may,~~  
5.17 ~~on the basis of corrected figures, adjust the total amount of statutory operating debt~~  
5.18 ~~certified for any district.~~

5.19 Sec. 8. Minnesota Statutes 2006, section 123B.83, subdivision 3, is amended to read:

5.20 Subd. 3. **Failure to limit expenditures.** If a district does not limit its expenditures in  
5.21 accordance with this section, the commissioner may so notify the appropriate committees  
5.22 of the legislature by no later than ~~January 1~~ February 15 of the year following the end  
5.23 of that fiscal year.

## 5.24 ARTICLE 2

### 5.25 EDUCATION EXCELLENCE

5.26 Section 1. [1.1499] STATE SPORT.

5.27 Ice hockey is adopted as the official sport of the state of Minnesota.

5.28 Sec. 2. Minnesota Statutes 2006, section 13.32, is amended by adding a subdivision to  
5.29 read:

5.30 Subd. 8a. Access to student records; school conferences. (a) A parent or guardian  
5.31 of a student may designate an individual, defined under paragraph (c), to participate in a

6.1 school conference involving the child of the parent or guardian. The parent or guardian  
6.2 must provide the school with prior written consent allowing the significant individual to  
6.3 participate in the conference and to receive any data on the child of the consenting parent  
6.4 or guardian that is necessary and relevant to the conference discussions. The consenting  
6.5 parent or guardian may withdraw consent, in writing, at any time.

6.6 (b) A school may accept the following form, or another consent to release student  
6.7 data form, as sufficient to meet the requirements of this subdivision:

6.8 **"CONSENT TO PARTICIPATE IN CONFERENCES AND**  
6.9 **RECEIVE STUDENT DATA**

6.10 I, ..... (Name of parent or guardian), as parent or guardian of  
6.11 ..... (Name of child), consent to allow .....  
6.12 (Name of an individual) to participate in school conferences and receive student data  
6.13 relating to the above-named child, consistent with Minnesota Statutes, section 13.32,  
6.14 subdivision 8a. I understand that I may withdraw my consent, upon written request, at  
6.15 any time.

6.16 (Signature of parent or guardian)  
6.17 (Date)"

6.18 (c) For purposes of this section, "an individual" means one additional adult  
6.19 designated by a child's parent or guardian to attend school-related activities and  
6.20 conferences.

6.21 **EFFECTIVE DATE.** This section is effective for the 2008-2009 school year and  
6.22 later.

6.23 Sec. 3. Minnesota Statutes 2006, section 13.32, is amended by adding a subdivision to  
6.24 read:

6.25 **Subd. 11. Data to improve instruction.** The Minnesota Department of Education  
6.26 and the Minnesota Office of Higher Education may each share educational data with  
6.27 the other agency for the purpose of analyzing and improving school district instruction,  
6.28 consistent with Code of Federal Regulations, title 34, section 99.31(a)(6). The educational  
6.29 data that may be shared between the two agencies under this subdivision must be limited  
6.30 to:

6.31 (1) student attendance data that include the name of the school or institution, school  
6.32 district, the year or term of attendance, and term type;

6.33 (2) student demographic and enrollment data;

6.34 (3) student academic performance and testing data; and

6.35 (4) any special academic services provided to a student.

7.1 Any analysis of or report on these data must contain only summary data.

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

7.3 Sec. 4. Minnesota Statutes 2006, section 120A.22, subdivision 5, is amended to read:

7.4 Subd. 5. **Ages and terms.** (a) For the 2008-2009, 2009-2010, and 2010-2011 school  
7.5 years, every child between age seven and 16 years of age must receive instruction. For  
7.6 the 2011-2012 and later school years, every child between age seven or enrollment in  
7.7 first grade and 18 years of age must receive instruction unless the child has completed  
7.8 the requirements for graduation. Every child under the age of seven who is enrolled in  
7.9 a half-day kindergarten, or a full-day kindergarten program on alternate days, or other  
7.10 kindergarten programs shall receive instruction. ~~Except as provided in subdivision 6, a~~  
7.11 parent may withdraw a child under the age of seven from enrollment at any time.

7.12 (b) A school district by annual board action may require children subject to this  
7.13 subdivision to receive instruction in summer school. A district that acts to require children  
7.14 to receive instruction in summer school shall establish at the time of its action the criteria  
7.15 for determining which children must receive instruction.

7.16 **EFFECTIVE DATE.** This section is effective for the 2008-2009 school year and  
7.17 later.

7.18 Sec. 5. Minnesota Statutes 2006, section 120A.22, subdivision 6, is amended to read:

7.19 Subd. 6. **Children under seven.** (a) Once a pupil under the age of seven is enrolled  
7.20 in ~~kindergarten~~ first grade or a higher grade in a public school, the pupil is subject to the  
7.21 compulsory attendance provisions of this chapter and section 120A.34, unless the board of  
7.22 the district in which the pupil is enrolled has a policy that exempts children under seven  
7.23 from this subdivision or paragraph (b) applies.

7.24 ~~(b) In a district in which children under seven are subject to compulsory attendance~~  
7.25 ~~under this subdivision, paragraphs (c) to (e) apply.~~

7.26 ~~(c) A parent or guardian may withdraw the pupil from enrollment in the school for~~  
7.27 ~~good cause by notifying the district. Good cause includes, but is not limited to, enrollment~~  
7.28 ~~of the pupil in another school, as defined in subdivision 4, or the immaturity of the child.~~

7.29 ~~(d) When the pupil enrolls, the enrolling official must provide the parent or guardian~~  
7.30 ~~who enrolls the pupil with a written explanation of the provisions of this subdivision.~~

7.31 ~~(e) A pupil under the age of seven who is withdrawn from enrollment in the public~~  
7.32 ~~school under paragraph (c) is no longer subject to the compulsory attendance provisions~~  
7.33 ~~of this chapter.~~

8.1 ~~(f)~~ (b) This subdivision does not apply to:

8.2 (1) a kindergartner under age seven whose parent withdraws the child after notifying  
8.3 the district; and

8.4 (2) a child under age seven enrolled in first grade whose parent withdraws the child  
8.5 after notifying the district and enrolls the child in another school under subdivision 4.

8.6 (c) In a district that had adopted a policy to exempt children under seven from this  
8.7 subdivision, the district's chief attendance officer must keep the truancy enforcement  
8.8 authorities supplied with a copy of the board's current policy certified by the clerk of  
8.9 the board.

8.10 **EFFECTIVE DATE.** This section is effective for the 2008-2009 school year and  
8.11 later.

8.12 Sec. 6. Minnesota Statutes 2006, section 120A.24, subdivision 1, is amended to read:

8.13 Subdivision 1. **Reports to superintendent.** The person in charge of providing  
8.14 instruction to a child between the ages of seven and 16 must submit the following  
8.15 information to the superintendent of the district in which the child resides:

8.16 (1) by October 1 of each school year, the name, birth date, and address of each  
8.17 child receiving instruction;

8.18 (2) the name of each instructor and evidence of compliance with one of the  
8.19 requirements specified in section 120A.22, subdivision 10;

8.20 (3) an annual instructional calendar; and

8.21 (4) for each child instructed by a parent who meets only the requirement of section  
8.22 120A.22, subdivision 10, clause (6), a quarterly report card on the achievement of the  
8.23 child in each subject area required in section 120A.22, subdivision 9.

8.24 Sec. 7. Minnesota Statutes 2006, section 120B.02, is amended to read:

8.25 **120B.02 EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S**  
8.26 **STUDENTS.**

8.27 (a) The legislature is committed to establishing rigorous academic standards for  
8.28 Minnesota's public school students. To that end, the commissioner shall adopt in rule  
8.29 statewide academic standards. The commissioner shall not prescribe in rule or otherwise  
8.30 the delivery system, classroom assessments, or form of instruction that school sites must  
8.31 use. For purposes of this chapter, a school site is a separate facility, or a separate program  
8.32 within a facility that a local school board recognizes as a school site for funding purposes.

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



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9.1 (1) the rule is intended to raise academic expectations for students, teachers, and  
9.2 schools;

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

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

9.9 (c) When fully implemented, the requirements for high school graduation in  
9.10 Minnesota must require students to satisfactorily complete, as determined by the school  
9.11 district, the course credit requirements under section 120B.024 and successfully pass  
9.12 graduation examinations as required under section 120B.30.

9.13 ~~(1) for students enrolled in grade 8 before the 2005-2006 school year, to pass the~~  
9.14 ~~basic skills test requirements; and~~

9.15 ~~(2) for students enrolled in grade 8 in the 2005-2006 school year and later, to pass~~  
9.16 ~~the Minnesota Comprehensive Assessments Second Edition (MCA-II's).~~

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

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

9.21 Sec. 8. Minnesota Statutes 2007 Supplement, section 120B.021, subdivision 1, is  
9.22 amended to read:

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

9.25 (1) language arts;

9.26 (2) mathematics;

9.27 (3) science;

9.28 (4) social studies, including history, geography, economics, and government and  
9.29 citizenship;

9.30 (5) physical education;

9.31 ~~(6) health and physical education,~~ for which locally developed academic standards  
9.32 apply; and

9.33 ~~(6)~~ (7) the arts, for which statewide or locally developed academic standards apply,  
9.34 as determined by the school district. Public elementary and middle schools must offer at  
9.35 least three and require at least two of the following four arts areas: dance; music; theater;

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10.1 and visual arts. Public high schools must offer at least three and require at least one of the  
10.2 following five arts areas: media arts; dance; music; theater; and visual arts.

10.3 (b) To satisfy this subdivision and the one-half credit physical education requirement  
10.4 under section 120B.024, paragraph (a), clause (6), the state physical education standard  
10.5 under paragraph (a) of this subdivision selected by a school district must be consistent  
10.6 with either the six physical education standards developed by the department's quality  
10.7 teaching network or the six National Physical Education Standards developed by the  
10.8 National Association for Sport and Physical Education. To satisfy federal reporting  
10.9 requirements for continued funding under Title VII of the Physical Education for Progress  
10.10 Act, a school district must notify the department, if applicable, of its intent to comply with  
10.11 this subdivision. School districts and charter schools also must use either the department's  
10.12 physical education standards or the national physical education standards under this  
10.13 paragraph to comply with paragraph (a), clause (5), in providing physical education  
10.14 instruction and programs to students in kindergarten through grade 8.

10.15 (c) The commissioner must submit proposed standards in science and social studies  
10.16 to the legislature by February 1, 2004.

10.17 (d) For purposes of applicable federal law, the academic standards for language arts,  
10.18 mathematics, and science apply to all public school students, ~~except the very few students~~  
10.19 ~~with extreme cognitive or physical impairments for whom an individualized education~~  
10.20 ~~plan team has determined that the required academic standards are inappropriate. An~~  
10.21 ~~individualized education plan team that makes this determination must establish alternative~~  
10.22 ~~standards with appropriate alternate achievement standards based on these academic~~  
10.23 ~~standards for students with individualized education plans as described under federal law.~~

10.24 (e) A school district, no later than the 2007-2008 school year, must adopt graduation  
10.25 requirements that meet or exceed state graduation requirements established in law or  
10.26 rule. A school district that incorporates these state graduation requirements before the  
10.27 2007-2008 school year must provide students who enter the 9th grade in or before  
10.28 the 2003-2004 school year the opportunity to earn a diploma based on existing locally  
10.29 established graduation requirements in effect when the students entered the 9th grade.  
10.30 District efforts to develop, implement, or improve instruction or curriculum as a result  
10.31 of the provisions of this section must be consistent with sections 120B.10, 120B.11,  
10.32 and 120B.20.

10.33 (f) The commissioner must include the contributions of Minnesota American Indian  
10.34 tribes and communities as they relate to the academic standards during the review and  
10.35 revision of the required academic standards.

11.1 EFFECTIVE DATE. This section is effective the day following final enactment  
11.2 except that paragraph (a), clause (5), applies to students entering the ninth grade in the  
11.3 2009-2010 school year and later.

11.4 Sec. 9. Minnesota Statutes 2006, section 120B.021, subdivision 1a, is amended to read:

11.5 Subd. 1a. **Rigorous course of study; waiver.** (a) Upon receiving a student's  
11.6 application signed by the student's parent or guardian, a school district, area learning  
11.7 center, or charter school must declare that a student meets or exceeds a specific academic  
11.8 standard required for graduation under this section if the local school board, the school  
11.9 board of the school district in which the area learning center is located, or the charter  
11.10 school board of directors determines that the student:

11.11 (1) is participating in a course of study, including an advanced placement or  
11.12 international baccalaureate course or program; a learning opportunity outside the  
11.13 curriculum of the district, area learning center, or charter school; or an approved  
11.14 preparatory program for employment or postsecondary education that is equally or more  
11.15 rigorous than the corresponding state or local academic standard required by the district,  
11.16 area learning center, or charter school;

11.17 (2) would be precluded from participating in the rigorous course of study, learning  
11.18 opportunity, or preparatory employment or postsecondary education program if the student  
11.19 were required to achieve the academic standard to be waived; and

11.20 (3) satisfactorily completes the requirements for the rigorous course of study,  
11.21 learning opportunity, or preparatory employment or postsecondary education program.

11.22 Consistent with the requirements of this section, the local school board, the school board  
11.23 of the school district in which the area learning center is located, or the charter school  
11.24 board of directors also may formally determine other circumstances in which to declare  
11.25 that a student meets or exceeds a specific academic standard that the site requires for  
11.26 graduation under this section.

11.27 (b) A student who satisfactorily completes a postsecondary enrollment options  
11.28 course or program under section 124D.09, or an advanced placement or international  
11.29 baccalaureate course or program under section 120B.13, is not required to complete other  
11.30 requirements of the academic standards corresponding to that specific rigorous course  
11.31 of study.

11.32 (c) A school board may exempt a student from the physical education graduation  
11.33 requirement under section 120B.024, if the board declares that the student demonstrated  
11.34 mastery of the subject matter or participation in another learning opportunity, including  
11.35 a Minnesota High School League athletic activity, that meets or exceeds the physical

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12.1 education standards required for graduation. This waiver does not reduce the total credits  
12.2 required for graduation.

12.3 Sec. 10. Minnesota Statutes 2006, section 120B.023, subdivision 2, is amended to read:

12.4 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must  
12.5 revise and appropriately embed technology and information literacy standards consistent  
12.6 with recommendations from school media specialists into the state's academic standards  
12.7 and graduation requirements and implement a review cycle for state academic standards  
12.8 and related benchmarks, consistent with this subdivision. During each review cycle, the  
12.9 commissioner also must examine the alignment of each required academic standard and  
12.10 related benchmark with the knowledge and skills students need for college readiness and  
12.11 advanced work in the particular subject area.

12.12 (b) The commissioner in the 2006-2007 school year must revise and align the state's  
12.13 academic standards and high school graduation requirements in mathematics to require  
12.14 that students satisfactorily complete the revised mathematics standards, beginning in the  
12.15 2010-2011 school year. Under the revised standards:

12.16 (1) students must satisfactorily complete an algebra I credit by the end of eighth  
12.17 grade; and

12.18 (2) students scheduled to graduate in the 2014-2015 school year or later must  
12.19 satisfactorily complete an algebra II credit or its equivalent.

12.20 The commissioner also must ensure that the statewide mathematics assessments  
12.21 administered to students in grades 3 through 8 ~~and 11~~ beginning in the 2010-2011 school  
12.22 year are aligned with the state academic standards in mathematics. The commissioner  
12.23 must ensure that the statewide 11th-grade mathematics test assessment administered to  
12.24 students under clause (2) in grade 11 beginning in the 2013-2014 school year ~~must~~  
12.25 ~~include~~ is aligned with state academic standards in mathematics, including algebra II test  
12.26 ~~items that are aligned with corresponding state academic standards in mathematics.~~ The  
12.27 commissioner must implement a review of the academic standards and related benchmarks  
12.28 in mathematics beginning in the 2015-2016 school year.

12.29 (c) The commissioner in the 2007-2008 school year must revise and align the state's  
12.30 academic standards and high school graduation requirements in the arts to require that  
12.31 students satisfactorily complete the revised arts standards beginning in the 2010-2011  
12.32 school year. The commissioner must implement a review of the academic standards and  
12.33 related benchmarks in arts beginning in the 2016-2017 school year.

12.34 (d) The commissioner in the 2008-2009 school year must revise and align the  
12.35 state's academic standards and high school graduation requirements in science to require

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13.1 that students satisfactorily complete the revised science standards, beginning in the  
13.2 2011-2012 school year. The commissioner also must ensure that the statewide science  
13.3 assessments administered to students under section 120B.30, subdivision 1a, beginning  
13.4 in the 2011-2012 school year, are aligned with the state academic standards in science.  
13.5 Under the revised standards, students scheduled to graduate in the 2014-2015 school year  
13.6 or later must satisfactorily complete a chemistry or physics credit. The commissioner  
13.7 must implement a review of the academic standards and related benchmarks in science  
13.8 beginning in the 2017-2018 school year.

13.9 (e) The commissioner in the 2009-2010 school year must revise and align the state's  
13.10 academic standards and high school graduation requirements in language arts to require  
13.11 that students satisfactorily complete the revised language arts standards beginning in the  
13.12 2012-2013 school year. The commissioner also must ensure that the statewide language  
13.13 arts assessments administered to students in grades 3 through 8 and grade 10 beginning  
13.14 in the 2012-2013 school year are aligned with the state academic standards in language  
13.15 arts. The commissioner must implement a review of the academic standards and related  
13.16 benchmarks in language arts beginning in the 2018-2019 school year.

13.17 (f) The commissioner in the 2010-2011 school year must revise and align the state's  
13.18 academic standards and high school graduation requirements in social studies to require  
13.19 that students satisfactorily complete the revised social studies standards beginning in the  
13.20 2013-2014 school year. The commissioner must implement a review of the academic  
13.21 standards and related benchmarks in social studies beginning in the 2019-2020 school year.

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

13.29 Sec. 11. Minnesota Statutes 2007 Supplement, section 120B.024, is amended to read:

13.30 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

13.31 (a) Students beginning 9th grade in the 2004-2005 school year and later must  
13.32 successfully complete the following high school level course credits for graduation:

13.33 (1) four credits of language arts;

13.34 (2) three credits of mathematics, encompassing at least algebra, geometry, statistics,  
13.35 and probability sufficient to satisfy the academic standard;

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14.1 (3) three credits of science, including at least one credit in biology;

14.2 (4) three and one-half credits of social studies, encompassing at least United  
14.3 States history, geography, government and citizenship, world history, and economics or  
14.4 three credits of social studies encompassing at least United States history, geography,  
14.5 government and citizenship, and world history, and one-half credit of economics taught in  
14.6 a school's social studies, agriculture education, or business department;

14.7 (5) one credit in the arts; ~~and~~

14.8 (6) one-half credit of physical education; and

14.9 (7) a minimum of ~~seven~~ six and one-half elective course credits.

