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Senate
State of Minnesota

S.F. No. 2135 - Funding for College in the Schools

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Date: April 11, 2005

Section 1. [124D.091] [College in the Schools Program Aid.]

Subdivision 1. [Eligibility.] offers aid to support the costs associated with providing postsecondary courses at the high school to any district that offers a National Alliance of Concurrent Enrollment Partnership (NACEP) certified course.

Subdivision 2. [Aid.] makes available \$150 per pupil enrolled in a certified course for which the commissioner will establish an application for aid payments.

Section 2, subdivision 4. [Eligible Institution.] requires the University of Minnesota and the Minnesota State Colleges and Universities to accept the credits earned by a student who is enrolled at an institution in their respective system and has taken a certified course according to subdivision 1 while in high school as a condition of eligibility to participate in the state grant program. Private nonprofit and career schools are encouraged to accept the credits to participate in the state grant program.

Section 3. [College in the Schools Mathematics and Science Partnership Program.]

Subdivision 1. [Grants.] requires the commissioner of education to award grants to partnerships between postsecondary institutions and districts that expand mathematics and science courses offered in the high school and provide for enhanced staff development.

Subdivision 2. [Accreditation.] encourages postsecondary institutions to apply for NACEP accreditation to establish a standard for courses and professional development activities.

Subdivision 3. [Application Process.] directs the commissioner of education to develop a grant application process. As part of that process, the P-16 Education Partnership will review the applications and make recommendations to the commissioner as to those partnerships that should be funded. The commissioner will select partnership applications that reflect a balance between math and science course offerings.

Subdivision 4. [Criteria.] requires the grant application to include, at minimum, goals of the courses and staff development and a description of the courses, student eligibility requirements, curriculum enhancements and efficiencies to be achieved through the partnership, and program evaluation measures.

Section 4. [Appropriations.] appropriates money from the general fund to the commissioner of education for: (1) college in the schools program aid, (2) college in the schools mathematics and science partnership program grants, (3) to transfer to the Board of Regents of the University of Minnesota for institutions to become provisional members of NACEP, and (4) to transfer to the Board of Trustees of the Minnesota State Colleges and Universities for institutions to become provisional members of NACEP.

SW:vs

Senators Kelley, Tomassoni, Kierlin and Pappas introduced--

S.F. No. 2135: Referred to the Committee on Education.

1 A bill for an act

2 relating to education; providing funding for college
3 in the schools; appropriating money; amending
4 Minnesota Statutes 2004, section 136A.101, subdivision
5 4; proposing coding for new law in Minnesota Statutes,
6 chapter 124D.

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

8 Section 1. [124D.091] [COLLEGE IN THE SCHOOLS PROGRAM
9 AID.]

10 Subdivision 1. [ELIGIBILITY.] A district that offers a
11 National Alliance of Concurrent Enrollment Partnership certified
12 course according to an agreement under section 124D.09,
13 subdivision 10, is eligible to receive aid to support the costs
14 associated with providing postsecondary courses at the high
15 school.

16 Subd. 2. [AID.] An eligible district shall receive \$150
17 per pupil enrolled in a National Alliance of Concurrent
18 Enrollment Partnership certified course. The money must be used
19 to defray the cost of delivering the course at the high school.
20 The commissioner shall establish application procedures and
21 deadlines for receipt of aid payments.

22 Sec. 2. Minnesota Statutes 2004, section 136A.101,
23 subdivision 4, is amended to read:

24 Subd. 4. [ELIGIBLE INSTITUTION.] "Eligible institution"
25 means a postsecondary educational institution located in this
26 state or in a state with which the office has entered into a

1 higher education reciprocity agreement on state student aid
 2 programs that either (1) is operated by this state, or (2) is
 3 operated publicly or privately and, as determined by the office,
 4 maintains academic standards substantially equivalent to those
 5 of comparable institutions operated in this state. The Board of
 6 Regents of the University of Minnesota and the Board of Trustees
 7 of the Minnesota State Colleges and Universities must accept the
 8 credits students who enroll at an institution in their system
 9 received for National Alliance of Concurrent Enrollment
 10 Partnership certified courses taken by the student while the
 11 student was in high school as a condition of eligibility.
 12 Private, nonprofit, and career schools are encouraged to accept
 13 credits students who enroll at their institutions received for
 14 National Alliance of Concurrent Enrollment Partnership certified
 15 courses taken by the student while the student was in high
 16 school.