14.10 A course credit is equivalent to a student successfully completing an academic  
14.11 year of study or a student mastering the applicable subject matter, as determined by the  
14.12 local school district.

14.13 (b) An agriculture science course may fulfill a science credit requirement in addition  
14.14 to the specified science credits in biology and chemistry or physics under paragraph (a),  
14.15 clause (3).

14.16 (c) A career and technical education course may fulfill a science, mathematics, or  
14.17 arts credit requirement in addition to the specified science, mathematics, or arts credits  
14.18 under paragraph (a), clause (2), (3), or (5).

14.19 **EFFECTIVE DATE.** This section is effective the day following final enactment  
14.20 and applies to students entering ninth grade in the 2009-2010 school year and later.

14.21 Sec. 12. **[120B.299] DEFINITIONS.**

14.22 Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

14.23 Subd. 2. **Growth.** "Growth" compares the difference between a student's  
14.24 achievement score at two distinct points in time.

14.25 Subd. 3. **Value-added.** "Value-added" is the amount of achievement a student  
14.26 demonstrates above an established baseline. Value-added models are statistical models  
14.27 that require longitudinal student-level data and vertically scaled assessments that attempt  
14.28 to estimate what portion of a student's growth can be explained by various education  
14.29 program characteristics.

14.30 Subd. 4. **Growth-based value-added.** "Growth-based value-added" is a  
14.31 value-added system of assessments that measures the difference between an established  
14.32 baseline of growth and a student's growth over time.

14.33 Subd. 5. **Adequate yearly progress.** "Adequate yearly progress" compares the  
14.34 average achievement of two different groups of students at two different points in time.

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15.1 Subd. 6. **State growth norm.** (a) "State growth norm" is an established statewide  
15.2 percentile or standard applicable to all students in a particular grade benchmarked to an  
15.3 established school year.

15.4 (b) Beginning in the 2008-2009 school year, the state growth norm is benchmarked  
15.5 to 2006-2007 school year data until the commissioner next changes the vertically linked  
15.6 scale score.

15.7 (c) Each time the commissioner changes the vertically linked scale score, a  
15.8 recognized Minnesota assessment group composed of assessment and evaluation directors  
15.9 and staff and researchers, in collaboration with the Independent Office of Educational  
15.10 Accountability under section 120B.31, subdivision 3, must recommend a new state  
15.11 growth norm that the commissioner must consider when revising standards under section  
15.12 120B.023, subdivision 2.

15.13 Subd. 7. **Typical growth.** "Typical growth" is the average statewide growth  
15.14 in the vertical scale from one school year to the next for students with similar prior  
15.15 academic achievement and is based on the most recent benchmarked year. Typical growth  
15.16 is calculated by grouping together all students with similar achievement scores in the  
15.17 most recent benchmarked year and then determining the students' average amount of  
15.18 achievement growth in the subsequent year.

15.19 Subd. 8. **Accelerated growth.** "Accelerated growth" is the statewide growth in the  
15.20 vertical scale from one school year to the next that is above average when compared to  
15.21 students' academic achievement and is based on the most recent benchmarked year.

15.22 Subd. 9. **Growth-to-standard.** "Growth-to-standard" is the statewide growth in the  
15.23 vertical scale for those students in the most recent benchmarked year who are projected to  
15.24 demonstrate proficiency by the end of eighth grade.

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

15.26 Sec. 13. Minnesota Statutes 2007 Supplement, section 120B.30, is amended to read:

15.27 **120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.**

15.28 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
15.29 with appropriate technical qualifications and experience and stakeholders, consistent with  
15.30 subdivision 1a, shall include in the comprehensive assessment system, for each grade  
15.31 level to be tested, state-constructed tests developed from and aligned with the state's  
15.32 required academic standards under section 120B.021 and administered annually to all  
15.33 students in grades 3 through 8 and at the high school level. A state-developed test in a  
15.34 subject other than writing, ~~developed after the 2002-2003 school year,~~ must include both

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16.1 machine-scoreable and constructed response questions. The commissioner shall establish  
16.2 one or more months during which schools shall administer the tests to students each  
16.3 school year. Schools that the commissioner identifies for stand-alone field testing or other  
16.4 national sampling must participate as directed. Superintendents or charter school directors  
16.5 may appeal in writing to the commissioner for an exemption from a field test based on  
16.6 undue hardship. The commissioner's decision regarding the appeal is final. For students  
16.7 enrolled in grade 8 before the 2005-2006 school year, only Minnesota basic skills tests in  
16.8 reading, mathematics, and writing shall fulfill students' basic skills testing requirements for  
16.9 a passing state notation. The passing scores of basic skills tests in reading and mathematics  
16.10 are the equivalent of 75 percent correct for students entering grade 9 ~~in 1997 and thereafter,~~  
16.11 ~~as based on the first uniform test administration of administered in February 1998.~~

16.12 (b) For students enrolled in grade 8 in the 2005-2006 school year and later, only the  
16.13 following options shall fulfill students' state graduation test requirements:

16.14 (1) for reading and mathematics:

16.15 (i) obtaining an achievement level equivalent to or greater than proficient as  
16.16 determined through a standard setting process on the Minnesota comprehensive  
16.17 assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing  
16.18 score as determined through a standard setting process on the graduation-required  
16.19 assessment for diploma in grade 10 for reading and grade 11 for mathematics or  
16.20 subsequent retests;

16.21 (ii) achieving a passing score as determined through a standard setting process on the  
16.22 state-identified language proficiency test in reading and the mathematics test for English  
16.23 language learners or the graduation-required assessment for diploma equivalent of those  
16.24 assessments for students designated as English language learners;

16.25 (iii) achieving an individual passing score on the graduation-required assessment  
16.26 for diploma as determined by appropriate state guidelines for students with an individual  
16.27 education plan or 504 plan;

16.28 (iv) obtaining achievement level equivalent to or greater than proficient as  
16.29 determined through a standard setting process on the state-identified alternate assessment  
16.30 or assessments in grade 10 for reading and grade 11 for mathematics for students with  
16.31 an individual education plan; or

16.32 (v) achieving an individual passing score on the state-identified alternate assessment  
16.33 or assessments as determined by appropriate state guidelines for students with an  
16.34 individual education plan; and

16.35 (2) for writing:

16.36 (i) achieving a passing score on the graduation-required assessment for diploma;



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17.1 (ii) achieving a passing score as determined through a standard setting process on  
17.2 the state-identified language proficiency test in writing for students designated as English  
17.3 language learners;

17.4 (iii) achieving an individual passing score on the graduation-required assessment  
17.5 for diploma as determined by appropriate state guidelines for students with an individual  
17.6 education plan or 504 plan; or

17.7 (iv) achieving an individual passing score on the state-identified alternate assessment  
17.8 or assessments as determined by appropriate state guidelines for students with an  
17.9 individual education plan.

17.10 (c) The 3rd through 8th grade and high school level test results shall be available  
17.11 to districts for diagnostic purposes affecting student learning and district instruction and  
17.12 curriculum, and for establishing educational accountability. The commissioner must  
17.13 disseminate to the public the test results upon receiving those results.

17.14 (d) State tests must be constructed and aligned with state academic standards. The  
17.15 commissioner shall determine the testing process and the order of administration ~~shall be~~  
17.16 ~~determined by the commissioner~~. The statewide results shall be aggregated at the site and  
17.17 district level, consistent with subdivision 1a.

17.18 (e) In addition to the testing and reporting requirements under this section, the  
17.19 commissioner shall include the following components in the statewide public reporting  
17.20 system:

17.21 (1) uniform statewide testing of all students in grades 3 through 8 and at the high  
17.22 school level that provides appropriate, technically sound accommodations, alternate  
17.23 assessments, or exemptions consistent with applicable federal law, only with parent or  
17.24 guardian approval, for those very few students for whom the student's individual education  
17.25 plan team under sections 125A.05 and 125A.06 determines that the general statewide test  
17.26 is inappropriate for a student, or for a limited English proficiency student under section  
17.27 124D.59, subdivision 2;

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

17.31 (3) state results on the American College Test; and

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

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18.1 Subd. 1a. **Statewide and local assessments; results.** (a) The commissioner must  
18.2 develop reading, mathematics, and science assessments aligned with state academic  
18.3 standards that districts and sites must use to monitor student growth toward achieving  
18.4 those standards. The commissioner must not develop statewide assessments for academic  
18.5 standards in social studies, health and physical education, and the arts. The commissioner  
18.6 must require:

18.7 (1) annual reading and mathematics assessments in grades 3 through 8 and at the  
18.8 high school level for the 2005-2006 school year and later; and

18.9 (2) annual science assessments in one grade in the grades 3 through 5 span, the  
18.10 grades 6 through ~~9~~ 8 span, and a life sciences assessment in the grades ~~10~~ 9 through 12  
18.11 span for the 2007-2008 school year and later.

18.12 (b) The commissioner must ensure that all statewide tests administered to elementary  
18.13 and secondary students measure students' academic knowledge and skills and not students'  
18.14 values, attitudes, and beliefs.

18.15 (c) Reporting of assessment results must:

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

18.18 (2) include, by no later than the 2008-2009 school year, a growth-based value-added  
18.19 ~~component that is in addition to a measure for student achievement growth over time~~  
18.20 indicator of student achievement under section 120B.35, subdivision 3, paragraph (b); and

18.21 (3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine  
18.22 whether students have met the state's basic skills requirements; and

18.23 (ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine  
18.24 whether students have met the state's academic standards.

18.25 (d) Consistent with applicable federal law and subdivision 1, paragraph (d), clause  
18.26 (1), the commissioner must include appropriate, technically sound accommodations or  
18.27 alternative assessments for the very few students with disabilities for whom statewide  
18.28 assessments are inappropriate and for students with limited English proficiency.

18.29 (e) A school, school district, and charter school must administer statewide  
18.30 assessments under this section, as the assessments become available, to evaluate student  
18.31 ~~progress in achieving the~~ proficiency in the context of the state's grade level academic  
18.32 standards. If a state assessment is not available, a school, school district, and charter  
18.33 school must determine locally if a student has met the required academic standards. A  
18.34 school, school district, or charter school may use a student's performance on a statewide  
18.35 assessment as one of multiple criteria to determine grade promotion or retention. A  
18.36 school, school district, or charter school may use a high school student's performance on a

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19.1 statewide assessment as a percentage of the student's final grade in a course, or place a  
19.2 student's assessment score on the student's transcript.

19.3 Subd. 2. **Department of Education assistance.** The Department of Education  
19.4 shall contract for professional and technical services according to competitive bidding  
19.5 procedures under chapter 16C for purposes of this section.

19.6 Subd. 3. **Reporting.** The commissioner shall report test data publicly and to  
19.7 stakeholders, including the performance achievement levels developed from students'  
19.8 unweighted test scores in each tested subject and a listing of demographic factors that  
19.9 strongly correlate with student performance. The commissioner shall also report data that  
19.10 compares performance results among school sites, school districts, Minnesota and other  
19.11 states, and Minnesota and other nations. The commissioner shall disseminate to schools  
19.12 and school districts a more comprehensive report containing testing information that  
19.13 meets local needs for evaluating instruction and curriculum.

19.14 Subd. 4. **Access to tests.** The commissioner must adopt and publish a policy  
19.15 to provide public and parental access for review of basic skills tests, Minnesota  
19.16 Comprehensive Assessments, or any other such statewide test and assessment. Upon  
19.17 receiving a written request, the commissioner must make available to parents or guardians  
19.18 a copy of their student's actual responses to the test questions ~~to be reviewed by the~~  
19.19 ~~parent~~ for their review.

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

19.21 Sec. 14. Minnesota Statutes 2006, section 120B.31, as amended by Laws 2007, chapter  
19.22 146, article 2, section 10, is amended to read:

19.23 **120B.31 SYSTEM ACCOUNTABILITY AND STATISTICAL**  
19.24 **ADJUSTMENTS.**

19.25 Subdivision 1. **Educational accountability and public reporting.** Consistent  
19.26 with the ~~process direction~~ to adopt a results-oriented graduation rule statewide academic  
19.27 standards under section 120B.02, the department, in consultation with education and  
19.28 other system stakeholders, must establish a coordinated and comprehensive system of  
19.29 educational accountability and public reporting that promotes ~~higher~~ greater academic  
19.30 achievement, preparation for higher academic education, preparation for the world of  
19.31 work, citizenship under sections 120B.021, subdivision 1, clause (4), and 120B.024,  
19.32 paragraph (a), clause (4), and the arts.

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20.1 Subd. 2. **Statewide testing.** Each school year, all school districts shall give a  
20.2 uniform statewide test to students at specified grades to provide information on the status,  
20.3 needs and performance of Minnesota students.

20.4 Subd. 3. **Educational accountability.** (a) The Independent Office of Educational  
20.5 Accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5,  
20.6 section 28, subdivision 2, is established, and shall be funded through the Board of Regents  
20.7 of the University of Minnesota. The office shall advise the education committees of  
20.8 the legislature and the commissioner of education, at least on a biennial basis, on the  
20.9 degree to which the statewide educational accountability and reporting system includes a  
20.10 comprehensive assessment framework that measures school accountability for students  
20.11 achieving the goals described in the state's ~~results-oriented~~ high school graduation  
20.12 rule. The office shall determine and annually report to the legislature whether and how  
20.13 effectively:

20.14 (1) the statewide system of educational accountability ~~utilizes~~ uses multiple  
20.15 indicators to provide valid and reliable comparative and contextual data on students,  
20.16 schools, districts, and the state, and if not, recommend ways to improve the accountability  
20.17 reporting system;

20.18 ~~(2) the commissioner makes statistical adjustments when reporting student data over~~  
20.19 ~~time, consistent with clause (4);~~

20.20 ~~(3)~~ the commissioner uses ~~indicators of student achievement growth~~ a growth-based  
20.21 value-added indicator of student achievement over time ~~and a value-added assessment~~  
20.22 ~~model~~ that estimates the effects of the school and school district on student achievement to  
20.23 measure school performance, consistent with section ~~120B.36, subdivision 1~~ 120B.35,  
20.24 subdivision 3, paragraph (b);

20.25 ~~(4)~~ (3) the commissioner makes data available on students who do not pass one or  
20.26 more of the state's required GRAD tests and do not receive a diploma as a consequence,  
20.27 and categorizes these data according to gender, race, eligibility for free or reduced lunch,  
20.28 and English language proficiency; and

20.29 ~~(5)~~ (4) the commissioner fulfills the requirements under section 127A.095,  
20.30 subdivision 2.

20.31 (b) When the office reviews the statewide educational accountability and reporting  
20.32 system, it shall also consider:

20.33 (1) the objectivity and neutrality of the state's educational accountability system; and

20.34 (2) the impact of a testing program on school curriculum and student learning.

20.35 Subd. 4. **Statistical adjustments; student performance data.** In developing  
20.36 policies and assessment processes to hold schools and districts accountable for high

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21.1 levels of academic standards under section 120B.021, the commissioner shall aggregate  
21.2 student data over time to report student performance and growth levels measured at the  
21.3 school, school district, regional, or and statewide level. When collecting and reporting  
21.4 the performance data, the commissioner shall: (1) acknowledge the impact of significant  
21.5 demographic factors such as residential instability, the number of single parent families,  
21.6 parents' level of education, and parents' income level on school outcomes; and (2)  
21.7 organize and report the data so that state and local policy makers can understand the  
21.8 educational implications of changes in districts' demographic profiles over time. Any  
21.9 report the commissioner disseminates containing summary data on student performance  
21.10 must integrate student performance and the demographic factors that strongly correlate  
21.11 with that performance.

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

21.13 Sec. 15. Minnesota Statutes 2006, section 120B.35, as amended by Laws 2007, chapter  
21.14 147, article 8, section 38, is amended to read:

21.15 **120B.35 STUDENT ACADEMIC ACHIEVEMENT AND ~~PROGRESS~~**  
21.16 **GROWTH.**

21.17 Subdivision 1. ~~Adequate yearly progress of schools and students~~ **School and**  
21.18 **student indicators of growth and achievement.** The commissioner must develop and  
21.19 implement a system for measuring and reporting academic achievement and individual  
21.20 student ~~progress~~ growth, consistent with the statewide educational accountability and  
21.21 reporting system. The system components ~~of the system~~ must measure the adequate yearly  
21.22 progress of schools and the growth of individual students: students' current achievement  
21.23 in schools under subdivision 2; and individual students' educational ~~progress~~ growth over  
21.24 time under subdivision 3. The system also must include statewide measures of student  
21.25 academic ~~achievement~~ growth that identify schools with high levels of ~~achievement~~  
21.26 growth, and also schools with low levels of ~~achievement~~ growth that need improvement.  
21.27 When determining a school's effect, the data must include both statewide measures  
21.28 of student achievement and, to the extent annual tests are administered, indicators of  
21.29 achievement growth that take into account a student's prior achievement. Indicators  
21.30 of achievement and prior achievement must be based on highly reliable statewide or  
21.31 districtwide assessments. Indicators that take into account a student's prior achievement  
21.32 must not be used to disregard a school's low achievement or to exclude a school from a  
21.33 program to improve low achievement levels. ~~The commissioner by January 15, 2002, must~~

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22.1 ~~submit a plan for integrating these components to the chairs of the legislative committees~~  
22.2 ~~having policy and budgetary responsibilities for elementary and secondary education.~~

22.3 Subd. 2. **Federal expectations for student academic achievement.** (a) Each school  
22.4 year, a school district must determine if the student achievement levels at each school site  
22.5 meet ~~state and local~~ federal expectations. If student achievement levels at a school site do  
22.6 not meet ~~state and local~~ federal expectations and the site has not made adequate yearly  
22.7 progress for two consecutive school years, beginning with the 2001-2002 school year,  
22.8 the district must work with the school site to adopt a plan to raise student achievement  
22.9 levels to meet ~~state and local~~ federal expectations. The commissioner of education shall  
22.10 establish student academic achievement levels to comply with this paragraph.

22.11 (b) School sites identified as not meeting federal expectations must develop  
22.12 continuous improvement plans in order to meet ~~state and local~~ federal expectations for  
22.13 student academic achievement. The department, at a district's request, must assist the  
22.14 district and the school site in developing a plan to improve student achievement. The plan  
22.15 must include parental involvement components.

22.16 (c) The commissioner must:

22.17 (1) ~~provide assistance to~~ assist school sites and districts identified as not meeting  
22.18 federal expectations; and

22.19 (2) provide technical assistance to schools that integrate student ~~progress~~  
22.20 achievement measures ~~under subdivision 3 in~~ into the school continuous improvement  
22.21 plan.

22.22 (d) The commissioner shall establish and maintain a continuous improvement Web  
22.23 site designed to make data on every school and district available to parents, teachers,  
22.24 administrators, community members, and the general public.

22.25 (e) The commissioner may report the percent of students demonstrating  
22.26 growth-to-standard under section 120B.299, subdivision 9, as part of this subdivision.

22.27 Subd. 3. **Student progress assessment State growth norm ; other state measures.**

22.28 (a) The state's educational assessment system ~~component~~ measuring individual students'  
22.29 educational ~~progress must be~~ growth is based, ~~to the extent annual tests are administered,~~  
22.30 on indicators of achievement growth that show an individual student's prior achievement.  
22.31 Indicators of achievement and prior achievement must be based on highly reliable  
22.32 statewide or districtwide assessments.

22.33 (b) The commissioner, in consultation with a recognized Minnesota assessment  
22.34 group composed of assessment and evaluation directors and staff and researchers and the  
22.35 Independent Office of Educational Accountability under section 120B.31, subdivision 3,  
22.36 ~~must identify effective models for measuring individual student progress that enable a~~

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23.1 ~~school district or school site to perform gains-based analysis, including evaluating the~~  
23.2 ~~effects of the teacher, school, and school district on student achievement over time. At~~  
23.3 ~~least one model must be a "value-added" assessment model that reliably estimates those~~  
23.4 ~~effects for classroom settings where a single teacher teaches multiple subjects to the same~~  
23.5 ~~group of students, for team teaching arrangements, and for other teaching circumstances.~~  
23.6 identify a model that uses a growth-based value-added system and includes criteria for  
23.7 identifying schools and school districts that demonstrate accelerated growth under section  
23.8 120B.299. Use of the system at least must advance educators' professional development  
23.9 and replicate programs that succeed in meeting students' diverse learning needs. The  
23.10 commissioner must apply the state growth norm to students in grades 4 through 8  
23.11 beginning in the 2008-2009 school year, consistent with section 120B.299, subdivision  
23.12 6, initially benchmarking the state growth norm to 2006-2007 school year data. The  
23.13 model must allow the user to:

- 23.14 (1) report student growth at and above the state norm;  
23.15 (2) for all student categories with a cell size of at least 20, report and compare  
23.16 aggregated and disaggregated state growth data using the nine student categories identified  
23.17 under the federal 2001 No Child Left Behind Act and two student gender categories of  
23.18 male and female, respectively; and  
23.19 (3) measure the effects that grade-level teacher teams, the school, and the school  
23.20 district have on student growth.

23.21 (c) If a district has an accountability plan that includes growth-based analysis or  
23.22 "value-added" assessment, the commissioner shall, to the extent practicable, incorporate  
23.23 those measures in determining whether the district or school site meets expectations. The  
23.24 department must coordinate with the district in evaluating school sites and continuous  
23.25 improvement plans, consistent with best practices. If a district has an accountability  
23.26 plan that includes other growth-based value-added analysis, the commissioner may, to  
23.27 the extent practicable and consistent with this section, incorporate those measures in  
23.28 determining whether the district or school site shows growth, including accelerated growth.

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

- 23.33 (1) a preparation measure indicating the number and percentage of high school  
23.34 graduates in the most recent school year who completed course work important to  
23.35 preparing them for postsecondary academic and career opportunities, consistent with the

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24.1 core academic subjects required for admission to Minnesota's public four-year colleges  
24.2 and universities as determined by the Office of Higher Education under chapter 136A; and

24.3 (2) a rigorous coursework measure indicating the number and percentage of high  
24.4 school graduates in the most recent school year who successfully completed one or more  
24.5 college-level advanced placement, international baccalaureate, postsecondary enrollment  
24.6 options including concurrent enrollment, other rigorous courses of study under section  
24.7 120B.021, subdivision 1a, or industry certification courses or programs.

24.8 When reporting the core measures under clauses (1) and (2), the commissioner must also  
24.9 analyze and report separate categories of information using the nine student categories  
24.10 identified under the federal 2001 No Child Left Behind Act and two student gender  
24.11 categories of male and female, respectively.

24.12 (e) When reporting student performance under section 120B.36, subdivision 1,  
24.13 the commissioner annually, beginning July 1, 2012, must report summary data on  
24.14 school safety and students' engagement and connection at school. The commissioner, in  
24.15 consultation with qualified experts on student engagement assessment and elementary and  
24.16 secondary classroom teachers, must identify the measures that generate summary data  
24.17 under this paragraph. All data received, collected, or created that are used to generate the  
24.18 summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

24.19 Subd. 4. **Improving schools.** Consistent with the requirements of this section, the  
24.20 commissioner of education must ~~establish a second achievement benchmark to identify~~  
24.21 ~~improving schools. The commissioner must recommend to~~ annually report to the public  
24.22 and the legislature by February 15, 2002, indicators in addition to the achievement  
24.23 ~~benchmark for identifying improving schools, including an indicator requiring a school to~~  
24.24 ~~demonstrate ongoing successful use of best teaching practices~~ best practices learned from  
24.25 those schools that demonstrate accelerated growth compared to the state growth norm.

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

24.32 (b) A district must develop a plan in conjunction with parents of students with  
24.33 emotional or behavioral disorders and the local mental health authority to increase the  
24.34 graduation rates of students with emotional or behavioral disorders. A district with a  
24.35 drop-out rate for children with an emotional or behavioral disturbance in grades 9 through



25.1 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight  
25.2 to the commissioner.

25.3 EFFECTIVE DATE. Subdivision 3, paragraph (b), applies to students in the  
25.4 2008-2009 school year and later. Subdivision 3, paragraph (d), applies to students in the  
25.5 2010-2011 school year and later. Subdivision 3, paragraph (e), applies to data that are  
25.6 collected in the 2009-2010 school year and later and reported annually beginning July 1,  
25.7 2012, consistent with advice the commissioner receives from recognized and qualified  
25.8 experts on student engagement assessment and elementary and secondary classroom  
25.9 teachers. Subdivision 4 applies in the 2011-2012 school year and later.

25.10 Sec. 16. Minnesota Statutes 2006, section 120B.36, as amended by Laws 2007, chapter  
25.11 146, article 2, section 11, is amended to read:

25.12 **120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.**

25.13 Subdivision 1. **School performance report cards.** (a) The commissioner shall  
25.14 ~~use objective criteria based on levels of student performance to report at least student~~  
25.15 ~~academic performance under section 120B.35, subdivision 2, the percentages of students~~  
25.16 ~~at and above the state growth norm under section 120B.35, subdivision 3, paragraph (b),~~  
25.17 ~~school safety and student engagement and connection under section 120B.35, subdivision~~  
25.18 ~~3, paragraph (e), rigorous coursework under section 120B.35, subdivision 3, paragraph~~  
25.19 ~~(d), two separate student-to-teacher ratios that clearly indicate the definition of teacher~~  
25.20 ~~consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios,~~  
25.21 ~~and staff characteristics excluding salaries, with a value-added component added no later~~  
25.22 ~~than the 2008-2009 school year student enrollment demographics, district mobility, and~~  
25.23 ~~extracurricular activities. The report must indicate a school's adequate yearly progress~~  
25.24 ~~status, and must not set any designations applicable to high- and low-performing schools~~  
25.25 ~~due solely to adequate yearly progress status.~~

25.26 (b) The commissioner shall develop, annually update, and post on the department  
25.27 Web site school performance report cards.

25.28 (c) The commissioner must make available ~~the first~~ performance report cards by  
25.29 ~~November 2003, and during~~ the beginning of each school year thereafter.

25.30 (d) A school or district may appeal its adequate yearly progress status in writing to  
25.31 the commissioner within 30 days of receiving the notice of its status.

25.32 The commissioner's decision to uphold or deny an appeal is final.

25.33 (e) School performance report ~~cards~~ card data are nonpublic data under section  
25.34 13.02, subdivision 9, until not later than ten days after the appeal procedure described in

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26.1 paragraph (d) concludes. The department shall annually post school performance report  
26.2 cards to its public Web site no later than September 1.

26.3 Subd. 2. **Adequate yearly progress data.** All data the department receives,  
26.4 collects, or creates ~~for purposes of determining~~ to determine adequate yearly progress  
26.5 ~~designations~~ status under Public Law 107-110, section 1116, set state growth norms, and  
26.6 determine student growth are nonpublic data under section 13.02, subdivision 9, until not  
26.7 later than ten days after the appeal procedure described in subdivision 1, paragraph (d),  
26.8 concludes. Districts must provide parents sufficiently detailed summary data to permit  
26.9 parents to appeal under Public Law 107-110, section 1116(b)(2). The department shall  
26.10 annually post federal adequate yearly progress data and state student growth data to its  
26.11 public Web site no later than September 1.

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

26.13 Sec. 17. Minnesota Statutes 2006, section 120B.362, is amended to read:

26.14 **120B.362 VALUE-ADDED ASSESSMENT PROGRAM.**

26.15 (a) The commissioner of education ~~must~~ may implement a value-added assessment  
26.16 program to assist school districts, public schools, and charter schools in assessing and  
26.17 reporting individual students' growth in academic achievement under section 120B.30,  
26.18 subdivision 1a. The program must use assessments of individual students' academic  
26.19 achievement to make longitudinal comparisons of each student's academic growth over  
26.20 time. ~~School districts, public schools, and charter schools may apply to the commissioner~~  
26.21 ~~to participate in the initial trial program using a form and in the manner the commissioner~~  
26.22 ~~prescribes. The commissioner must select program participants from urban, suburban, and~~  
26.23 ~~rural areas throughout the state.~~

26.24 (b) The commissioner may issue a request for proposals to contract with an  
26.25 organization that provides a value-added assessment model that reliably estimates  
26.26 school and school district effects on students' academic achievement over time. The  
26.27 commissioner must consult with a recognized Minnesota assessment group composed of  
26.28 assessment and evaluation directors and staff and researchers, and the Independent Office  
26.29 of Educational Accountability under section 120B.31, subdivision 3, when selecting the  
26.30 model under this paragraph. The model the commissioner selects must accommodate  
26.31 diverse data and must use each student's test data across grades. Data on individual  
26.32 teachers generated under the model are personnel data under section 13.43.

26.33 (c) The contract under paragraph (b) must be consistent with the definition of "best  
26.34 value" under section 16C.02, subdivision 4.

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

27.2 Sec. 18. Minnesota Statutes 2006, section 121A.035, subdivision 2, is amended to read:

27.3 Subd. 2. **School district and charter school policy.** A school board and a  
27.4 charter school must adopt a crisis management policy to address potential violent crisis  
27.5 situations in the district or charter school. The policy must be developed cooperatively  
27.6 with administrators, teachers, employees, students, parents, community members, law  
27.7 enforcement agencies, other emergency management officials, county attorney offices,  
27.8 social service agencies, emergency medical responders, and any other appropriate  
27.9 individuals or organizations. The policy must include at least five school lock-down  
27.10 drills, five school fire drills consistent with section 299F.30, ~~and one tornado drill,~~ and an  
27.11 expectation that students be present and participate in these drills.

27.12 EFFECTIVE DATE. This section is effective for the 2008-2009 school year and  
27.13 later.

27.14 Sec. 19. Minnesota Statutes 2006, section 121A.037, is amended to read:

27.15 **121A.037 SCHOOL SAFETY DRILLS.**

27.16 Private schools and educational institutions not subject to section 121A.035 must  
27.17 have at least five school lock-down drills, five school fire drills consistent with section  
27.18 299F.30, ~~and one tornado drill,~~ and an expectation that students be present and participate  
27.19 in these drills.

27.20 EFFECTIVE DATE. This section is effective for the 2008-2009 school year and  
27.21 later.

27.22 Sec. 20. [121A.215] LOCAL SCHOOL DISTRICT WELLNESS POLICIES;  
27.23 WEB SITE.

27.24 When available, a school district must post its current local school wellness policy  
27.25 on its Web site.

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

27.27 Sec. 21. Minnesota Statutes 2006, section 122A.06, subdivision 4, is amended to read:

27.28 Subd. 4. **Comprehensive, scientifically based reading instruction.** (a)  
27.29 "Comprehensive, scientifically based reading instruction" includes a program or collection  
27.30 of instructional practices that is based on ~~reliable,~~ valid, replicated evidence showing

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28.1 that when these programs or practices are used, students can be expected to achieve, at  
28.2 a minimum, satisfactory reading progress. The program or collection of practices must  
28.3 include, at a minimum, instruction in five areas of reading: phonemic awareness, phonics,  
28.4 fluency, vocabulary development, and text reading comprehension.

28.5 Comprehensive, scientifically based reading instruction also includes and integrates  
28.6 instructional strategies for continuously assessing, evaluating, and communicating  
28.7 the student's reading progress and needs in order to design and implement ongoing  
28.8 interventions so that students of all ages and proficiency levels can read and comprehend  
28.9 text and apply higher level thinking skills.

28.10 (b) "Phonemic awareness" is the ability of students to notice, think about, and  
28.11 manipulate the individual sounds in spoken syllables and words.

28.12 (c) "Phonics" is the understanding that there are systematic and predictable  
28.13 relationships between written letters and spoken words. Phonics instruction is a way  
28.14 of teaching reading that stresses learning how letters correspond to sounds and how to  
28.15 apply this knowledge in reading and spelling.

28.16 (d) "Fluency" is the ability of students to be able to read orally with speed, accuracy,  
28.17 and proper expression.

28.18 (e) "Vocabulary development" is the process of teaching vocabulary both directly  
28.19 and indirectly, with repetition and multiple exposures to vocabulary items. Learning  
28.20 in rich contexts, incidental learning, and use of computer technology all enhance the  
28.21 acquisition of vocabulary.

28.22 (f) "Reading comprehension" is an active process that requires intentional thinking  
28.23 during which meaning is constructed through interactions between text and reader.  
28.24 Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and  
28.25 implementing specific cognitive strategies to help beginning readers derive meaning by  
28.26 intentional, problem-solving thinking processes.

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

28.28 Sec. 22. Minnesota Statutes 2006, section 122A.07, subdivision 2, is amended to read:

28.29 Subd. 2. **Eligibility; board composition.** Except for the representatives of higher  
28.30 education and the public, to be eligible for appointment to the Board of Teaching a person  
28.31 must be a teacher currently teaching in a Minnesota school and fully licensed for the  
28.32 position held and have at least five years teaching experience in Minnesota, including the  
28.33 two years immediately preceding nomination and appointment. Each nominee, other than  
28.34 a public nominee, must be selected on the basis of professional experience and knowledge  
28.35 of teacher education, accreditation, and licensure. The board must be composed of:

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29.1 (1) six teachers who are currently teaching in a Minnesota school or who were  
29.2 teaching at the time of the appointment, at least four of whom must be teaching in a  
29.3 public school;

29.4 (2) one higher education representative, who must be a faculty member preparing  
29.5 teachers;

29.6 (3) one school administrator; and

29.7 (4) three members of the public, two of whom must be present or former members  
29.8 of school boards.

29.9 Sec. 23. Minnesota Statutes 2006, section 122A.07, subdivision 3, is amended to read:

29.10 Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching  
29.11 during the course of completing a board term, the position of a member who leaves  
29.12 Minnesota or whose employment status changes to a category different from that from  
29.13 which appointed is deemed vacant.

29.14 Sec. 24. Minnesota Statutes 2006, section 122A.09, subdivision 4, is amended to read:

29.15 Subd. 4. **License and rules.** (a) The board must adopt rules to license public school  
29.16 teachers and interns subject to chapter 14.

29.17 (b) The board must adopt rules requiring a person to successfully complete a skills  
29.18 examination in reading, writing, and mathematics as a requirement for initial teacher  
29.19 licensure. Such rules must require college and universities offering a board-approved  
29.20 teacher preparation program to provide remedial assistance to persons who did not  
29.21 achieve a qualifying score on the skills examination, including those for whom English is  
29.22 a second language.

29.23 (c) The board must adopt rules to approve teacher preparation programs. The board,  
29.24 upon the request of a postsecondary student preparing for teacher licensure or a licensed  
29.25 graduate of a teacher preparation program, shall assist in resolving a dispute between the  
29.26 person and a postsecondary institution providing a teacher preparation program when the  
29.27 dispute involves an institution's recommendation for licensure affecting the person or the  
29.28 person's credentials. At the board's discretion, assistance may include the application  
29.29 of chapter 14.

29.30 (d) The board must provide the leadership and shall adopt rules for the redesign of  
29.31 teacher education programs to implement a research based, results-oriented curriculum  
29.32 that focuses on the skills teachers need in order to be effective. The board shall implement  
29.33 new systems of teacher preparation program evaluation to assure program effectiveness  
29.34 based on proficiency of graduates in demonstrating attainment of program outcomes.

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30.1 The board must require that persons enrolled in a teacher preparation program receive  
30.2 instruction in historical and cultural competencies related to Minnesota American  
30.3 Indian tribes and communities and their contributions to Minnesota, consistent with  
30.4 sections 120B.021, subdivision 1, and 124D.71 to 124D.82. The competencies related  
30.5 to Minnesota American Indian tribes and communities must include, among other  
30.6 components, standards for instructional practices most effective for successfully teaching  
30.7 elementary and secondary American Indian students.

30.8 (e) The board must adopt rules requiring successful completion of an examination  
30.9 of general pedagogical knowledge and examinations of licensure-specific teaching  
30.10 skills. The rules shall be effective on the dates determined by the board but not later  
30.11 than September 1, 2001.

30.12 (f) The board must adopt rules requiring teacher educators to work directly with  
30.13 elementary or secondary school teachers in elementary or secondary schools to obtain  
30.14 periodic exposure to the elementary or secondary teaching environment.

30.15 (g) The board must grant licenses to interns and to candidates for initial licenses.

30.16 (h) The board must design and implement an assessment system which requires a  
30.17 candidate for an initial license and first continuing license to demonstrate the abilities  
30.18 necessary to perform selected, representative teaching tasks at appropriate levels.

30.19 (i) The board must receive recommendations from local committees as established  
30.20 by the board for the renewal of teaching licenses.

30.21 (j) The board must grant life licenses to those who qualify according to requirements  
30.22 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
30.23 214.10. The board must not establish any expiration date for application for life licenses.

30.24 (k) The board must adopt rules that require all licensed teachers who are renewing  
30.25 their continuing license to include in their renewal requirements further preparation in  
30.26 the areas of using positive behavior interventions and in accommodating, modifying, and  
30.27 adapting curricula, materials, and strategies to appropriately meet the needs of individual  
30.28 students and ensure adequate progress toward the state's graduation rule.

30.29 (l) In adopting rules to license public school teachers who provide health-related  
30.30 services for disabled children, the board shall adopt rules consistent with license or  
30.31 registration requirements of the commissioner of health and the health-related boards who  
30.32 license personnel who perform similar services outside of the school.

30.33 (m) The board must adopt rules that require all licensed teachers who are renewing  
30.34 their continuing license to include in their renewal requirements further reading  
30.35 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect  
30.36 until they are approved by law. Teachers who do not provide direct instruction including, at

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31.1 least, counselors, school psychologists, school nurses, school social workers, audiovisual  
31.2 directors and coordinators, and recreation personnel are exempt from this section.