17 Sec. 3. [COLLEGE IN THE SCHOOLS MATHEMATICS AND SCIENCE
 18 PARTNERSHIP PROGRAM.]

19 Subdivision 1. [GRANTS.] The commissioner of education
 20 shall award grants to partnerships between one or more
 21 postsecondary institutions and one or more school districts to
 22 expand mathematics and science courses offered in the high
 23 school and enhance staff development. The courses must be
 24 offered at the high school under an agreement between the
 25 governing board of an eligible public postsecondary system or an
 26 eligible private institution and a public school board, as
 27 described in Minnesota Statutes, section 124D.09, subdivision
 28 10. Each partnership must include at least one postsecondary
 29 institution and one school district. The grants must be awarded
 30 to collaborative efforts that:

31 (1) increase the number of postsecondary-level mathematics
 32 and science courses provided to high school students at the
 33 student's high school; and

34 (2) develop or enhance the staff training and ongoing
 35 support services provided by postsecondary faculty to high
 36 school teachers teaching college in the school's agreement

1 courses in the high school.

2 Subd. 2. [ACCREDITATION.] To establish a uniform standard
3 by which courses and professional development activities may be
4 measured, postsecondary institutions applying for a grant under
5 this section are encouraged to apply for accreditation by the
6 National Alliance of Concurrent Enrollment Partnerships.

7 Subd. 3. [APPLICATION PROCESS.] The commissioner of
8 education shall develop the process by which a partnership must
9 apply for a grant. The P-16 Education Partnership shall review
10 and comment on the grant applications and make recommendations
11 to the commissioner regarding the partnerships that should be
12 funded. In selecting projects for funding, the commissioner
13 must ensure that there is a balance in the number of mathematics
14 and science courses offered as part of this initiative.

15 Subd. 4. [CRITERIA.] The application for grant money under
16 this section must include, at a minimum, the following
17 information:

18 (1) specification of the goals to be achieved through the
19 delivery of courses and faculty staff development and support
20 activities;

21 (2) a description of the courses to be offered at the high
22 schools and the initial and ongoing training and support that
23 will be provided to high school faculty teaching courses under
24 this program;

25 (3) a description of the eligibility requirements for
26 students participating in the program and the number of students
27 that will be served;

28 (4) a description of the curriculum enhancements and
29 efficiencies to be achieved in the delivery of instruction
30 through the partnership;

31 (5) a description of how the goals established for the
32 course delivery and faculty staff development and support
33 activities will be evaluated to determine if the goals of the
34 partnership were met; and

35 (6) other information as identified by the commissioner.

36 Sec. 4. [APPROPRIATIONS.]

1 (a) \$..... in fiscal year 2006 and \$..... in fiscal year
2 2007 are appropriated from the general fund to the commissioner
3 of education for college in the schools program aid.

4 (b) \$..... in fiscal year 2006 is appropriated from the
5 general fund to the commissioner of education for college in the
6 schools mathematics and science partnership program grants.

7 (c) \$..... in fiscal year 2006 and \$..... in fiscal year
8 2007 are appropriated from the general fund to the commissioner
9 of education for transfer to the Board of Regents of the
10 University of Minnesota for institutions receiving partnership
11 grants to become provisional members of the National Alliance of
12 Concurrent Enrollment Partnership.

13 (d) \$..... in fiscal year 2006 and \$..... in fiscal
14 year 2007 are appropriated from the general fund to the
15 commissioner of education for transfer to the Board of Trustees
16 of the Minnesota State Colleges and Universities for
17 institutions receiving partnership grants to become provisional
18 members of the National Alliance of Concurrent Enrollment
19 Partnership.