31.3 (n) The board must adopt rules that require all licensed teachers who are renewing  
31.4 their continuing license to include in their renewal requirements further preparation  
31.5 in understanding the key warning signs of early-onset mental illness in children and  
31.6 adolescents.

31.7 **EFFECTIVE DATE.** This section is effective for the 2008-2009 school year and  
31.8 later.

31.9 Sec. 25. Minnesota Statutes 2006, section 122A.14, is amended by adding a  
31.10 subdivision to read:

31.11 Subd. 2a. **Gifted and talented preparation.** A university approved by the board to  
31.12 prepare candidates for administrative licensure must provide candidates, as part of the  
31.13 traditional and alternative preparation programs, the opportunity to acquire competency in  
31.14 administering gifted and talented services.

31.15 **EFFECTIVE DATE.** This section is effective the day following final enactment  
31.16 and applies to candidates who enroll in either a traditional or an alternative preparation  
31.17 administrator licensure program after August 15, 2009.

31.18 Sec. 26. Minnesota Statutes 2006, section 122A.14, is amended by adding a  
31.19 subdivision to read:

31.20 Subd. 2c. **Gifted and talented preparation; board review.** (a) The board must  
31.21 periodically review and approve traditional and alternative preparation sequences for  
31.22 school administrators and the sequence of competencies in administering gifted and  
31.23 talented student programs and services.

31.24 (b) The board also may advise a university on developing and implementing  
31.25 continuing education programs focused on building competencies for administering gifted  
31.26 and talented programs and other gifted services.

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

31.28 Sec. 27. Minnesota Statutes 2006, section 122A.18, subdivision 2, is amended to read:

31.29 **Subd. 2. Teacher and support personnel qualifications.** (a) The Board of  
31.30 Teaching must issue licenses under its jurisdiction to persons the board finds to be  
31.31 qualified and competent for their respective positions.

32.1 (b) The board must require a person to successfully complete an examination of  
32.2 skills in reading, writing, and mathematics before being granted an initial teaching license  
32.3 to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special  
32.4 education programs. In addition, the board must require a person to successfully complete  
32.5 an assessment of reading instruction consistent with subdivision 2c before being granted  
32.6 an initial teaching license to provide direct instruction to pupils in prekindergarten or  
32.7 elementary programs. The board must require colleges and universities offering a board  
32.8 approved teacher preparation program to provide remedial assistance that includes a  
32.9 formal diagnostic component to persons enrolled in their institution who did not achieve  
32.10 a qualifying score on the skills examination or an assessment of reading instruction,  
32.11 including those for whom English is a second language. The colleges and universities  
32.12 must provide assistance in the specific academic areas of deficiency in which the person  
32.13 did not achieve a qualifying score. School districts must provide similar, appropriate, and  
32.14 timely remedial assistance that includes a formal diagnostic component and mentoring to  
32.15 those persons employed by the district who completed their teacher education program  
32.16 outside the state of Minnesota, received a one-year license to teach in Minnesota and did  
32.17 not achieve a qualifying score on the skills examination, including those persons for  
32.18 whom English is a second language. The Board of Teaching shall report annually to the  
32.19 education committees of the legislature on the total number of teacher candidates during  
32.20 the most recent school year taking the skills examination, the number who achieve a  
32.21 qualifying score on the examination, the number who do not achieve a qualifying score on  
32.22 the examination, the distribution of all candidates' scores, the number of candidates who  
32.23 have taken the examination at least once before, and the number of candidates who have  
32.24 taken the examination at least once before and achieve a qualifying score.

32.25 (c) A person who has completed an approved teacher preparation program and  
32.26 obtained a one-year license to teach, but has not successfully completed the skills  
32.27 examination, may renew the one-year license for two additional one-year periods. Each  
32.28 renewal of the one-year license is contingent upon the licensee:

32.29 (1) providing evidence of participating in an approved remedial assistance program  
32.30 provided by a school district or postsecondary institution that includes a formal diagnostic  
32.31 component in the specific areas in which the licensee did not obtain qualifying scores; and

32.32 (2) attempting to successfully complete the skills examination during the period  
32.33 of each one-year license.

32.34 (d) The Board of Teaching must grant continuing licenses only to those persons who  
32.35 have met board criteria for granting a continuing license, which includes successfully  
32.36 completing the skills examination in reading, writing, and mathematics.



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33.1 (e) All colleges and universities approved by the board of teaching to prepare  
33.2 persons for teacher licensure must include in their teacher preparation programs a common  
33.3 core of teaching knowledge and skills to be acquired by all persons recommended  
33.4 for teacher licensure. This common core shall meet the standards developed by the  
33.5 interstate new teacher assessment and support consortium in its 1992 "model standards for  
33.6 beginning teacher licensing and development." Amendments to standards adopted under  
33.7 this paragraph are covered by chapter 14. The board of teaching shall report annually to  
33.8 the education committees of the legislature on the performance of teacher candidates  
33.9 on common core assessments of knowledge and skills under this paragraph during the  
33.10 most recent school year.

33.11 **EFFECTIVE DATE.** This section is effective January 1, 2011.

33.12 Sec. 28. Minnesota Statutes 2006, section 122A.18, subdivision 2a, is amended to read:

33.13 Subd. 2a. **Reading strategies.** (a) All colleges and universities approved by the  
33.14 Board of Teaching to prepare persons for classroom teacher licensure must include in  
33.15 their teacher preparation programs research-based best practices in reading, consistent  
33.16 with section 122A.06, subdivision 4, that enable the licensure candidate to know how to  
33.17 teach reading in the candidate's content areas and prepare the licensure candidate, where  
33.18 applicable, for an assessment of reading instruction.

33.19 (b) Board-approved teacher preparation programs for teachers of elementary  
33.20 education must require instruction in the application of comprehensive, scientifically  
33.21 based, ~~and balanced~~ reading instruction programs that:

33.22 (1) teach students to read using foundational knowledge, practices, and strategies  
33.23 consistent with section 122A.06, subdivision 4, so that all students will achieve continuous  
33.24 progress in reading; and

33.25 (2) teach specialized instruction in reading strategies, interventions, and remediations  
33.26 that enable students of all ages and proficiency levels to become proficient readers.

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

33.28 Sec. 29. Minnesota Statutes 2006, section 122A.18, is amended by adding a  
33.29 subdivision to read:

33.30 Subd. 2c. **Assessment of reading instruction.** An assessment of reading instruction,  
33.31 selected by the Board of Teaching, in cooperation with the commissioner of education,  
33.32 must measure, at a minimum, the knowledge, skill, and ability of prekindergarten and  
33.33 elementary licensure candidates in comprehensive, scientifically based reading instruction

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34.1 as defined in section 122A.06. Test content areas must assess foundations of reading  
34.2 development, development of reading comprehension, reading assessment and instruction,  
34.3 and integration of knowledge and understanding. The Board of Teaching may incorporate  
34.4 the requirements of this subdivision into other teacher licensure examinations.

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

34.6 Sec. 30. Minnesota Statutes 2006, section 122A.18, is amended by adding a  
34.7 subdivision to read:

34.8 Subd. 10. **Gifted and talented preparation; board review.** (a) A college or  
34.9 university with a teacher preparation program approved by the board must provide teacher  
34.10 candidates with the opportunity to acquire competency in recognizing gifted students and  
34.11 in providing classroom instruction to gifted and talented students.

34.12 (b) The board must periodically review and approve traditional and alternative  
34.13 sequences for teacher candidates in recognizing gifted students and in providing classroom  
34.14 instruction to gifted and talented students.

34.15 **EFFECTIVE DATE.** This section is effective the day following final enactment  
34.16 and applies to teacher candidates who enroll in either a traditional or an alternative  
34.17 preparation teacher licensure program after September 1, 2009.

34.18 Sec. 31. Minnesota Statutes 2006, section 122A.75, subdivision 1, is amended to read:

34.19 Subdivision 1. **Services.** An Administrators Academy is established. The academy  
34.20 shall provide at least the following services:

34.21 (1) an administrator assessment that results in an individual professional  
34.22 development plan;

34.23 (2) research and development assistance that provides current research and data  
34.24 of interest to administrators; ~~and~~

34.25 (3) brokerage assistance to provide services and resources to help administrators  
34.26 with needs identified in their individual professional development plan; and

34.27 (4) the opportunity for administrators to acquire competency in administering gifted  
34.28 and talented services, consistent with section 122A.14, subdivision 2c.

34.29 **EFFECTIVE DATE.** This section is effective the day following final enactment  
34.30 and applies to administrators participating in an administrators academy program after  
34.31 August 1, 2009.

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35.1 Sec. 32. Minnesota Statutes 2006, section 123B.51, is amended by adding a  
35.2 subdivision to read:

35.3 Subd. 5a. **Temporary closing.** A school district that proposes to temporarily close a  
35.4 schoolhouse or that intends to lease the facility to another entity for use as a schoolhouse  
35.5 for three or fewer years is not subject to subdivision 5 if the school board holds a public  
35.6 meeting and allows public comment on the schoolhouse's future.

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

35.8 Sec. 33. Minnesota Statutes 2006, section 124D.09, subdivision 5, is amended to read:

35.9 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the  
35.10 contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled  
35.11 tribal contract or grant school eligible for aid under section 124D.83, except a foreign  
35.12 exchange pupil enrolled in a district under a cultural exchange program, may apply to an  
35.13 eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by  
35.14 that postsecondary institution. If an institution accepts a secondary pupil for enrollment  
35.15 under this section, the institution shall send written notice to the pupil, the pupil's school  
35.16 or school district, and the commissioner within ten days of acceptance. The notice must  
35.17 indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course  
35.18 for postsecondary credit only, the institution must notify the pupil about payment in the  
35.19 customary manner used by the institution.

35.20 Sec. 34. Minnesota Statutes 2007 Supplement, section 124D.095, subdivision 4,  
35.21 is amended to read:

35.22 Subd. 4. **Online learning parameters.** (a) An online learning student must receive  
35.23 academic credit for completing the requirements of an online learning course or program.  
35.24 Secondary credits granted to an online learning student must be counted toward the  
35.25 graduation and credit requirements of the enrolling district. An online learning provider  
35.26 must make available to the enrolling district the course syllabus, standard alignment,  
35.27 content outline, assessment requirements, and contact information for supplemental online  
35.28 courses taken by students in the enrolling district. The enrolling district must apply the  
35.29 same graduation requirements to all students, including online learning students, and  
35.30 must continue to provide nonacademic services to online learning students. If a student  
35.31 completes an online learning course or program that meets or exceeds a graduation  
35.32 standard or grade progression requirement at the enrolling district, that standard or  
35.33 requirement is met. The enrolling district must use the same criteria for accepting online  
35.34 learning credits or courses as it does for accepting credits or courses for transfer students

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36.1 under section 124D.03, subdivision 9. The enrolling district may reduce the course  
36.2 schedule of an online learning student in proportion to the number of online learning  
36.3 courses the student takes from an online learning provider that is not the enrolling district.

36.4 (b) An online learning student may:

36.5 (1) enroll in supplemental online learning courses during a single school year to a  
36.6 maximum of 50 percent of the student's full schedule of courses per term. A student may  
36.7 exceed the supplemental online learning registration limit if the enrolling district grants  
36.8 permission for supplemental online learning enrollment above the limit, or if an agreement  
36.9 is made between the enrolling district and the online learning provider for instructional  
36.10 services;

36.11 (2) complete course work at a grade level that is different from the student's current  
36.12 grade level; and

36.13 (3) enroll in additional courses with the online learning provider under a separate  
36.14 agreement that includes terms for payment of any tuition or course fees.

36.15 (c) An online learning student has the same access to the computer hardware and  
36.16 education software available in a school as all other students in the enrolling district. An  
36.17 online learning provider must assist an online learning student whose family qualifies  
36.18 for the education tax credit under section 290.0674 to acquire computer hardware and  
36.19 educational software for online learning purposes.

36.20 (d) An enrolling district may offer online learning to its enrolled students.

36.21 Such online learning does not generate online learning funds under this section.

36.22 Notwithstanding paragraph (e), an enrolling district that offers online learning only to its  
36.23 enrolled students is not subject to the reporting requirements or review criteria under  
36.24 subdivision 7, unless the enrolling district is a full-time online provider. A teacher with a  
36.25 Minnesota license must assemble and deliver instruction to enrolled students receiving  
36.26 online learning from an enrolling district. The delivery of instruction occurs when the  
36.27 student interacts with the computer or the teacher and receives ongoing assistance and  
36.28 assessment of learning. The instruction may include curriculum developed by persons  
36.29 other than a teacher with a Minnesota license.

36.30 (e) An online learning provider ~~that is not the enrolling district~~ is subject to  
36.31 the reporting requirements and review criteria under subdivision 7. A teacher with a  
36.32 Minnesota license must assemble and deliver instruction to online learning students. The  
36.33 delivery of instruction occurs when the student interacts with the computer or the teacher  
36.34 and receives ongoing assistance and assessment of learning. The instruction may include  
36.35 curriculum developed by persons other than a teacher with a Minnesota license. Unless

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37.1 the commissioner grants a waiver, a teacher providing online learning instruction must not  
37.2 instruct more than 40 students in any one online learning course or program.

37.3 (f) To enroll in more than 50 percent of the student's full schedule of courses per term  
37.4 in online learning, the student must qualify to exceed the supplemental online learning  
37.5 registration limit under paragraph (b) or apply for enrollment to an approved full-time  
37.6 online learning program following appropriate procedures in subdivision 3, paragraph (a).  
37.7 Full-time online learning students may enroll in classes at a local school per contract for  
37.8 instructional services between the online learning provider and the school district.

37.9 Sec. 35. Minnesota Statutes 2007 Supplement, section 124D.095, subdivision 7,  
37.10 is amended to read:

37.11 Subd. 7. **Department of Education.** (a) The department must review and  
37.12 certify online learning providers. The online learning courses and programs must be  
37.13 rigorous, aligned with state academic standards, and contribute to grade progression  
37.14 in a single subject. ~~Online learning providers must demonstrate to the commissioner~~  
37.15 ~~that online learning courses have equivalent standards or instruction, curriculum, and~~  
37.16 ~~assessment requirements as other courses offered to enrolled students. The online~~  
37.17 ~~learning provider must also demonstrate expectations for actual teacher contact time~~  
37.18 ~~or other student-to-teacher communication.~~ The online provider must provide written  
37.19 assurance that all courses meet state academic standards, and that the online learning  
37.20 curriculum, instruction and assessment, expectations for actual teacher contact time or  
37.21 other student-to-teacher communication, and academic support meet nationally recognized  
37.22 professional standards and are demonstrated as such in a syllabus provided according to  
37.23 the commissioner's requirements. Once an online learning provider is approved under  
37.24 this paragraph, all of its online learning course offerings are eligible for payment under  
37.25 this section unless a course is successfully challenged by an enrolling district or the  
37.26 department under paragraph (b).

37.27 (b) An enrolling district may challenge the validity of a course offered by an online  
37.28 learning provider. The department must review such challenges based on the certification  
37.29 procedures under paragraph (a). The department may initiate its own review of the validity  
37.30 of an online learning course offered by an online learning provider.

37.31 (c) The department may collect a fee not to exceed \$250 for certifying online  
37.32 learning providers or \$50 per course for reviewing a challenge by an enrolling district.

37.33 (d) The department must develop, publish, and maintain a list of approved online  
37.34 learning providers and online learning courses and programs that it has reviewed and  
37.35 certified.

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38.1 Sec. 36. Minnesota Statutes 2006, section 124D.095, subdivision 10, is amended to  
38.2 read:

38.3 Subd. 10. **Online Learning Advisory Council.** (a) An Online Learning Advisory  
38.4 Council is established under section 15.059, except that the term for each council member  
38.5 shall be three years. The advisory council is composed of 12 members from throughout  
38.6 the state who have demonstrated experience with or interest in online learning. The  
38.7 members of the council shall be appointed by the commissioner. The advisory council  
38.8 shall bring to the attention of the commissioner any matters related to online learning and  
38.9 provide input to the department in matters related, but not restricted, to:

- 38.10 (1) quality assurance;
- 38.11 (2) teacher qualifications;
- 38.12 (3) program approval;
- 38.13 (4) special education;
- 38.14 (5) attendance;
- 38.15 (6) program design and requirements; and
- 38.16 (7) fair and equal access to programs.

38.17 ~~(b) The Online Learning Advisory Council under this subdivision expires June~~  
38.18 ~~30, 2008.~~

38.19 (b) Notwithstanding section 15.059, subdivision 5, the council expires June 30, 2009.

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

38.21 Sec. 37. Minnesota Statutes 2006, section 124D.10, subdivision 2a, is amended to read:

38.22 Subd. 2a. **Charter School Advisory Council.** (a) A Charter School Advisory  
38.23 Council is established under section 15.059 except that the term for each council member  
38.24 shall be three years. The advisory council is composed of seven members from throughout  
38.25 the state who have demonstrated experience with or interest in charter schools. The  
38.26 members of the council shall be appointed by the commissioner. The advisory council  
38.27 shall bring to the attention of the commissioner any matters related to charter schools  
38.28 that the council deems necessary and shall:

- 38.29 (1) encourage school boards to make full use of charter school opportunities;
- 38.30 (2) encourage the creation of innovative schools;
- 38.31 (3) provide leadership and support for charter school sponsors to increase the  
38.32 innovation in and the effectiveness, accountability, and fiscal soundness of charter schools;
- 38.33 (4) serve an ombudsman function in facilitating the operations of new and existing  
38.34 charter schools;

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39.1 (5) promote timely financial management training for newly elected members of  
39.2 a charter school board of directors and ongoing training for other members of a charter  
39.3 school board of directors; and

39.4 (6) facilitate compliance with auditing and other reporting requirements. The  
39.5 advisory council shall refer all its proposals to the commissioner who shall provide time  
39.6 for reports from the council.

39.7 (b) The Charter School Advisory Council under this subdivision expires June 30,  
39.8 ~~2007~~ 2011.

39.9 **EFFECTIVE DATE.** This section is effective retroactively from June 30, 2007.

39.10 Sec. 38. Minnesota Statutes 2007 Supplement, section 124D.10, subdivision 4, is  
39.11 amended to read:

39.12 Subd. 4. **Formation of school.** (a) A sponsor may authorize one or more licensed  
39.13 teachers under section 122A.18, subdivision 1, to operate a charter school subject to  
39.14 approval by the commissioner. A board must vote on charter school application for  
39.15 sponsorship no later than 90 days after receiving the application. The school must be  
39.16 organized and operated as a cooperative under chapter 308A or nonprofit corporation  
39.17 under chapter 317A and the provisions under the applicable chapter shall apply to the  
39.18 school except as provided in this section. Notwithstanding sections 465.717 and 465.719,  
39.19 a school district may create a corporation for the purpose of creating a charter school.

39.20 (b) Before the operators may form and operate a school, the sponsor must file an  
39.21 affidavit with the commissioner stating its intent to authorize a charter school. The  
39.22 affidavit must demonstrate the sponsor's abilities, capacities, and expertise in fulfilling the  
39.23 responsibilities of a sponsor and state the terms and conditions under which the sponsor  
39.24 would authorize a charter school and how the sponsor intends to oversee the fiscal and  
39.25 student performance of the charter school and to comply with the terms of the written  
39.26 contract between the sponsor and the charter school board of directors under subdivision  
39.27 6 in the form and manner prescribed by the commissioner. The sponsor must submit  
39.28 an affidavit to the commissioner for each charter school it proposes to authorize. The  
39.29 commissioner must approve or disapprove the sponsor's proposed authorization within  
39.30 90 days of receipt of the affidavit. Failure to obtain commissioner approval precludes a  
39.31 sponsor from authorizing the charter school that was the subject of the affidavit.

39.32 (c) The operators authorized to organize and operate a school, before entering into a  
39.33 contract or other agreement for professional or other services, goods, or facilities, must  
39.34 incorporate as a cooperative under chapter 308A or as a nonprofit corporation under  
39.35 chapter 317A and must establish a board of directors composed of at least five nonrelated

40.1 members until a timely election for members of the charter school board of directors is  
40.2 held according to the school's articles and bylaws. A charter school board of directors  
40.3 must be composed of at least five members. Any staff members who are employed at the  
40.4 school, including teachers providing instruction under a contract with a cooperative, and  
40.5 all parents of children enrolled in the school ~~may~~ are eligible to participate in the election  
40.6 for members of the school's board of directors. Licensed teachers employed at the school,  
40.7 including teachers providing instruction under a contract with a cooperative, must be a  
40.8 majority of the members of the board of directors before the school completes its third  
40.9 year of operation, unless the commissioner waives the requirement for a majority of  
40.10 licensed teachers on the board. Board of director meetings must comply with chapter 13D.

40.11 (d) The granting or renewal of a charter by a sponsoring entity must not be  
40.12 conditioned upon the bargaining unit status of the employees of the school.

40.13 (e) The granting or renewal of a charter school by a sponsor must not be contingent  
40.14 on the charter school being required to contract, lease, or purchase services from the  
40.15 sponsor.

40.16 (f) A sponsor may authorize the operators of a charter school to expand the operation  
40.17 of the charter school to additional sites or to add additional grades at the school beyond  
40.18 those described in the sponsor's application as approved by the commissioner only  
40.19 after submitting a supplemental application to the commissioner in a form and manner  
40.20 prescribed by the commissioner. The supplemental application must provide evidence that:

- 40.21 (1) the expansion of the charter school is supported by need and projected enrollment;  
40.22 (2) the charter school is fiscally sound;  
40.23 (3) the sponsor supports the expansion; and  
40.24 (4) the building of the additional site meets all health and safety requirements to  
40.25 be eligible for lease aid.

40.26 ~~(f)~~ (g) The commissioner annually must provide timely financial management  
40.27 training to newly elected members of a charter school board of directors and ongoing  
40.28 training to other members of a charter school board of directors. Training must address  
40.29 ways to:

- 40.30 (1) proactively assess opportunities for a charter school to maximize all available  
40.31 revenue sources;  
40.32 (2) establish and maintain complete, auditable records for the charter school;  
40.33 (3) establish proper filing techniques;  
40.34 (4) document formal actions of the charter school, including meetings of the charter  
40.35 school board of directors;  
40.36 (5) properly manage and retain charter school and student records;



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- 41.1 (6) comply with state and federal payroll record-keeping requirements; and  
41.2 (7) address other similar factors that facilitate establishing and maintaining complete  
41.3 records on the charter school's operations.

41.4 Sec. 39. Minnesota Statutes 2006, section 124D.10, subdivision 4a, is amended to read:

41.5 Subd. 4a. **Conflict of interest.** (a) A member of a charter school board of directors  
41.6 is prohibited from serving as a member of the board of directors or as an employee or agent  
41.7 of or a contractor with a for-profit entity with whom the charter school contracts, directly  
41.8 or indirectly, for professional services, goods, or facilities. A violation of this prohibition  
41.9 renders a contract voidable at the option of the commissioner. The commissioner may  
41.10 reduce a charter school's state aid under section 127A.42 if the charter school board fails  
41.11 to correct a violation under this subdivision in a timely manner. A member of a charter  
41.12 school board of directors who violates this prohibition shall be individually liable to the  
41.13 charter school for any damage caused by the violation.

41.14 (b) An individual may serve as a member of the board of directors if no conflict of  
41.15 interest under paragraph (a) exists.

41.16 (c) A member of a charter school board of directors that serves as a member of the  
41.17 board of directors or as an employee or agent of or a contractor with a nonprofit entity  
41.18 with whom the charter school contracts, directly or indirectly, for professional services,  
41.19 goods, or facilities, must disclose all potential conflicts to the commissioner. A violation  
41.20 of this requirement makes a contract voidable at the option of the commissioner. The  
41.21 commissioner may reduce a charter school's aid under section 127A.42 if the charter  
41.22 school fails to correct a violation under this subdivision in a timely manner.

41.23 (d) The conflict of interest provisions under this subdivision do not apply to  
41.24 compensation paid to a teacher employed by the charter school who also serves as a  
41.25 member of the board of directors.

41.26 (e) The conflict of interest provisions under this subdivision do not apply to a teacher  
41.27 who provides services to a charter school through a cooperative formed under chapter  
41.28 308A when the teacher also serves on the charter school board of directors.

41.29 Sec. 40. Minnesota Statutes 2006, section 124D.10, subdivision 6, is amended to read:

41.30 Subd. 6. **Contract.** The sponsor's authorization for a charter school must be in the  
41.31 form of a written contract signed by the sponsor and the board of directors of the charter  
41.32 school. The contract must be completed within 90 days of the commissioner's approval  
41.33 of the sponsor's proposed authorization. The contract for a charter school must be in  
41.34 writing and contain at least the following:

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- 42.1 (1) a description of a program that carries out one or more of the purposes in  
42.2 subdivision 1;
- 42.3 (2) specific outcomes pupils are to achieve under subdivision 10;
- 42.4 (3) admission policies and procedures;
- 42.5 (4) management and administration of the school;
- 42.6 (5) requirements and procedures for program and financial audits;
- 42.7 (6) how the school will comply with subdivisions 8, 13, 16, and 23;
- 42.8 (7) assumption of liability by the charter school;
- 42.9 (8) types and amounts of insurance coverage to be obtained by the charter school;
- 42.10 (9) the term of the contract, which may be up to three years for the initial contract,  
42.11 and up to five years for renewed contracts based on the academic, financial, and  
42.12 operational performance of the school;
- 42.13 (10) ~~if~~ how the board of directors or the operators of the charter school will provide  
42.14 special instruction and services for children with a disability under sections 125A.03  
42.15 to 125A.24, and 125A.65, a description of the financial parameters within which the  
42.16 charter school will operate to provide the special instruction and services to children  
42.17 with a disability; and
- 42.18 (11) the process and criteria the sponsor intends to use to monitor and evaluate the  
42.19 fiscal and student performance of the charter school, consistent with subdivision 15.

42.20 Sec. 41. Minnesota Statutes 2006, section 124D.10, subdivision 6a, is amended to read:

42.21 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the  
42.22 commissioner by December 31 each year.

42.23 (b) The charter school, with the assistance of the auditor conducting the audit, must  
42.24 include with the report a copy of all charter school agreements for corporate management  
42.25 services. If the entity that provides the professional services to the charter school is  
42.26 exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity  
42.27 must file with the commissioner by February 15 a copy of the annual return required under  
42.28 section 6033 of the Internal Revenue Code of 1986.

42.29 (c) If the commissioner receives ~~as part of the an~~ an audit report ~~a management letter~~  
42.30 indicating that a material weakness exists in the financial reporting systems of a charter  
42.31 school, the charter school must submit a written report to the commissioner explaining  
42.32 how the material weakness will be resolved.

42.33 (d) Upon the request of an individual, the charter school must make available in a  
42.34 timely fashion the minutes of meetings of members, the board of directors, and committees  
42.35 having any of the authority of the board of directors, and statements showing the financial

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43.1 result of all operations and transactions affecting income and surplus during the school's  
43.2 last annual accounting period and a balance sheet containing a summary of its assets and  
43.3 liabilities as of the closing date of the accounting period.

43.4 Sec. 42. Minnesota Statutes 2006, section 124D.10, subdivision 7, is amended to read:

43.5 Subd. 7. **Public status; exemption from statutes and rules.** A charter school is a  
43.6 public school and is part of the state's system of public education. ~~Except as provided in~~  
43.7 ~~this section, a charter school is exempt from all statutes and rules applicable to a school,~~  
43.8 ~~a board, or a district, although it may elect to comply with one or more provisions of~~  
43.9 ~~statutes or rules.~~ A charter school is exempt from all statutes and rules applicable to  
43.10 a school, school board, or school district unless a statute or rule is made specifically  
43.11 applicable to a charter school.

43.12 Sec. 43. Minnesota Statutes 2006, section 124D.10, subdivision 8, is amended to read:

43.13 Subd. 8. **State and local requirements.** (a) A charter school shall meet all  
43.14 ~~applicable federal, state,~~ and local health and safety requirements applicable to school  
43.15 districts.

43.16 (b) A school sponsored by a school board may be located in any district, unless the  
43.17 school board of the district of the proposed location disapproves by written resolution.

43.18 (c) A charter school must be nonsectarian in its programs, admission policies,  
43.19 employment practices, and all other operations. A sponsor may not authorize a charter  
43.20 school or program that is affiliated with a nonpublic sectarian school or a religious  
43.21 institution.

43.22 (d) Charter schools must not be used as a method of providing education or  
43.23 generating revenue for students who are being home-schooled.

43.24 (e) The primary focus of a charter school must be to provide a comprehensive  
43.25 program of instruction for at least one grade or age group from five through 18 years  
43.26 of age. Instruction may be provided to people younger than five years and older than  
43.27 18 years of age.

43.28 (f) A charter school may not charge tuition.

43.29 (g) A charter school is subject to and must comply with chapter 363A and section  
43.30 121A.04.

43.31 (h) A charter school is subject to and must comply with the Pupil Fair Dismissal  
43.32 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
43.33 123B.34 to 123B.39.

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44.1 (i) A charter school is subject to the same financial audits, audit procedures, and  
44.2 audit requirements as a district. Audits must be conducted in compliance with generally  
44.3 accepted governmental auditing standards, the Federal Single Audit Act, if applicable,  
44.4 and section 6.65. A charter school is subject to and must comply with sections 15.054;  
44.5 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5;  
44.6 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13,  
44.7 and 15; 471.881; and 471.89. The audit must comply with the requirements of sections  
44.8 123B.75 to 123B.83, except to the extent deviations are necessary because of the program  
44.9 at the school. Deviations must be approved by the commissioner. The Department  
44.10 of Education, state auditor, or legislative auditor may conduct financial, program, or  
44.11 compliance audits. A charter school determined to be in statutory operating debt under  
44.12 sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

44.13 (j) A charter school is a district for the purposes of tort liability under chapter 466.

44.14 (k) A charter school must comply with sections 13.32; 120A.22, subdivision 7;  
44.15 121A.75; and 260B.171, subdivisions 3 and 5.

44.16 (l) A charter school is subject to the Pledge of Allegiance requirement under section  
44.17 121A.11, subdivision 3.

44.18 Sec. 44. Minnesota Statutes 2006, section 124D.10, subdivision 20, is amended to read:

44.19 Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district  
44.20 makes a written request for an extended leave of absence to teach at a charter school, the  
44.21 district must grant the leave. The district must grant a leave not to exceed a total of five  
44.22 years. Any request to extend the leave shall be granted only at the discretion of the school  
44.23 board. The district may require that the request for a leave or extension of leave be made  
44.24 ~~up to 90 days before the teacher would otherwise have to report for duty before February~~  
44.25 1 in the school year preceding the school year in which the teacher wishes to return, or  
44.26 February 1 of the calendar year in which the leave is scheduled to terminate. Except as  
44.27 otherwise provided in this subdivision and except for section 122A.46, subdivision 7, the  
44.28 leave is governed by section 122A.46, including, but not limited to, reinstatement, notice  
44.29 of intention to return, seniority, salary, and insurance.

44.30 During a leave, the teacher may continue to aggregate benefits and credits in the  
44.31 Teachers' Retirement Association account by paying both the employer and employee  
44.32 contributions based upon the annual salary of the teacher for the last full pay period before  
44.33 the leave began. The retirement association may impose reasonable requirements to  
44.34 efficiently administer this subdivision.

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45.1 Sec. 45. Minnesota Statutes 2006, section 124D.10, subdivision 23, is amended to read:

45.2 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)

45.3 The duration of the contract with a sponsor must be for the term contained in the contract  
45.4 according to subdivision 6. The sponsor may or may not renew a contract at the end of  
45.5 the term for any ground listed in paragraph (b). A sponsor may unilaterally terminate a  
45.6 contract during the term of the contract for any ground listed in paragraph (b). At least 60  
45.7 days before not renewing or terminating a contract, the sponsor shall notify the board of  
45.8 directors of the charter school of the proposed action in writing. The notice shall state the  
45.9 grounds for the proposed action in reasonable detail and that the charter school's board of  
45.10 directors may request in writing an informal hearing before the sponsor within 14 days  
45.11 of receiving notice of nonrenewal or termination of the contract. Failure by the board of  
45.12 directors to make a written request for a hearing within the 14-day period shall be treated  
45.13 as acquiescence to the proposed action. Upon receiving a timely written request for a  
45.14 hearing, the sponsor shall give reasonable notice to the charter school's board of directors  
45.15 of the hearing date. The sponsor shall conduct an informal hearing before taking final  
45.16 action. The sponsor shall take final action to renew or not renew a contract by the last day  
45.17 of classes in the school year. If the sponsor is a local board, the school's board of directors  
45.18 may appeal the sponsor's decision to the commissioner.

45.19 (b) A contract may be terminated or not renewed upon any of the following grounds:

45.20 (1) failure to meet the requirements for pupil performance contained in the contract;

45.21 (2) failure to meet generally accepted standards of fiscal management;

45.22 (3) violations of law; or

45.23 (4) other good cause shown.

45.24 If a contract is terminated or not renewed under this paragraph, the school must be  
45.25 dissolved according to the applicable provisions of chapter 308A or 317A, except when  
45.26 the commissioner approves the decision of a different eligible sponsor to authorize the  
45.27 charter school.

45.28 (c) If at the end of a contract term, ~~either the sponsor or~~ and the charter school  
45.29 board of directors ~~wants~~ mutually agree to voluntarily terminate the contract, a change  
45.30 in sponsors is allowed if the commissioner approves the decision of a different eligible  
45.31 sponsor to authorize the charter school. ~~The party intending to terminate the contract must~~  
45.32 ~~notify the other party and the commissioner of its intent at least 90 days before the date on~~  
45.33 ~~which the contract ends.~~ The sponsor that is a party to the existing contract at least must  
45.34 inform the approved different eligible sponsor about the fiscal and student performance of  
45.35 the school. Both parties jointly must submit in writing to the commissioner their written  
45.36 intent to terminate the contract. The commissioner must determine whether the charter

46.1 school and the prospective new sponsor can clearly identify and effectively resolve  
46.2 those circumstances causing the previous sponsor and the charter school to terminate the  
46.3 contract before the commissioner determines whether to grant the change of sponsor.

46.4 If no different eligible sponsor is approved, the school must be dissolved according to  
46.5 applicable law and the terms of the contract.

46.6 (d) The commissioner, after providing reasonable notice to the board of directors of  
46.7 a charter school and the existing sponsor, and after providing an opportunity for a public  
46.8 hearing, may terminate the existing sponsorial relationship contract between the sponsor  
46.9 and the charter school if the charter school has a history of:

46.10 (1) sustained failure to meet the requirements for pupil performance contained  
46.11 in the contract;

46.12 (2) financial mismanagement; or

46.13 ~~(2)~~ (3) repeated violations of the law.

46.14 Sec. 46. Minnesota Statutes 2007 Supplement, section 124D.10, subdivision 23a,  
46.15 is amended to read:

46.16 Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from  
46.17 entering a lease of real property with a related party as defined in ~~subdivision 26~~  
46.18 this subdivision, unless the lessor is a nonprofit corporation under chapter 317A or a  
46.19 cooperative under chapter 308A, and the lease cost is reasonable under section 124D.11,  
46.20 subdivision 4, clause (1).

46.21 (b) For purposes of this subdivision:

46.22 (1) "related party" means an affiliate or close relative of the other party in question,  
46.23 an affiliate of a close relative, or a close relative of an affiliate;

46.24 (2) "affiliate" means a person that directly or indirectly, through one or more  
46.25 intermediaries, controls, is controlled by, or is under common control with another person;

46.26 (3) "close relative" means an individual whose relationship by blood, marriage, or  
46.27 adoption to another individual is no more remote than first cousin;

46.28 (4) "person" means an individual or entity of any kind; and

46.29 (5) "control" means the ability to affect the management, operations, or policies of a  
46.30 person, whether through ownership of voting securities, by contract, or otherwise.

46.31 ~~(b)~~ (c) A lease of real property to be used for a charter school, not excluded in  
46.32 paragraph (a), must contain the following statement: "This lease is subject to Minnesota  
46.33 Statutes, section 124D.10, subdivision 23a."

46.34 ~~(c)~~ (d) If a charter school enters into as lessee a lease with a related party and the  
46.35 charter school subsequently closes, the commissioner has the right to recover from the

47.1 lessor any lease payments in excess of those that are reasonable under section 124D.11,  
47.2 subdivision 4, clause (1).

47.3 Sec. 47. 125B.015] STATE AND SCHOOL DISTRICT TECHNOLOGY  
47.4 STANDARDS.

47.5 Subdivision 1. State technology standards; standard setting. (a) Notwithstanding  
47.6 other law to the contrary, the commissioner, the Minnesota Education Technology Task  
47.7 Force, and representatives of school districts must work together to identify for school  
47.8 districts the robust technology tools and systems that improve the educational achievement  
47.9 of all Minnesota students. These entities must establish a foundation of flexible shared  
47.10 services that supports state development and implementation of new and more efficient  
47.11 educational business practices, including the use of modern analytical tools that help  
47.12 schools and school districts make data-driven decisions and increase instructional time.  
47.13 These entities also must anticipate the needs of school districts for effectively using  
47.14 emerging technologies to make the best and most cost-effective use of finite educational  
47.15 resources.