1 A bill for an act

2 relating to education; education excellence; special
3 programs; technology, facilities, and nutrition;
4 appropriating money; amending Minnesota Statutes 2004,
5 sections 13.321, by adding a subdivision; 120B.02;
6 120B.021, subdivision 1, by adding a subdivision;
7 120B.024; 120B.11, subdivisions 1, 2, 3, 4, 5, 8;
8 120B.13, subdivisions 1, 3; 120B.30, subdivisions 1,
9 1a, by adding a subdivision; 121A.06, subdivisions 2,
10 3; 121A.53; 121A.66, subdivision 5, by adding
11 subdivisions; 121A.67; 122A.06, subdivision 4;
12 122A.15, by adding a subdivision; 122A.18, subdivision
13 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2,
14 5a, 14; 122A.413; 123A.24, subdivision 2; 123B.02, by
15 adding subdivisions; 123B.492; 123B.71, subdivision 9;
16 123B.92, subdivision 1; 124D.09, subdivision 12;
17 124D.095, subdivisions 2, 4, 8, by adding a
18 subdivision; 124D.10, subdivision 3; 124D.11,
19 subdivisions 1, 6; 124D.66, subdivision 3; 124D.74,
20 subdivision 1; 124D.81, subdivision 1; 124D.84,
21 subdivision 1; 125A.05; 125A.24; 125A.28; 125A.51;
22 126C.10, subdivision 1, by adding a subdivision;
23 126C.457; 128C.12, subdivisions 1, 3; 134.31, by
24 adding a subdivision; 179A.03, subdivision 14;
25 260C.201, subdivision 1; proposing coding for new law
26 in Minnesota Statutes, chapters 120A; 120B; 121A;
27 122A; 123A; 124D; 125B; 127A; 129C; repealing
28 Minnesota Statutes 2004, sections 121A.23; 122A.414;
29 122A.415; 123B.749; 124D.095, subdivision 9; 128C.12,
30 subdivision 4.

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

32 ARTICLE 1

33 EDUCATION EXCELLENCE

34 Section 1. Minnesota Statutes 2004, section 13.321, is
35 amended by adding a subdivision to read:

36 Subd. 10. [TEACHER DATA FROM VALUE-ADDED ASSESSMENT
37 MODEL.] Data on individual teachers generated from a value-added
38 assessment model are governed under section 120B.362.

1 [EFFECTIVE DATE.] This section is effective the day
2 following final enactment.

3 Sec. 2. [120A.38] [CLASSROOM PLACEMENT; PARENT
4 DISCRETION.]

5 (a) A parent or guardian of twins or higher order multiples
6 may request that the children be placed in the same classroom or
7 in separate classrooms if the children are in the same grade
8 level at the same school. The school may recommend classroom
9 placement to the parents and provide professional education
10 advice to the parents to assist them in making the best decision
11 for their children's education. A school must provide the
12 placement requested by the children's parent or guardian, unless
13 the school board makes a classroom placement determination
14 following the school principal's request according to this
15 section. The parent or guardian must request the classroom
16 placement no later than 14 days after the first day of each
17 school year or 14 days after the first day of attendance of the
18 children during a school year if the children are enrolled in
19 the school after the school year commences. At the end of the
20 initial grading period, if the school principal, in consultation
21 with the children's classroom teacher, determines that the
22 requested classroom placement is disruptive to the school, the
23 school principal may request that the school board determine the
24 children's classroom placement.

25 (b) For purposes of this section, "higher order multiples"
26 means triplets, quadruplets, quintuplets, or more.

27 [EFFECTIVE DATE.] This section is effective for the
28 2005-2006 school year and later.

29 Sec. 3. Minnesota Statutes 2004, section 120B.02, is
30 amended to read:

31 120B.02 [EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S
32 STUDENTS.]

33 (a) The legislature is committed to establishing rigorous
34 academic standards for Minnesota's public school students. To
35 that end, the commissioner shall adopt in rule statewide
36 academic standards. The commissioner shall not prescribe in

1 rule or otherwise the delivery system, classroom assessments, or
2 form of instruction that school sites must use. For purposes of
3 this chapter, a school site is a separate facility, or a
4 separate program within a facility that a local school board
5 recognizes as a school site for funding purposes.

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

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

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

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

17 (c) When fully implemented, the requirements for high
18 school graduation in Minnesota must require students to ~~pass-the~~
19 ~~basic-skills-test-requirements-and~~ satisfactorily complete, as
20 determined by the school district, the course credit
21 requirements under section 120B.024 and:

22 (1) for students enrolled in grade 8 before the 2005-2006
23 school year, to pass the basic skills test requirements; or

24 (2) for students enrolled in grade 8 in the 2005-2006
25 school year and later, to pass the Minnesota Comprehensive
26 Assessments Second Edition (MCA-IIIs).

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

29 (e) School districts are not required to adopt specific
30 provisions of ~~the-Goals-2000-and~~ the federal School-to-Work
31 programs.