47.16 (b) The commissioner, the Minnesota Education Technology Task Force,  
47.17 representatives of school districts, and other interested and affected stakeholders, must  
47.18 establish and then maintain, revise, and publish every four years beginning December 1,  
47.19 2008, state and district technology standards and accompanying guidelines consistent with  
47.20 the requirements of this section and section 120B.023, subdivision 2, paragraph (a). The  
47.21 state and school districts must use the technology standards to participate in a uniform  
47.22 data collection system premised on:

47.23 (1) common data definitions for all required data elements;

47.24 (2) a common course catalogue;

47.25 (3) common transcript definitions; and

47.26 (4) school district infrastructure technology standards.

47.27 (c) School districts, consistent with this section and other applicable law, may use  
47.28 financial resources in addition to state funding to provide students with the technology  
47.29 tools they need to succeed in an increasingly complex and information-rich environment.

47.30 Subd. 2. District technology standards. (a) The commissioner, in collaboration  
47.31 with the Minnesota Education Technology Task Force, must establish and then maintain,  
47.32 revise, and publish six categories of district technology standards consistent with this  
47.33 section. The district technology standards must encompass:

47.34 (1) instructional technology that includes best practices in 21st century classroom  
47.35 instruction and student learning;

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48.1 (2) technological tools that support formative and summative online assessments,  
48.2 equipment, and software;

48.3 (3) shared services that facilitate network and data systems administration;

48.4 (4) data practices that include technical security, Internet safety, and data privacy;

48.5 (5) data management that facilitates efficient data transfers involving school districts  
48.6 and the department; and

48.7 (6) facilities infrastructure that supports multipurpose technology facilities for  
48.8 instruction and assessment.

48.9 (b) School districts are encouraged to align district technology expenditures with  
48.10 state and district technology standards established under this section.

48.11 (c) Beginning December 1, 2010, and each two-year period thereafter, school  
48.12 districts must use the district technology standards in this section to complete a review of  
48.13 the district technology environment that:

48.14 (1) examines the alignment of district technology expenditures to the technology  
48.15 standards under this section;

48.16 (2) identifies service gaps in the district technology plan; and

48.17 (3) estimates the funding needed to fill service gaps.

48.18 (d) School districts must transmit the substance of the review to the commissioner in  
48.19 the form and manner the commissioner determines in collaboration with the Minnesota  
48.20 Education Technology Task Force. The commissioner must evaluate and report the  
48.21 substance of the reviews to the legislature by February 15, 2011, and each two-year period  
48.22 thereafter.

48.23 Subd. 3. **Expedited process.** The commissioner must use the expedited rulemaking  
48.24 process under section 14.389 to adopt state and district technology standards consistent  
48.25 with this section.

48.26 **EFFECTIVE DATE.** This section is effective the day following final enactment  
48.27 and applies to the 2008-2009 school year and later.

48.28 Sec. 48. Minnesota Statutes 2006, section 126C.40, subdivision 6, is amended to read:

48.29 Subd. 6. **Lease purchase; installment buys.** (a) Upon application to, and approval  
48.30 by, the commissioner in accordance with the procedures and limits in subdivision 1,  
48.31 paragraphs (a) and (b), a district, as defined in this subdivision, may:

48.32 (1) purchase real or personal property under an installment contract or may lease  
48.33 real or personal property with an option to purchase under a lease purchase agreement, by  
48.34 which installment contract or lease purchase agreement title is kept by the seller or vendor  
48.35 or assigned to a third party as security for the purchase price, including interest, if any; and



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49.1 (2) annually levy the amounts necessary to pay the district's obligations under the  
49.2 installment contract or lease purchase agreement.

49.3 (b) The obligation created by the installment contract or the lease purchase  
49.4 agreement must not be included in the calculation of net debt for purposes of section  
49.5 475.53, and does not constitute debt under other law. An election is not required in  
49.6 connection with the execution of the installment contract or the lease purchase agreement.

49.7 (c) The proceeds of the levy authorized by this subdivision must not be used to  
49.8 acquire a facility to be primarily used for athletic or school administration purposes.

49.9 (d) For the purposes of this subdivision, "district" means:

49.10 (1) a racially isolated school district or a school district with a racially identifiable  
49.11 school required to have a ~~comprehensive~~ desegregation or integration plan for the  
49.12 elimination of segregation under Minnesota Rules, parts 3535.0100 to 3535.0180, which  
49.13 is eligible for revenue under section 124D.86, subdivision 3, clause (1), (2), or (3),  
49.14 and whose plan has been determined by the commissioner to be in compliance with  
49.15 Department of Education rules relating to equality of educational opportunity and school  
49.16 desegregation and, for a district eligible for revenue under section 124D.86, subdivision 3,  
49.17 clause (4) or (5), where the acquisition of property under this subdivision is determined by  
49.18 the commissioner to contribute to the implementation of the desegregation plan; or

49.19 (2) a school district that participates in a joint program for interdistrict desegregation  
49.20 with a district defined in clause (1) if the facility acquired under this subdivision is to  
49.21 be primarily used for the joint program and the commissioner determines that the joint  
49.22 programs are being undertaken to implement the districts' desegregation plan.

49.23 (e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease  
49.24 or rent a district-owned building to itself does not apply to levies otherwise authorized  
49.25 by this subdivision.

49.26 (f) For the purposes of this subdivision, any references in subdivision 1 to building  
49.27 or land shall include personal property.

49.28 **Sec. 49. [127A.70] MINNESOTA P-20 EDUCATION PARTNERSHIP.**

49.29 Subdivision 1. **Establishment; membership.** A P-20 education partnership is  
49.30 established to create a seamless system of education that maximizes achievements of  
49.31 all students, from early childhood through elementary, secondary, and postsecondary  
49.32 education, while promoting the efficient use of financial and human resources. The  
49.33 partnership shall consist of major statewide educational groups or constituencies or  
49.34 noneducational statewide organizations with a stated interest in P-20 education. The initial

50.1 membership of the partnership includes the members serving on the Minnesota P-16  
50.2 Education Partnership and four legislators appointed as follows:

50.3 (1) one senator from the majority party and one senator from the minority party,  
50.4 appointed by the Subcommittee on Committees of the Committee on Rules and  
50.5 Administration; and

50.6 (2) one member of the house of representatives appointed by the speaker of the  
50.7 house and one member appointed by the minority leader of the house.

50.8 The chair of the P-16 education partnership must convene the first meeting of the  
50.9 P-20 partnership. Prospective members may be nominated by any partnership member and  
50.10 new members will be added with the approval of a two-thirds majority of the partnership.  
50.11 The partnership will also seek input from nonmember organizations whose expertise can  
50.12 help inform the partnership's work.

50.13 Partnership members shall be represented by the chief executives, presidents, or  
50.14 other formally designated leaders of their respective organizations, or their designees. The  
50.15 partnership shall meet at least three times during each calendar year.

50.16 Subd. 2. **Powers and duties; report.** The partnership shall develop  
50.17 recommendations to the governor and the legislature designed to maximize the  
50.18 achievement of all P-20 students while promoting the efficient use of state resources,  
50.19 thereby helping the state realize the maximum value for its investment. These  
50.20 recommendations may include, but are not limited to, strategies, policies, or other actions  
50.21 focused on:

50.22 (1) improving the quality of and access to education at all points from preschool  
50.23 through the graduate education;

50.24 (2) improving preparation for, and transitions to, postsecondary education and  
50.25 work; and

50.26 (3) ensuring educator quality by creating rigorous standards for teacher recruitment,  
50.27 teacher preparation, induction and mentoring of beginning teachers, and continuous  
50.28 professional development for career teachers.

50.29 By January 15 of each year, the partnership shall submit a report to the governor  
50.30 and to the chairs and ranking minority members of the legislative committees and  
50.31 divisions with jurisdiction over P-20 education policy and finance that summarizes the  
50.32 partnership's progress in meeting its goals and identifies the need for any draft legislation  
50.33 when necessary to further the goals of the partnership to maximize student achievement  
50.34 while promoting efficient use of resources.

50.35 Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, the partnership  
50.36 is permanent and does not expire.

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51.1 Sec. 50. Minnesota Statutes 2006, section 260C.007, subdivision 19, is amended to  
51.2 read:

51.3 Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of ~~16~~  
51.4 18 years who is absent from attendance at school without lawful excuse for seven school  
51.5 days per school year if the child is in elementary school or for one or more class periods  
51.6 on seven school days per school year if the child is in middle school, junior high school,  
51.7 or high school, ~~or a child who is 16 or 17 years of age who is absent from attendance at~~  
51.8 ~~school without lawful excuse for one or more class periods on seven school days and who~~  
51.9 ~~has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

51.10 **EFFECTIVE DATE.** This section is effective for the 2011-2012 school year and  
51.11 later.

51.12 Sec. 51. Minnesota Statutes 2006, section 299F.30, subdivision 1, is amended to read:

51.13 Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035,  
51.14 121A.037, and this section, it shall be the duty of the state fire marshal, deputies and  
51.15 assistants, to require public and private schools and educational institutions to have at  
51.16 least five fire drills each school year, to expect students to be present and participate  
51.17 in these drills, and to keep all doors and exits unlocked from the inside of the building  
51.18 during school hours.

51.19 **EFFECTIVE DATE.** This section is effective for the 2008-2009 school year and  
51.20 later.

51.21 Sec. 52. **IMPLEMENTING A STUDENT GROWTH-BASED VALUE-ADDED**  
51.22 **SYSTEM.**

51.23 (a) To implement the requirements of Minnesota Statutes, section 120B.35,  
51.24 subdivision 3, paragraph (b), and to help parents and members of the public compare the  
51.25 reported data, the commissioner must convene a group of expert school district assessment  
51.26 and evaluation staff, including a recognized Minnesota assessment group composed of  
51.27 assessment and evaluation directors and staff and researchers and interested stakeholders,  
51.28 including school superintendents, school principals, school teachers, and parents to  
51.29 examine the actual statewide performance of students using Minnesota's growth-based  
51.30 value-added system and establish criteria for identifying schools and school districts that  
51.31 demonstrate accelerated growth in order to advance educators' professional development  
51.32 and replicate programs that succeed in meeting students' diverse learning needs.

52.1 (b) The commissioner must submit a written report to the education committees of  
52.2 the house of representatives and senate by February 15, 2009, describing the criteria for  
52.3 identifying schools and school districts that demonstrate accelerated growth. The group  
52.4 convened under this section expires on June 30, 2009.

52.5 **EFFECTIVE DATE.** This section is effective the day following final enactment  
52.6 and applies to school report cards in the 2008-2009 school year and later.

52.7 Sec. 53. **IMPLEMENTING RIGOROUS COURSEWORK MEASURES**  
52.8 **RELATED TO STUDENT PERFORMANCE.**

52.9 To implement the requirements of Minnesota Statutes, section 120B.35, subdivision  
52.10 3, paragraph (c), clauses (1) and (2), and to help parents and members of the public  
52.11 compare the reported data, the commissioner of education must convene a group of  
52.12 recognized and qualified experts and interested stakeholders, including parents among  
52.13 other stakeholders, to develop a model projecting anticipated performance of each high  
52.14 school on preparation and rigorous coursework measures that compares the school with  
52.15 similar schools. The model must use information about entering high school students  
52.16 based on particular background characteristics that are predictive of differing rates of  
52.17 college readiness. These characteristics include grade 8 achievement levels, high school  
52.18 student mobility, high school student attendance, and the size of each entering ninth grade  
52.19 class. The group of experts and stakeholders may examine other characteristics not part  
52.20 of the prediction model including the nine student categories identified under the federal  
52.21 2001 No Child Left Behind Act, and two student gender categories of male and female,  
52.22 respectively. The commissioner annually must use the predicted level of entering students'  
52.23 performance to provide a context for interpreting graduating students' actual performance.  
52.24 The group convened under this section expires June 30, 2011.

52.25 **EFFECTIVE DATE.** This section is effective the day following final enactment  
52.26 and applies to school report cards beginning July 1, 2011.

52.27 Sec. 54. **IMPLEMENTING MEASURES FOR ASSESSING SCHOOL SAFETY**  
52.28 **AND STUDENTS' ENGAGEMENT AND CONNECTION AT SCHOOL .**

52.29 (a) To implement the requirements of Minnesota Statutes, section 120B.35,  
52.30 subdivision 3, paragraph (e), the commissioner of education, in consultation with interested  
52.31 stakeholders, including parents and teachers among other stakeholders, must convene  
52.32 a group of recognized and qualified experts on student engagement assessment and  
52.33 elementary and secondary classroom teachers currently teaching in Minnesota schools to:

53.1 (1) identify measures of student engagement that may include student attendance,  
53.2 student support outside the classroom, parent involvement, and homework indicators,  
53.3 among other measures;

53.4 (2) review the University of Minnesota student safety and engagement survey  
53.5 instrument and other commonly recognized survey instruments to determine whether  
53.6 the survey instruments have sound psychometric properties, are useful for intervention  
53.7 planning, and are suitable instruments for state accountability purposes; and

53.8 (3) determine through disaggregated use of survey indicators or other means how to  
53.9 report "safety" in order to comply with federal law.

53.10 (b) The commissioner must submit a written report and all the group's working  
53.11 papers to the education committees of the house of representatives and senate by February  
53.12 15, 2009, presenting the group's responses to paragraph (a), clauses (1) to (3). The  
53.13 commissioner must submit a second, related report to the education committees of the  
53.14 legislature by February 15, 2012, indicating the content and analysis of and the format  
53.15 for reporting the data collected in the 2009-2010 and 2010-2011 school years under  
53.16 Minnesota Statutes, section 120B.35, subdivision 3, paragraph (e). The group convened  
53.17 under this section expires December 31, 2012.

53.18 **EFFECTIVE DATE.** This section is effective the day following final enactment  
53.19 and applies to school report cards beginning July 1, 2012.

53.20 Sec. 55. **GROWTH-TO-STANDARD AND GROWTH-BASED VALUE-ADDED**  
53.21 **COMPARISON REPORT.**

53.22 (a) The commissioner of education, in collaboration with the Independent Office of  
53.23 Educational Accountability under MS, section 120B.31, subdivision 3, and a recognized  
53.24 Minnesota assessment group composed of assessment and evaluation directors and staff  
53.25 and researchers, must use 2006-2007 and 2007-2008 school year data to compare and  
53.26 report the results of using the growth-to-standard and the growth-based value-added  
53.27 models under MS, sections 120B.299, 120B.35, and related sections at the school  
53.28 and school district levels. The report may show how the growth-to-standard and the  
53.29 growth-based value-added models affect the data and the reporting of the data on  
53.30 growth indicators related to (i) the size and location of schools and school districts and  
53.31 (ii) the composition of enrolled students by category, among other indicators. To the  
53.32 extent feasible, the report also may compare individual student and school results from  
53.33 a value-added model with the results of the growth-to-standard and the growth-based  
53.34 value-added models.

54.1 (b) Consistent with paragraph (a), the commissioner must submit a report comparing  
54.2 the growth-to-standard and the growth-based value-added models to the education policy  
54.3 committees of the legislature by February 1, 2009, and include any recommendations for  
54.4 statutory changes related to educational accountability and reporting under MS, chapter  
54.5 120B.

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

54.7 Sec. 56. **GROWTH-BASED VALUE-ADDED MODEL; REFERENCE.**

54.8 The recognized Minnesota assessment group composed of assessment and  
54.9 evaluation directors and staff and researchers, in collaboration with the Independent Office  
54.10 of Educational Accountability under Minnesota Statutes, section 120B.31, subdivision  
54.11 3, shall deposit with the Office of the Revisor of Statutes and the Legislative Reference  
54.12 Library a reference document further explaining the growth-based value-added system  
54.13 of assessments that the commissioner of education and other interested individuals may  
54.14 consult when implementing Minnesota Statutes, sections 120B.299, 120B.30, 120B.31,  
54.15 120B.35, 120B.36, and 120B.362.

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

54.17 Sec. 57. **SCHOOL DISTRICT PLANS TO IMPROVE STUDENTS' ACADEMIC**  
54.18 **ACHIEVEMENT.**

54.19 Subdivision 1. **District academic achievement plan; priorities.** (a) A school  
54.20 district experiencing disparities in academic achievement among groups of students  
54.21 defined by race, ethnicity, and income is encouraged to develop a short and long-term  
54.22 plan encompassing one through four years to significantly improve students' academic  
54.23 achievement and use research-based practices to eliminate differences in academic  
54.24 performance. The plan must:

54.25 (1) reflect a research-based understanding of high-performing educational systems  
54.26 and best educational practices;

54.27 (2) include innovative and practical strategies and programs, whether existing or  
54.28 new, that supplement district initiatives to increase students' academic achievement under  
54.29 state and federal educational accountability requirements; and

54.30 (3) contain valid and reliable measures of student achievement that the district uses  
54.31 to demonstrate the efficacy of the district plan to the commissioner of education.

54.32 (b) A district must address the elements under section 58, paragraph (a), to the  
54.33 extent those elements are implicated in the district's plan.

55.1 (c) A district must identify in its plan the strategies and programs the district has  
55.2 implemented and found effective in improving students' academic achievement.

55.3 (d) The district must include with the plan the amount of expenditures necessary  
55.4 to implement the plan. The district must indicate how current resources are used to  
55.5 implement the plan, including, but not limited to, state-limited English proficiency aid  
55.6 under Minnesota Statutes, section 124D.65; integration revenue under Minnesota Statutes,  
55.7 section 124D.86; early childhood family education revenue under Minnesota Statutes,  
55.8 section 124D.135; school readiness aid under Minnesota Statutes, section 124D.16; basic  
55.9 skills revenue under Minnesota Statutes, section 126C.10, subdivision 4; extended time  
55.10 revenue under Minnesota Statutes, section 126C.10, subdivision 2a; and alternative  
55.11 compensation revenue under Minnesota Statutes, section 122A.415.

55.12 Subd. 2. **Plan.** (a) A school district by October 1, 2008, must submit its plan in  
55.13 electronic format to the commissioner of education, consistent with subdivision 1.

55.14 (b) The commissioner of education must analyze the commonalities and differences  
55.15 of the district plans and the effective strategies and programs districts have implemented  
55.16 to improve students' academic achievement, and submit the analysis and supporting data  
55.17 to the advisory task force on improving students' academic achievement under section  
55.18 58 by November 1, 2008, and also report the substance of the analyses to the education  
55.19 policy and finance committees of the legislature by February 15, 2009.

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

55.21 Sec. 58. **ADVISORY TASK FORCE ON IMPROVING STUDENTS'**  
55.22 **ACADEMIC ACHIEVEMENT.**

55.23 (a) An advisory task force on improving students' academic achievement is  
55.24 established to review the plans submitted to the commissioner of education under section  
55.25 57 and recommend to the education committees of the legislature a proposal for improving  
55.26 students' academic achievement and eliminating differences in academic performance  
55.27 among groups of students defined by race, ethnicity, and income. The task force members  
55.28 must at least consider how the following education-related issues impact the educational  
55.29 achievement of low-income students and students of color:

55.30 (1) rigorous preparation and coursework and how to (i) effectively invest in early  
55.31 childhood and parent education, (ii) increase academic rigor and high expectations on  
55.32 elementary and secondary students in schools serving a majority of low-income students  
55.33 and students of color, and (iii) provide parents, educators, and community members with  
55.34 meaningful opportunities to collaborate in educating students in schools serving a majority  
55.35 of low-income students and students of color;

56.1 (2) professional development for educators and how to (i) provide stronger financial  
56.2 and professional incentives to attract and retain experienced, bilingual, and culturally  
56.3 competent teachers and administrators in schools serving a majority of low-income  
56.4 students and students of color, (ii) recruit and retain teachers of color, and (iii) develop and  
56.5 include cultural sensitivity and interpersonal and pedagogical skills training that teachers  
56.6 need for effective intercultural teaching;

56.7 (3) English language learners and how to (i) use well-designed tests, curricula,  
56.8 and English as a second language programs and services as diagnostic tools to develop  
56.9 effective student interventions, (ii) monitor students' language capabilities, (iii) provide  
56.10 academic instruction in English that supports students' learning and is appropriate  
56.11 for students' level of language proficiency, and (iv) incorporate the perspectives and  
56.12 contributions of ethnic and racial groups, consistent with Minnesota Statutes, section  
56.13 120B.022, subdivision 1, paragraph (b);

56.14 (4) special education and how to (i) incorporate linguistic and cultural sensitivity  
56.15 into special education diagnosis and referral, (ii) increase the frequency and quality of  
56.16 prereferral interventions, and (iii) decrease the number of minority and nonnative English  
56.17 speaking students inappropriately placed in special education;

56.18 (5) GRAD tests and how to (i) incorporate linguistic and cultural sensitivity into the  
56.19 reading and math GRAD tests, and (ii) develop interventions to meet students' learning  
56.20 needs; and

56.21 (6) valid and reliable data and how to use data on student on-time graduation rates,  
56.22 student dropout rates, documented disciplinary actions, and completed and rigorous course  
56.23 work indicators to determine how well-prepared, low-income students and students of  
56.24 color are for postsecondary academic and career opportunities.

56.25 The task force also must examine the findings of a 2008 report by Minnesota  
56.26 superintendents on strategies for creating a world-class educational system to establish  
56.27 priorities for improving students' academic achievement. The task force may consider  
56.28 other related matters at its discretion.

56.29 (b) The commissioner of education must convene the first meeting of the advisory  
56.30 task force on improving students' academic achievement by September 1, 2008. The task  
56.31 force members must adopt internal procedures and standards for subsequent meetings.  
56.32 The task force is composed of the following members:

56.33 (1) a representative from a Twin Cities metropolitan area school district, a suburban  
56.34 school district, a school district located in a regional center, and a rural school district, all  
56.35 four representatives appointed by the state demographer based on identified concentrations  
56.36 of low-performing, low-income students and students of color;



57.1 (2) a faculty member of a teacher preparation program at the University of  
57.2 Minnesota's College of Education and Human Development, appointed by the college  
57.3 dean or the dean's designee;

57.4 (3) a faculty member from the urban teachers program at Metropolitan State  
57.5 University appointed by the university president or the president's designee;

57.6 (4) a faculty member from a Minnesota State Colleges and Universities teacher  
57.7 preparation program located outside the Twin Cities metropolitan area, appointed by  
57.8 the chancellor or the chancellor's designee;

57.9 (5) a classroom teacher appointed by Education Minnesota;

57.10 (6) an expert in early childhood care and education appointed by a state early  
57.11 childhood organization;

57.12 (7) a member from each state council representing a community of color, appointed  
57.13 by the respective council;

57.14 (8) a curriculum specialist with expertise in providing language instruction for  
57.15 nonnative English speakers, appointed by a state curriculum organization;

57.16 (9) a special education teacher, appointed by a state organization of special education  
57.17 educators;

57.18 (10) a parent of color, appointed by a state parent-teacher organization;

57.19 (11) a district testing director appointed by a recognized Minnesota assessment  
57.20 group composed of assessment and evaluation directors and staff and researchers; and

57.21 (12) a Department of Education staff person with expertise in school desegregation  
57.22 matters appointed by the commissioner of education or the commissioner's designee.

57.23 A majority of task force members, at their discretion, may invite other representatives  
57.24 of interested public or nonpublic organizations, Minnesota's communities of color, and  
57.25 stakeholders in local and state educational equity to become task force members. The  
57.26 department must make every effort to ensure that a majority of task force members are  
57.27 persons of color.

57.28 (c) Members of the task force serve without compensation. By February 15,  
57.29 2009, the task force must submit a written proposal to the education policy and finance  
57.30 committees of the legislature on how to significantly improve students' academic  
57.31 achievement.

57.32 (d) The advisory task force expires on February 16, 2009.

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

57.34 Sec. 59. **ADVISORY TASK FORCE; INTEGRATING SECONDARY AND**  
57.35 **POSTSECONDARY ACADEMIC AND CAREER EDUCATION.**

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58.1 (a) An advisory task force on improving teacher quality and identifying institutional  
58.2 structures and strategies for effectively integrating secondary and postsecondary academic  
58.3 and career education is established to consider and recommend to the education policy and  
58.4 finance committees of the legislature proposals on how to:

58.5 (1) foster classroom teachers' interest and ability to acquire a master's degree in the  
58.6 teachers' substantive fields of licensure; and

58.7 (2) meet all elementary and secondary students' needs for adequate education  
58.8 planning and preparation and improve all students' ability to acquire the knowledge and  
58.9 skills needed for postsecondary academic and career education.

58.10 (b) The commissioner of education, or the commissioner's designee, shall appoint  
58.11 an advisory task force that is composed of a representative from each of the following  
58.12 entities: Education Minnesota, the University of Minnesota, the Department of  
58.13 Education, the Board of Teaching, the Minnesota Private College Council, the Office of  
58.14 Higher Education, the Minnesota Career College Association, the Minnesota PTA, the  
58.15 Minnesota Chamber of Commerce, the Minnesota Business Partnership, the Department  
58.16 of Employment and Economic Development, the Minnesota Association of Career and  
58.17 Technical Administrators, the Minnesota Association of Career and Technical Educators,  
58.18 the Minnesota State Colleges and Universities, and other representatives of other  
58.19 entities recommended by task force members. Members of the task force serve without  
58.20 compensation of any kind for any purpose. By February 15, 2009, the task force must  
58.21 submit written recommendations to the education policy and finance committees of the  
58.22 legislature on improving teacher quality and identifying the institutional structures and  
58.23 strategies for effectively integrating secondary and postsecondary academic and career  
58.24 education, consistent with this section.

58.25 (c) Upon request, the commissioner of education must provide the task force with  
58.26 technical, fiscal, and other support services.

58.27 (d) The advisory task force expires February 16, 2009.

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

58.29 **Sec. 60. ASSESSMENT OF READING INSTRUCTION.**

58.30 (a) No later than March 1, 2010, the Board of Teaching, in cooperation with the  
58.31 commissioner of education, shall adopt an assessment of reading instruction for all  
58.32 prekindergarten and elementary licensure candidates consistent with Minnesota Statutes,  
58.33 section 122A.18, subdivision 2c.

58.34 (b) The Board of Teaching and the commissioner shall report to the senate and house  
58.35 of representatives committees having jurisdiction over prekindergarten through grade 12

59.1 education policy by March 15, 2010, on the assessment of reading instruction that was  
59.2 adopted.

59.3 Sec. 61. **READING INSTRUCTION RULES; LEGISLATIVE REVIEW.**

59.4 Beginning July 1, 2008, and until July 1, 2009, the Board of Teaching must submit  
59.5 any proposed rules regarding licensure in reading instruction to the chairs of the legislative  
59.6 committees with jurisdiction over kindergarten through grade 12 education policy by  
59.7 February 1, 2009. The board may not adopt the rules until the legislature has adjourned  
59.8 the 2009 regular session.

59.9 Sec. 62. **COMPUTER ADAPTIVE ASSESSMENTS.**

59.10 The Department of Education, by February 1, 2009, must report to the education  
59.11 committees of the legislature on its efforts to add computer adaptive assessments that  
59.12 include formative analytics to the Minnesota's comprehensive assessment administered  
59.13 under Minnesota Statutes, section 120B.30.

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

59.15 Sec. 63. **REVIVAL AND REENACTMENT.**

59.16 Minnesota Statutes, section 124D.10, subdivision 2a, is revived and reenacted  
59.17 effective retroactively and without interruption from June 30, 2007.

59.18 Sec. 64. **REPEALER.**

59.19 Minnesota Statutes 2006, section 120A.22, subdivision 8, is repealed effective  
59.20 for the 2011-2012 school year and later.

59.21 **ARTICLE 3**

59.22 **SPECIAL PROGRAMS**

59.23 Section 1. Minnesota Statutes 2006, section 124D.60, subdivision 1, is amended to  
59.24 read:

59.25 Subdivision 1. **Notice.** Within ~~ten~~ 30 days after the enrollment of any pupil in an  
59.26 instructional program for limited English proficient students, the district in which the pupil  
59.27 resides must notify the parent by mail. This notice must:

59.28 (1) be in writing in English and in the primary language of the pupil's parents;

59.29 (2) inform the parents that their child has been enrolled in an instructional program  
59.30 for limited English proficient students;

60.1 (3) contain a simple, nontechnical description of the purposes, method and content  
60.2 of the program;

60.3 (4) inform the parents that they have the right to visit the educational program for  
60.4 limited English proficient students in which their child is enrolled;

60.5 (5) inform the parents of the time and manner in which to request and receive a  
60.6 conference for the purpose of explaining the nature and purpose of the program; and

60.7 (6) inform the parents of their rights to withdraw their child from an educational  
60.8 program for limited English proficient students and the time and manner in which to do so.

60.9 The department shall, at the request of the district, prepare the notice in the primary  
60.10 language of the parent.

60.11 Sec. 2. Minnesota Statutes 2007 Supplement, section 125A.14, is amended to read:

60.12 **125A.14 EXTENDED SCHOOL YEAR.**

60.13 A district may provide extended school year services for children with a disability  
60.14 living within the district and nonresident children temporarily placed in the district  
60.15 pursuant to section 125A.15 ~~or 125A.16~~. Prior to March 31 or 30 days after the child with  
60.16 a disability is placed in the district, whichever is later, the providing district shall give  
60.17 notice to the district of residence of any nonresident children temporarily placed in the  
60.18 district pursuant to section 125A.15 ~~or 125A.16~~, of its intention to provide these programs.  
60.19 Notwithstanding any contrary provisions in sections 125A.15 ~~and 125A.16~~, the district  
60.20 providing the special instruction and services must apply for special education aid for the  
60.21 extended school year services. The unreimbursed actual cost of providing the program  
60.22 for nonresident children with a disability, including the cost of board and lodging, may  
60.23 be billed to the district of the child's residence and must be paid by the resident district.  
60.24 Transportation costs must be paid by the district responsible for providing transportation  
60.25 pursuant to section 125A.15 ~~or 125A.16~~ and transportation aid must be paid to that district.

60.26 Sec. 3. Minnesota Statutes 2006, section 125A.15, is amended to read:

60.27 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

60.28 The responsibility for special instruction and services for a child with a disability  
60.29 temporarily placed in another district for care and treatment shall be determined in the  
60.30 following manner:

60.31 (a) The district of residence of a child shall be the district in which the child's parent  
60.32 resides, if living, or the child's guardian, or the district designated by the commissioner if  
60.33 neither parent nor guardian is living within the state.

61.1           (b) If a district other than the resident district places a pupil for care and treatment,  
61.2 the district placing the pupil must notify and give the resident district an opportunity to  
61.3 participate in the placement decision. When an immediate emergency placement of a  
61.4 pupil is necessary and time constraints foreclose a resident district from participating in  
61.5 the emergency placement decision, the district in which the pupil is temporarily placed  
61.6 must notify the resident district of the emergency placement within 15 days. The resident  
61.7 district has up to five business days after receiving notice of the emergency placement  
61.8 to request an opportunity to participate in the placement decision, which the placing  
61.9 district must then provide.

61.10           (c) When a child is temporarily placed for care and treatment in a day program  
61.11 located in another district and the child continues to live within the district of residence  
61.12 during the care and treatment, the district of residence is responsible for providing  
61.13 transportation to and from the care and treatment ~~facility~~ program and an appropriate  
61.14 educational program for the child. The resident district may establish reasonable  
61.15 restrictions on transportation, except if a Minnesota court or agency orders the child  
61.16 placed at a day care and treatment program and the resident district receives a copy of  
61.17 the order, then the resident district must provide transportation to and from the program  
61.18 unless the court or agency orders otherwise. Transportation shall only be provided by the  
61.19 resident district during regular operating hours of the resident district. The resident district  
61.20 may provide the educational program at a school within the district of residence, at the  
61.21 child's residence, or in the district in which the day treatment center is located by paying  
61.22 tuition to that district.

61.23           ~~(e)~~ (d) When a child is temporarily placed in a residential program for care and  
61.24 treatment, the nonresident district in which the child is placed is responsible for providing  
61.25 an appropriate educational program for the child and necessary transportation while the  
61.26 child is attending the educational program; and must bill the district of the child's residence  
61.27 for the actual cost of providing the program, as outlined in section 125A.11, except as  
61.28 provided in paragraph ~~(d)~~ (e). However, the board, lodging, and treatment costs incurred  
61.29 in behalf of a child with a disability placed outside of the school district of residence by  
61.30 the commissioner of human services or the commissioner of corrections or their agents,  
61.31 for reasons other than providing for the child's special educational needs must not become  
61.32 the responsibility of either the district providing the instruction or the district of the child's  
61.33 residence. For the purposes of this section, the state correctional facilities operated on a  
61.34 fee-for-service basis are considered to be residential programs for care and treatment.

61.35           ~~(d)~~ (e) A privately owned and operated residential facility may enter into a contract  
61.36 to obtain appropriate educational programs for special education children and services

62.1 with a joint powers entity. The entity with which the private facility contracts for special  
62.2 education services shall be the district responsible for providing students placed in that  
62.3 facility an appropriate educational program in place of the district in which the facility is  
62.4 located. If a privately owned and operated residential facility does not enter into a contract  
62.5 under this paragraph, then paragraph ~~(e)~~ (d) applies.

62.6 ~~(e)~~ (f) The district of residence shall pay tuition and other program costs, not  
62.7 including transportation costs, to the district providing the instruction and services.  
62.8 The district of residence may claim general education aid for the child as provided by  
62.9 law. Transportation costs must be paid by the district responsible for providing the  
62.10 transportation and the state must pay transportation aid to that district.

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

62.12 Sec. 4. Minnesota Statutes 2006, section 125A.51, is amended to read:

62.13 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES;**  
62.14 **EDUCATION AND TRANSPORTATION.**

62.15 The responsibility for providing instruction and transportation for a pupil without a  
62.16 disability who has a short-term or temporary physical or emotional illness or disability, as  
62.17 determined by the standards of the commissioner, and who is temporarily placed for care  
62.18 and treatment for that illness or disability, must be determined as provided in this section.

62.19 (a) The school district of residence of the pupil is the district in which the pupil's  
62.20 parent or guardian resides.

62.21 (b) When parental rights have been terminated by court order, the legal residence  
62.22 of a child placed in a residential or foster facility for care and treatment is the district in  
62.23 which the child resides.

62.24 (c) Before the placement of a pupil for care and treatment, the district of residence  
62.25 must be notified and provided an opportunity to participate in the placement decision.  
62.26 When an immediate emergency placement is necessary and time does not permit  
62.27 resident district participation in the placement decision, the district in which the pupil is  
62.28 temporarily placed, if different from the district of residence, must notify the district  
62.29 of residence of the emergency placement within 15 days of the placement. When a  
62.30 nonresident district makes an emergency placement without first consulting with the  
62.31 resident district, the resident district has up to five business days after receiving notice  
62.32 of the emergency placement to request an opportunity to participate in the placement  
62.33 decision, which the placing district must then provide.

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63.1 (d) When a pupil without a disability is temporarily placed for care and treatment  
63.2 in a day program and the pupil continues to live within the district of residence during  
63.3 the care and treatment, the district of residence must provide instruction and necessary  
63.4 transportation to and from the care and treatment facility program for the pupil. The  
63.5 resident district may establish reasonable restrictions on transportation, except if a  
63.6 Minnesota court or agency orders the child placed at a day care and treatment program  
63.7 and the resident district receives a copy of the order, then the resident district must provide  
63.8 transportation to and from the program unless the court or agency orders otherwise.  
63.9 Transportation shall only be provided by the resident district during regular operating  
63.10 hours of the resident district. The resident district may provide the instruction at a school  
63.11 within the district of residence, at the pupil's residence, or in the case of a placement  
63.12 outside of the resident district, in the district in which the day treatment program is located  
63.13 by paying tuition to that district. The district of placement may contract with a facility to  
63.14 provide instruction by teachers licensed by the state Board of Teaching.

63.15 (e) When a pupil without a disability is temporarily placed in a residential program  
63.16 for care and treatment, the district in which the pupil is placed must provide instruction  
63.17 for the pupil and necessary transportation while the pupil is receiving instruction, and in  
63.18 the case of a placement outside of the district of residence, the nonresident district must  
63.19 bill the district of residence for the actual cost of providing the instruction for the regular  
63.20 school year and for summer school, excluding transportation costs.

63.21 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
63.22 private homeless shelter, then the district that enrolls the pupil under section 127A.47,  
63.23 subdivision 2, shall provide the transportation, unless the district that enrolls the pupil  
63.24 and the district in which the pupil is temporarily placed agree that the district in which  
63.25 the pupil is temporarily placed shall provide transportation. When a pupil without a  
63.26 disability is temporarily placed in a residential program outside the district of residence,  
63.27 the administrator of the court placing the pupil must send timely written notice of the  
63.28 placement to the district of residence. The district of placement may contract with a  
63.29 residential facility to provide instruction by teachers licensed by the state Board of  
63.30 Teaching. For purposes of this section, the state correctional facilities operated on a  
63.31 fee-for-service basis are considered to be residential programs for care and treatment.

63.32 (g) The district of residence must include the pupil in its residence count of pupil  
63.33 units and pay tuition as provided in section 123A.488 to the district providing the  
63.34 instruction. Transportation costs must be paid by the district providing the transportation  
63.35 and the state must pay transportation aid to that district. For purposes of computing state  
63.36 transportation aid, pupils governed by this subdivision must be included in the disabled

64.1 transportation category if the pupils cannot be transported on a regular school bus route  
64.2 without special accommodations.