32 Sec. 4. Minnesota Statutes 2004, section 120B.021,
33 subdivision 1, is amended to read:

34 Subdivision 1. [REQUIRED ACADEMIC STANDARDS.] The
35 following subject areas are required for statewide
36 accountability:

1 (1) language arts;
2 (2) mathematics;
3 (3) science;
4 (4) social studies, including history, geography,
5 economics, and government and citizenship;
6 (5) health and physical education, for which locally
7 developed academic standards apply; and
8 (6) the arts, for which statewide or locally developed
9 academic standards apply, as determined by the school district.
10 Public elementary and middle schools must offer at least three
11 and require at least two of the following four arts areas:
12 dance; music; theater; and visual arts. Public high schools
13 must offer at least three and require at least one of the
14 following five arts areas: media arts; dance; music; theater;
15 and visual arts.

16 The commissioner must submit proposed standards in science
17 and social studies to the legislature by February 1, 2004.
18 For purposes of applicable federal law, the academic standards
19 for language arts, mathematics, and science apply to all public
20 school students, except the very few students with extreme
21 cognitive or physical impairments for whom an individualized
22 education plan team has determined that the required academic
23 standards are inappropriate. An individualized education plan
24 team that makes this determination must establish alternative
25 standards.

26 A school district, no later than the 2007-2008 school year,
27 must adopt graduation requirements that meet or exceed state
28 graduation requirements established in law or rule. A school
29 district that incorporates these state graduation requirements
30 before the 2007-2008 school year must provide students who enter
31 the 9th grade in or before the 2003-2004 school year the
32 opportunity to earn a diploma based on existing locally
33 established graduation requirements in effect when the students
34 entered the 9th grade. District efforts to develop, implement,
35 or improve instruction or curriculum as a result of the
36 provisions of this section must be consistent with sections

1 120B.10, 120B.11, and 120B.20.

2 At a minimum, school districts must maintain the same
3 physical education and health education requirements for
4 kindergarten through 8th grade students adopted for the
5 2004-2005 school year through the 2007-2008 school year. Before
6 a revision of the local health and physical education standards,
7 a school district must consult the grade-specific benchmarks
8 developed by the Department of Education's health and physical
9 education quality teaching network for the six national physical
10 education standards and the seven national health standards.

11 Sec. 5. Minnesota Statutes 2004, section 120B.021, is
12 amended by adding a subdivision to read:

13 Subd. 1a. [RIGOROUS COURSE OF STUDY; WAIVER.] (a) Upon
14 receiving a student's application signed by the student's parent
15 or guardian, a school district, area learning center, or charter
16 school must declare that a student meets or exceeds a specific
17 academic standard required for graduation under this section if
18 the local school board, the school board of the school district
19 in which the area learning center is located, or the charter
20 school board of directors determines that the student:

21 (1) is participating in a course of study including an
22 advanced placement or international baccalaureate course or
23 program, a learning opportunity outside the curriculum of the
24 district, area learning center or charter school, or an approved
25 preparatory program for employment or postsecondary education
26 that is equally or more rigorous than the corresponding state or
27 local academic standard required by the district, area learning
28 center or charter school;

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

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

36 Consistent with the requirements of this section, the local

1 school board, the school board of the school district in which
2 the area learning center is located, or the charter school board
3 of directors also may formally determine other circumstances in
4 which to declare that a student meets or exceeds a specific
5 academic standard that the site requires for graduation under
6 this section.

7 (b) A student who satisfactorily completes a postsecondary
8 enrollment options course or program under section 124D.09 is
9 not required to complete other requirements of the academic
10 standards corresponding to that specific rigorous course of
11 study.

12 Sec. 6. Minnesota Statutes 2004, section 120B.024, is
13 amended to read:

14 120B.024 [GRADUATION REQUIREMENTS; COURSE CREDITS.]

15 Students beginning 9th grade in the 2004-2005 school year
16 and later must successfully complete the following high school
17 level course credits for graduation:

18 (1) four credits of language arts;

19 (2) three credits of mathematics, encompassing at least
20 ~~algebra, geometry, statistics, and probability sufficient to~~
21 ~~satisfy the academic standard,~~ the mathematical reasoning,
22 algebra, geometry, statistics, and probability identified in the
23 mathematics grades 9, 10, and 11 standards document;

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

26 (4) three and one-half credits of social studies,
27 encompassing at least United States history, geography,
28 government and citizenship, world history, and economics or
29 three credits of social studies encompassing at least United
30 States history, geography, government and citizenship, and world
31 history, and one-half credit of economics taught in a school's
32 social studies or business department;

33 (5) one credit in the arts; and

34 (6) one-half credit in physical education and one-half
35 credit in health education; and

36 (7) a minimum of seven ~~six~~ elective course credits.

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

5 Sec. 7. Minnesota Statutes 2004, section 120B.11,
6 subdivision 1, is amended to read:

7 Subdivision 1. [DEFINITIONS.] For the purposes of this
8 section and section 120B.10, the following terms have the
9 meanings given them.

10 (a) "Instruction" means methods of providing learning
11 experiences that ~~enables~~ enable a student to meet state and
12 district academic standards and graduation
13 standards requirements.

14 (b) "Curriculum" means district or school adopted programs
15 and written plans for providing students with learning
16 experiences that lead to expected knowledge, and skills, and
17 positive-attitudes.

18 Sec. 8. Minnesota Statutes 2004, section 120B.11,
19 subdivision 2, is amended to read:

20 Subd. 2. [ADOPTING POLICIES.] (a) A school board shall
21 ~~adopt-annually-a~~ have in place an adopted written policy that
22 includes the following:

23 (1) district goals for instruction and including the use of
24 best practices, district and school curriculum, and achievement
25 for all student subgroups;

26 (2) a process for evaluating each student's progress toward
27 meeting ~~graduation~~ academic standards and identifying the
28 strengths and weaknesses of instruction and curriculum affecting
29 students' progress;

30 (3) a system for periodically reviewing and evaluating all
31 instruction and curriculum;

32 (4) a plan for improving instruction and, curriculum, and
33 student achievement; and

34 (5) an ~~instruction-plan-that-includes~~ education
35 ~~effectiveness processes-developed-under~~ plan aligned with
36 section 122A.625 and that integrates instruction, curriculum,

1 and technology.

2 Sec. 9. Minnesota Statutes 2004, section 120B.11,
3 subdivision 3, is amended to read:

4 Subd. 3. [~~INSTRUCTION-AND-CURRICULUM~~ DISTRICT ADVISORY
5 COMMITTEE.] Each school board shall establish an ~~Instruction-and~~
6 ~~Curriculum~~ advisory committee to ensure active community
7 participation in all phases of planning and improving the
8 instruction and curriculum affecting state ~~graduation and~~
9 district academic standards. A district advisory committee, to
10 the extent possible, shall reflect the diversity of the district
11 and its learning sites, and shall include teachers, parents,
12 support staff, ~~pupils~~ students, and other community residents.
13 The district may establish building teams as subcommittees of
14 the district advisory committee under subdivision 4. The
15 district advisory committee shall recommend to the school
16 board ~~districtwide-education-standards~~ rigorous academic
17 standards, student achievement goals and measures, assessments,
18 and program evaluations. Learning sites may expand upon
19 district evaluations of instruction, curriculum, assessments, or
20 programs. Whenever possible, parents and other community
21 residents shall comprise at least two-thirds of advisory
22 committee members.

23 Sec. 10. Minnesota Statutes 2004, section 120B.11,
24 subdivision 4, is amended to read:

25 Subd. 4. [BUILDING TEAM.] A school may establish a
26 building team to develop and implement an education
27 effectiveness plan to improve instruction ~~and,~~ curriculum, and
28 student achievement. The team shall advise the board and the
29 advisory committee about developing an instruction and
30 curriculum improvement plan that aligns curriculum, assessment
31 of student progress in meeting state ~~graduation and~~ district
32 academic standards, and instruction.

33 Sec. 11. Minnesota Statutes 2004, section 120B.11,
34 subdivision 5, is amended to read:

35 Subd. 5. [REPORT.] (a) By October 1 of each year, the
36 school board shall use standard statewide reporting procedures

1 the commissioner develops and adopt a report that includes the
2 following:

3 (1) student performance achievement goals for meeting state
4 graduation academic standards adopted-for-that-year;

5 (2) results of local assessment data, and any additional
6 test data;

7 (3) the annual school district improvement plans including
8 staff development goals under section 122A.60;

9 (4) information about district and learning site progress
10 in realizing previously adopted improvement plans; and

11 (5) the amount and type of revenue attributed to each
12 education site as defined in section 123B.04.

13 (b) The school board shall publish the report in the local
14 newspaper with the largest circulation in the district or, by
15 mail, or by electronic means such as the district Web site. If
16 electronic means are used, copies of the report must be made
17 available to the public on request. The board shall make a copy
18 of the report available to the public for inspection. The board
19 shall send a copy of the report to the commissioner of education
20 by October 15 of each year.

21 (c) The title of the report shall contain the name and
22 number of the school district and read "Annual Report on
23 Curriculum, Instruction, and Student Performance Achievement."
24 The report must include at least the following information about
25 advisory committee membership:

26 (1) the name of each committee member and the date when
27 that member's term expires;

28 (2) the method and criteria the school board uses to select
29 committee members; and

30 (3) the date by which a community resident must apply to
31 next serve on the committee.