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

64.4 Sec. 5. Minnesota Statutes 2006, section 125A.744, subdivision 3, is amended to read:

64.5 Subd. 3. **Implementation.** Consistent with section 256B.0625, subdivision 26,  
64.6 school districts may enroll as medical assistance providers or subcontractors and bill  
64.7 the Department of Human Services under the medical assistance fee for service claims  
64.8 processing system for special education services which are covered services under chapter  
64.9 256B, which are provided in the school setting for a medical assistance recipient, and for  
64.10 whom the district has secured informed consent consistent with section 13.05, subdivision  
64.11 4, paragraph (d), and section 256B.77, subdivision 2, paragraph (p), to bill for each type  
64.12 of covered service. School districts shall be reimbursed by the commissioner of human  
64.13 services for the federal share of individual education plan health-related services that  
64.14 qualify for reimbursement by medical assistance, minus up to five percent retained by the  
64.15 commissioner of human services for administrative costs, ~~not to exceed \$350,000 per~~  
64.16 ~~fiscal year~~. The commissioner may withhold up to five percent of each payment to a  
64.17 school district. Following the end of each fiscal year, the commissioner shall settle up with  
64.18 each school district in order to ensure that collections from each district for departmental  
64.19 administrative costs are made on a pro rata basis according to federal earnings for these  
64.20 services in each district. A school district is not eligible to enroll as a home care provider  
64.21 or a personal care provider organization for purposes of billing home care services under  
64.22 sections 256B.0651 and 256B.0653 to 256B.0656 until the commissioner of human  
64.23 services issues a bulletin instructing county public health nurses on how to assess for the  
64.24 needs of eligible recipients during school hours. To use private duty nursing services or  
64.25 personal care services at school, the recipient or responsible party must provide written  
64.26 authorization in the care plan identifying the chosen provider and the daily amount  
64.27 of services to be used at school.

64.28 Sec. 6. **REPEALER.**

64.29 Minnesota Statutes 2006, sections 121A.67; 125A.16; 125A.19; 125A.20; and  
64.30 125A.57, and Laws 2006, chapter 263, article 3, section 16, are repealed.

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



ARTICLE 4

LIBRARIES

65.1  
65.2  
65.3 Section 1. Minnesota Statutes 2007 Supplement, section 134.31, subdivision 4a,  
65.4 is amended to read:

65.5 Subd. 4a. **Services to the blind and physically handicapped.** The Minnesota  
65.6 Department of Education shall provide specialized services to the blind and physically  
65.7 handicapped through the Minnesota Braille and Talking Book Library ~~for the Blind and~~  
65.8 ~~Physically Handicapped~~ under a cooperative plan with the National Library Services for  
65.9 the Blind and Physically Handicapped of the Library of Congress.

65.10 Sec. 2. Minnesota Statutes 2006, section 134.31, subdivision 6, is amended to read:

65.11 Subd. 6. **Advisory committee.** The commissioner shall appoint an advisory  
65.12 committee of five members to advise the staff of the Minnesota Braille and Talking  
65.13 Book Library ~~for the Blind and Physically Handicapped~~ on long-range plans and library  
65.14 services. Members shall be people who use the library. Section 15.059 governs this  
65.15 committee except that the committee shall not expire.

65.16 Sec. 3. Minnesota Statutes 2006, section 134.31, is amended by adding a subdivision  
65.17 to read:

65.18 Subd. 7. **Telephone or electronic meetings.** (a) Notwithstanding section 13D.01,  
65.19 the Advisory Committee for the Minnesota Braille and Talking Book Library may conduct  
65.20 a meeting of its members by telephone or other electronic means so long as the following  
65.21 conditions are met:

65.22 (1) all members of the committee participating in the meeting, wherever their  
65.23 physical locations, can hear one another and can hear all discussion and testimony;

65.24 (2) members of the public present at the regular meeting location of the committee  
65.25 can hear all discussion, testimony, and votes of the members of the committee;

65.26 (3) at least one member of the committee is physically present at the regular meeting  
65.27 location; and

65.28 (4) all votes are conducted by roll call, so each member's votes on each issue can be  
65.29 identified and recorded.

65.30 (b) Each member of the committee participating in a meeting by telephone or other  
65.31 electronic means is considered present at the meeting for purposes of determining quorum  
65.32 and participating in all proceedings.

66.1 (c) If telephone or other electronic means is used to conduct a meeting, to the extent  
66.2 practical, the committee shall allow a person to monitor the meeting electronically from a  
66.3 remote location. The committee may require the person making the connection to pay  
66.4 for the documented marginal costs that the committee incurs as a result of the additional  
66.5 connection.

66.6 (d) If telephone or other electronic means is used to conduct a regular, special, or  
66.7 emergency meeting, the committee shall provide notice of the regular meeting location,  
66.8 the fact that some members may participate by telephone or other electronic means, and  
66.9 the provisions of paragraph (c). The timing and method of providing notice is governed  
66.10 by section 13D.04.

66.11 **ARTICLE 5**

66.12 **STATE AGENCIES**

66.13 Section 1. **[124D.805] COMMITTEE ON AMERICAN INDIAN EDUCATION**  
66.14 **PROGRAMS.**

66.15 Subdivision 1. **Establishment.** The commissioner of education shall create an  
66.16 American Indian education committee. The commissioner must appoint the members  
66.17 of the committee. Members must include representatives of tribal bodies, community  
66.18 groups, parents of children eligible to be served by the programs, American Indian  
66.19 administrators and teachers, persons experienced in the training of teachers for American  
66.20 Indian education programs, persons involved in programs for American Indian children  
66.21 in American Indian schools, and persons knowledgeable in the field of American Indian  
66.22 education. Appointed members shall be representative of significant segments of the  
66.23 population of American Indians.

66.24 Subd. 2. **Committee to advise commissioner.** The committee on American  
66.25 Indian education programs shall advise the commissioner in the administration of the  
66.26 commissioner's duties under sections 124D.71 to 124D.82 and other programs for the  
66.27 education of American Indian people as determined by the commissioner.

66.28 Subd. 3. **Expenses.** The committee members must not be reimbursed for expenses.  
66.29 The commissioner must determine the membership terms and the duration of the  
66.30 committee, which expire no later than June 30, 2020.

66.31 Sec. 2. Minnesota Statutes 2006, section 125A.65, subdivision 4, is amended to read:

66.32 Subd. 4. **Unreimbursed costs.** (a) For fiscal year 2006, in addition to the tuition  
66.33 charge allowed in subdivision 3, the academies may charge the child's district of residence  
66.34 for the academy's unreimbursed cost of providing an instructional aide assigned to that

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67.1 child, after deducting the special education aid under section 125A.76, attributable to the  
67.2 child, if that aide is required by the child's individual education plan. Tuition received  
67.3 under this paragraph must be used by the academies to provide the required service.

67.4 (b) For fiscal year ~~2007~~ 2008 and later, the special education aid paid to the  
67.5 academies shall be increased by the academy's unreimbursed cost of providing ~~an one~~  
67.6 to one instructional aide and behavioral management aides assigned to a child, after  
67.7 deducting the special education aid under section 125A.76 attributable to the child, if ~~that~~  
67.8 aide is the aides are required by the child's individual education plan. Aid received under  
67.9 this paragraph must be used by the academies to provide the required service.

67.10 (c) For fiscal year ~~2007~~ 2008 and later, the special education aid paid to the district  
67.11 of the child's residence shall be reduced by the amount paid to the academies for district  
67.12 residents under paragraph (b).

67.13 (d) Notwithstanding section 127A.45, subdivision 3, beginning in fiscal year 2008,  
67.14 the commissioner shall make an estimated final adjustment payment to the Minnesota  
67.15 State Academies for general education aid and special education aid for the prior fiscal  
67.16 year by August 15.

67.17 (e) For fiscal year 2007, the academies may retain receipts received through mutual  
67.18 agreements with school districts for one to one behavior management aides.

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

67.20 Sec. 3. Minnesota Statutes 2007 Supplement, section 125A.76, subdivision 2, is  
67.21 amended to read:

67.22 Subd. 2. **Special education initial aid.** The special education initial aid equals the  
67.23 sum of the following amounts computed using current year data:

67.24 (1) 68 percent of the salary of each essential person employed in the district's  
67.25 program for children with a disability during the fiscal year, whether the person is  
67.26 employed by one or more districts or a Minnesota correctional facility operating on a  
67.27 fee-for-service basis;

67.28 (2) for the Minnesota State Academy for the Deaf or the Minnesota State Academy  
67.29 for the Blind, 68 percent of the salary of each one to one instructional and behavior  
67.30 management aide assigned to a child attending the academy, if ~~that aide is the aides are~~  
67.31 required by the child's individual education plan;

67.32 (3) for special instruction and services provided to any pupil by contracting with  
67.33 public, private, or voluntary agencies other than school districts, in place of special  
67.34 instruction and services provided by the district, 52 percent of the difference between  
67.35 the amount of the contract and the general education revenue, excluding basic skills

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68.1 revenue and alternative teacher compensation revenue, and referendum equalization aid  
68.2 attributable to a pupil, calculated using the resident district's average general education  
68.3 revenue and referendum equalization aid per adjusted pupil unit for the fraction of the  
68.4 school day the pupil receives services under the contract. This includes children who  
68.5 are residents of the state, receive services under this subdivision and subdivision 1, and  
68.6 are placed in a care and treatment facility by court action in a state that does not have a  
68.7 reciprocity agreement with the commissioner under section 125A.155 as provided for in  
68.8 section 125A.79, subdivision 8;

68.9 (4) for special instruction and services provided to any pupil by contracting for  
68.10 services with public, private, or voluntary agencies other than school districts, that are  
68.11 supplementary to a full educational program provided by the school district, 52 percent of  
68.12 the amount of the contract for that pupil;

68.13 (5) for supplies and equipment purchased or rented for use in the instruction of  
68.14 children with a disability, an amount equal to 47 percent of the sum actually expended by  
68.15 the district, or a Minnesota correctional facility operating on a fee-for-service basis, but  
68.16 not to exceed an average of \$47 in any one school year for each child with a disability  
68.17 receiving instruction;

68.18 (6) for fiscal years 1997 and later, special education base revenue shall include  
68.19 amounts under clauses (1) to (5) for special education summer programs provided during  
68.20 the base year for that fiscal year;

68.21 (7) the cost of providing transportation services for children with disabilities under  
68.22 section 123B.92, subdivision 1, paragraph (b), clause (4); and

68.23 (8) the district's transition-disabled program initial aid according to section  
68.24 124D.454, subdivision 3.

68.25 The department shall establish procedures through the uniform financial accounting  
68.26 and reporting system to identify and track all revenues generated from third-party billings  
68.27 as special education revenue at the school district level; include revenue generated from  
68.28 third-party billings as special education revenue in the annual cross-subsidy report; and  
68.29 exclude third-party revenue from calculation of excess cost aid to the districts.

68.30 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2008.

68.31 **ARTICLE 6**

68.32 **SELF-SUFFICIENCY AND LIFELONG LEARNING**

68.33 Section 1. Minnesota Statutes 2006, section 124D.19, subdivision 14, is amended to  
68.34 read:

69.1 Subd. 14. **Community education; annual report.** Each district offering a  
69.2 community education program under this section must annually complete a program  
69.3 report to the department ~~information regarding the cost per participant and cost per contact~~  
69.4 ~~hour for each community education program, including youth after-school enrichment~~  
69.5 ~~programs, that receives aid or levy. The department must include cost per participant and~~  
69.6 ~~cost per contact hour information by program in the community education annual report.~~

69.7 Sec. 2. Minnesota Statutes 2006, section 124D.522, is amended to read:

69.8 **124D.522 ADULT BASIC EDUCATION SUPPLEMENTAL SERVICE**  
69.9 **GRANTS.**

69.10 (a) The commissioner, in consultation with the policy review task force under  
69.11 section 124D.521, may make grants to nonprofit organizations to provide services that  
69.12 are not offered by a district adult basic education program or that are supplemental to  
69.13 either the statewide adult basic education program, or a district's adult basic education  
69.14 program. The commissioner may make grants for: staff development for adult basic  
69.15 education teachers and administrators; training for volunteer tutors; training, services, and  
69.16 materials for serving disabled students through adult basic education programs; statewide  
69.17 promotion of adult basic education services and programs; development and dissemination  
69.18 of instructional and administrative technology for adult basic education programs;  
69.19 programs which primarily serve communities of color; adult basic education distance  
69.20 learning projects, including television instruction programs; and other supplemental  
69.21 services to support the mission of adult basic education and innovative delivery of adult  
69.22 basic education services.

69.23 (b) The commissioner must establish eligibility criteria and grant application  
69.24 procedures. Grants under this section must support services throughout the state, focus on  
69.25 educational results for adult learners, and promote outcome-based achievement through  
69.26 adult basic education programs. Beginning in fiscal year 2002, the commissioner may  
69.27 make grants under this section from the state total adult basic education aid set aside for  
69.28 supplemental service grants under section 124D.531. Up to one-fourth of the appropriation  
69.29 for supplemental service grants must be used for grants for adult basic education programs  
69.30 to encourage and support innovations in adult basic education instruction and service  
69.31 delivery. A grant to a single organization cannot exceed ~~\$100,000~~ 20 percent of the total  
69.32 supplemental services aid. Nothing in this section prevents an approved adult basic  
69.33 education program from using state or federal aid to purchase supplemental services.

APPENDIX  
Article locations in s3001-5

ARTICLE 1	GENERAL EDUCATION .....	Page.Ln 1.26
ARTICLE 2	EDUCATION EXCELLENCE .....	Page.Ln 5.24
ARTICLE 3	SPECIAL PROGRAMS .....	Page.Ln 59.21
ARTICLE 4	LIBRARIES .....	Page.Ln 65.1
ARTICLE 5	STATE AGENCIES .....	Page.Ln 66.11
ARTICLE 6	SELF-SUFFICIENCY AND LIFELONG LEARNING .....	Page.Ln 68.31

**120A.22 COMPULSORY INSTRUCTION.**

Subd. 8. **Withdrawal from school.** Any student between 16 and 18 years old who seeks to withdraw from school, and the student's parent or guardian must:

- (1) attend a meeting with school personnel to discuss the educational opportunities available to the student, including alternative educational opportunities; and
- (2) sign a written election to withdraw from school.

**121A.67 AVERSIVE AND DEPRIVATION PROCEDURES.**

Subdivision 1. **Rules.** The commissioner, after consultation with interested parent organizations and advocacy groups, the Minnesota Administrators for Special Education, the Minnesota Association of School Administrators, Education Minnesota, the Minnesota School Boards Association, the Minnesota Police Officers Association, a representative of a bargaining unit that represents paraprofessionals, the Elementary School Principals Association, and the Secondary School Principals Association, must amend rules governing the use of aversive and deprivation procedures by school district employees or persons under contract with a school district. The rules must:

- (1) promote the use of positive behavioral interventions and supports and must not encourage or require the use of aversive or deprivation procedures;
- (2) require that planned application of aversive and deprivation procedures only be instituted after completing a functional behavior assessment and developing a behavior intervention plan that is included in or maintained with the individual education plan;
- (3) require educational personnel to notify a parent or guardian of a pupil with an individual education plan on the same day aversive or deprivation procedures are used in an emergency or in writing within two school days if district personnel are unable to provide same-day notice;
- (4) establish health and safety standards for the use of locked time-out procedures that require a safe environment, continuous monitoring of the child, ventilation, adequate space, a locking mechanism that disengages automatically when not continuously engaged by school personnel, and full compliance with state and local fire and building codes, including state rules on time-out rooms;
- (5) contain a list of prohibited procedures;
- (6) consolidate and clarify provisions related to behavior intervention plans;
- (7) require school districts to register with the commissioner any room used for locked time-out, which the commissioner must monitor by making announced and unannounced on-site visits;
- (8) place a student in locked time-out only if the intervention is:
  - (i) part of the comprehensive behavior intervention plan that is included in or maintained with the student's individual education plan, and the plan uses positive behavioral interventions and supports, and data support its continued use; or
  - (ii) used in an emergency for the duration of the emergency only; and
- (9) require a providing school district or cooperative to establish an oversight committee composed of at least one member with training in behavioral analysis and other appropriate education personnel to annually review aggregate data regarding the use of aversive and deprivation procedures.

Subd. 2. **Removal by peace officer.** If a pupil who has an individual education plan is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individual education program team must meet to determine if the pupil's individual education plan is adequate or if additional evaluation is needed.

**125A.16 PLACEMENT IN STATE INSTITUTION; RESPONSIBILITY.**

(a) Responsibility for special instruction and services for a child with a disability placed in a state institution on a temporary basis must be determined in the following manner:

(1) the legal residence of the child is the district in which the child's parent resides, if living, or the child's guardian; and

(2) when the educational needs of the child can be met through the institutional program, the costs for the instruction must be paid by the department to which the institution is assigned with exception of children placed in fee-for-service facilities operated by the commissioner of corrections whose cost for such instruction shall be paid as outlined in section 125A.15.

## APPENDIX

### Repealed Minnesota Statutes: s3001-5

(b) When it is determined that the child can benefit from public school enrollment, provision for the instruction shall be made in the following manner:

(1) determination of eligibility for special instruction and services must be made by the commissioner and the commissioner of the department responsible for the institution;

(2) the district where the institution is located is responsible for providing transportation and an appropriate educational program for the child and must make a tuition charge to the child's district of residence for the actual cost of providing the program; and

(3) the district of the child's residence shall pay the tuition and other program costs excluding transportation costs and may claim general education aid for the child. Transportation costs must be paid by the district where the institution is located and the state must pay transportation aid to that district.

#### **125A.19 NONRESIDENT EDUCATION; BILLING.**

All tuition billing for the education of nonresident children pursuant to sections 125A.03 to 125A.24 and 125A.65 must be done on uniform forms prescribed by the commissioner. The billing shall contain an itemized statement of costs that are being charged to the district of residence. One copy of each billing must be filed with the commissioner.

#### **125A.20 TRANSPORTATION AID AGREEMENTS.**

Notwithstanding the provisions of sections 125A.11, 125A.14, and 125A.15, when a child receives special instruction and services in a day program outside the resident district, the resident district and the nonresident district where the child is placed may enter into an agreement providing for the nonresident district to pay the cost of any particular transportation categories specified in section 123B.92, subdivision 1, and claim transportation aid for those categories. In this case, the nonresident district may not obtain any payment from the resident district for the categories covered by the agreement.

#### **125A.57 DEFINITION.**

Subdivision 1. **Applicability.** For the purposes of sections 125A.57 to 125A.60, the following terms have the meanings given them.

Subd. 2. **Assistive technology device.** "Assistive technology device" means any item, piece of equipment, software, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.



APPENDIX  
Repealed Minnesota Session Laws: s3001-5

***Laws 2006, chapter 263, article 3, section 16***

**Sec. 16. DEPARTMENT OF EDUCATION RULES.**

Before July 1, 2007, the Department of Education shall amend Minnesota Rules, part 3525.2325, to conform with Minnesota Statutes, section 125A.515.