32 Sec. 12. Minnesota Statutes 2004, section 120B.11,
33 subdivision 8, is amended to read:

34 Subd. 8. [BIENNIAL EVALUATION; ASSESSMENT PROGRAM.] At
35 least once every two years, the district report shall include an
36 evaluation of the district testing programs, according to the

1 following:

- 2 (1) written objectives of the assessment program;
- 3 (2) names of tests and grade levels tested;
- 4 (3) use of test results; and
- 5 (4) ~~implementation-of-an-assurance-of-mastery-program~~
- 6 student achievement results compared to previous years.

7 Sec. 13. Minnesota Statutes 2004, section 120B.13,
8 subdivision 1, is amended to read:

9 Subdivision 1. [PROGRAM STRUCTURE; TRAINING PROGRAMS FOR
10 TEACHERS.] (a) The advanced placement and international
11 baccalaureate programs are well-established academic programs
12 for mature, academically directed high school students. These
13 programs, in addition to providing academic rigor, offer sound
14 curricular design, accountability, comprehensive external
15 assessment, feedback to students and teachers, and the
16 opportunity for high school students to compete academically on
17 a global level. Advanced placement and international
18 baccalaureate programs allow students to leave high school with
19 the academic skills and self-confidence to succeed in college
20 and beyond. The advanced placement and international
21 baccalaureate programs help provide Minnesota students with
22 world-class educational opportunity.

23 (b) Critical to schools' educational success is ongoing
24 advanced placement/international baccalaureate-approved teacher
25 training. A secondary teacher assigned by a district public or
26 nonpublic school to teach an advanced placement or international
27 baccalaureate course or other interested educator may
28 participate in a training program offered by The College Board
29 or International Baccalaureate North America, Inc. The state
30 may pay a portion of the tuition, room, and board, and
31 out-of-state travel costs a teacher or other interested educator
32 assigned by a public school incurs in participating in a
33 training program. The commissioner shall determine application
34 procedures and deadlines, and select teachers and other
35 interested educators to participate in the training program, and
36 determine the payment process and amount of the subsidy. The

1 procedures determined by the commissioner shall, to the extent
2 possible, ensure that advanced placement and international
3 baccalaureate courses become available in all parts of the state
4 and that a variety of course offerings are available in school
5 districts. This subdivision does not prevent teacher or other
6 interested educator participation in training programs offered
7 by The College Board or International Baccalaureate North
8 America, Inc., when tuition is paid by a source other than the
9 state.

10 Sec. 14. Minnesota Statutes 2004, section 120B.13,
11 subdivision 3, is amended to read:

12 Subd. 3. [SUBSIDY FOR EXAMINATION FEES.] The state may pay
13 all or part of the fee for advanced placement or international
14 baccalaureate examinations ~~for pupils of low-income families in~~
15 ~~public and nonpublic schools.~~ The commissioner shall ~~adopt a~~
16 ~~schedule for fee subsidies that may allow payment of the entire~~
17 ~~fee for~~ pay all examination fees for all public and nonpublic
18 students of low-income families, as defined by the commissioner,
19 and to the limit of the available appropriation, shall also pay
20 a portion or all of the examination fees for other public and
21 nonpublic students sitting for an advanced placement
22 examination, international baccalaureate examination, or both.
23 The commissioner shall determine procedures for state payments
24 of fees.

25 Sec. 15. [120B.15] [GIFTED AND TALENTED STUDENTS
26 PROGRAMS.]

27 Subdivision 1. [GIFTED AND TALENTED STUDENTS.] School
28 districts must adopt guidelines for assessing and identifying
29 students for participation in gifted and talented programs. The
30 guidelines should include the use of:

31 (1) multiple and objective criteria; and
32 (2) using assessments and procedures that are valid and
33 reliable, fair, and based on current theory and research.

34 Subd. 2. [STUDENT ACCESS; PROGRAM CONTENT AND
35 DEVELOPMENT.]

36 (a) Gifted and talented programs may include:

1 (1) curriculum aligned with the cognitive, affective,
2 developmental, and physical needs of gifted and talented
3 students;

4 (2) articulated prekindergarten through grade 12 learning
5 experiences;

6 (3) flexible instructional pacing and subject and
7 grade-based opportunities to accelerate instruction;

8 (4) rigorous content consistent with students' abilities
9 and social and emotional development;

10 (5) challenging learning experiences focused on problem
11 solving and advanced reasoning; and

12 (6) differentiated guidance services to nurture students'
13 social and emotional development.

14 (b) School districts, in collaboration with interested
15 community members and with technical assistance from the state
16 education department, must offer gifted and talented programs.

17 [EFFECTIVE DATE.] This section is effective for the
18 2005-2006 school year and later.

19 Sec. 16. [120B.25] [AMERICAN HERITAGE EDUCATION.]

20 School districts shall permit grade-level instruction for
21 students to read and study America's founding documents,
22 including documents that contributed to the foundation or
23 maintenance of America's representative form of limited
24 government, the Bill of Rights, our free-market economic system,
25 and patriotism.

26 Sec. 17. Minnesota Statutes 2004, section 120B.30,
27 subdivision 1, is amended to read:

28 Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner,
29 with advice from experts with appropriate technical
30 qualifications and experience and stakeholders, consistent with
31 subdivision 1a, shall include in the comprehensive assessment
32 system, for each grade level to be tested, state-constructed
33 tests developed from and aligned with the state's required
34 academic standards under section 120B.021 and administered
35 annually to all students in grades 3 through 8 and at the high
36 school level. A state-developed test in a subject other than

1 writing, developed after the 2002-2003 school year, must include
2 both ~~multiple-choice~~ machine-scoreable and constructed response
3 questions. The commissioner shall establish one or more months
4 during which schools shall administer the tests to students each
5 school year. For students enrolled in grade 8 before the
6 2005-2006 school year, only Minnesota basic skills tests in
7 reading, mathematics, and writing shall fulfill students' basic
8 skills testing requirements for a passing state notation. The
9 passing scores of the state tests in reading and mathematics are
10 the equivalent of:

11 (1) 70 percent correct for students entering grade 9 in
12 1996; and

13 (2) 75 percent correct for students entering grade 9 in
14 1997 and thereafter, as based on the first uniform test
15 administration of February 1998.

16 For students enrolled in grade 8 in the 2005-2006 school
17 year and later, only the Minnesota Comprehensive Assessments
18 Second Edition (MCA-IIIs) in reading, mathematics, and writing
19 shall fulfill students' academic standard requirements.

20 (b) The third through 8th grade and high school level test
21 results shall be available to districts for diagnostic purposes
22 affecting student learning and district instruction and
23 curriculum, and for establishing educational accountability.
24 The commissioner must disseminate to the public the test results
25 upon receiving those results.

26 (c) State tests must be constructed and aligned with state
27 academic standards. The testing process and the order of
28 administration shall be determined by the commissioner. The
29 statewide results shall be aggregated at the site and district
30 level, consistent with subdivision 1a.

31 (d) In addition to the testing and reporting requirements
32 under this section, the commissioner shall include the following
33 components in the statewide public reporting system:

34 (1) uniform statewide testing of all students in grades 3
35 through 8 and at the high school level that provides exemptions,
36 only with parent or guardian approval, for those very few

1 students for whom the student's individual education plan team
2 under sections 125A.05 and 125A.06, determines that the student
3 is incapable of taking a statewide test, or for a limited
4 English proficiency student under section 124D.59, subdivision
5 2, if the student has been in the United States for fewer than
6 three years;

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

12 (3) students' scores on the American College Test; and

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

18 (e) Districts must report exemptions under paragraph (d),
19 clause (1), to the commissioner consistent with a format
20 provided by the commissioner.

21 Sec. 18. Minnesota Statutes 2004, section 120B.30,
22 subdivision 1a, is amended to read:

23 Subd. 1a. [STATEWIDE AND LOCAL ASSESSMENTS; RESULTS.] (a)
24 The commissioner must develop ~~language-arts~~ reading,
25 mathematics, and science assessments aligned with state academic
26 standards that districts and sites must use to monitor student
27 growth toward achieving those standards. The commissioner must
28 not develop statewide assessments for academic standards in
29 social studies and the arts. The commissioner must require:

30 (1) annual ~~language-arts~~ reading and mathematics
31 assessments in grades 3 through 8 and at the high school level
32 for the 2005-2006 school year and later; and

33 (2) annual science assessments in one grade in the grades 3
34 through 5 span, the grades 6 through 9 span, and a life sciences
35 assessment in the grades 10 through 12 span for the 2007-2008
36 school year and later.

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

5 (c) Reporting of assessment results must:

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

9 (2) include, by the 2006-2007 school year, a value-added
10 component to measure student achievement growth over time; and

11 (3) for students enrolled in grade 8 before the 2005-2006
12 school year, determine whether students have met the state's
13 basic skills requirements; or

14 (4) for students enrolled in grade 8 in the 2005-2006
15 school year and later, determine whether students have met the
16 state's academic standards.

17 (d) Consistent with applicable federal law and subdivision
18 1, paragraph (d), clause (1), the commissioner must include
19 alternative assessments for the very few students with
20 disabilities for whom statewide assessments are inappropriate
21 and for students with limited English proficiency.

22 (e) A school, school district, and charter school must
23 administer statewide assessments under this section, as the
24 assessments become available, to evaluate student progress in
25 achieving the academic standards. If a state assessment is not
26 available, a school, school district, and charter school must
27 determine locally if a student has met the required academic
28 standards. A school, school district, or charter school may use
29 a student's performance on a statewide assessment as one of
30 multiple criteria to determine grade promotion or retention. A
31 school, school district, or charter school may use a high school
32 student's performance on a statewide assessment as a percentage
33 of the student's final grade in a course, or place a student's
34 assessment score on the student's transcript.

35 Sec. 19. Minnesota Statutes 2004, section 120B.30, is
36 amended by adding a subdivision to read:

1 Subd. 4. [ACCESS TO TESTS.] The commissioner must adopt
2 and publish a policy to provide public and parental access for
3 review of basic skills tests, Minnesota comprehensive
4 assessments, or any other such statewide test and assessment.
5 Upon receiving a written request, the commissioner must make
6 available to parents or guardians a copy of their student's
7 actual answer sheet to the test questions to be reviewed by the
8 parent and the student's teacher at the school site.

9 Sec. 20. [120B.361] [VALUE-ADDED ASSESSMENT PROGRAM.]

10 (a) The commissioner of education must implement a
11 value-added assessment program to assist school districts,
12 public schools, and charter schools in assessing and reporting
13 students' growth in academic achievement under section 120B.30,
14 subdivision 1a. The program must use assessments of students'
15 academic achievement to make longitudinal comparisons of each
16 student's academic growth over time. School districts, public
17 schools, and charter schools may apply to the commissioner to
18 participate in the initial trial program using a form and in the
19 manner the commissioner prescribes. The commissioner must
20 select program participants from urban, suburban, and rural
21 areas throughout the state.

22 (b) The commissioner may issue a request for a proposal to
23 contract with an organization that provides a value-added
24 assessment model that reliably estimates school and school
25 district effects on students' academic achievement over time.
26 The model the commissioner selects must accommodate diverse data
27 and must use each student's test data across grades.

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

31 [EFFECTIVE DATE.] This section is effective the day
32 following final enactment.

33 Sec. 21. [120B.362] [GRANTS FOR SITE-BASED ACHIEVEMENT
34 CONTRACTS.]

35 Subdivision 1. [ELIGIBLE SCHOOLS.] (a) The commissioner of
36 education shall award grants to public school sites to increase

1 student achievement and eliminate the achievement gap at the
2 school site.

3 (b) The commissioner shall select sites that meet the
4 following criteria:

5 (1) have at least 75 percent of enrollment eligible for
6 free or reduced-price lunch;

7 (2) have an enrollment where at least 75 percent of the
8 students are students of color; and

9 (3) have failed to meet adequate yearly progress for at
10 least two consecutive years.

11 (c) In order to be eligible for a grant under this section,
12 a public school site shall have an approved site decision-making
13 agreement under section 123B.04, including an achievement
14 contract under section 123B.04, subdivision 4. The site
15 decision-making team shall include the principal or the person
16 having general control of the school site.

17 (d) The site team shall have a plan approved by the school
18 board and shall also have an agreement with the exclusive
19 bargaining unit of the district to participate in this grant
20 program.

21 Subd. 2. [APPLICATION.] (a) The applicant shall submit a
22 plan that will result in at least 80 percent of the students at
23 the site testing at a proficient level for their grade by the
24 end of the grant period of six years, with at least 60 percent
25 of the students testing at a proficient level for their grade at
26 the midpoint of the grant period.

27 (b) The site team shall include in its application a
28 detailed plan for using multiple objective and measurable
29 methods for tracking student achievement during the duration of
30 the grant and shall also include curriculum and academic
31 requirements that are rigorous and challenging for all
32 students. The site shall have the ability to return timely test
33 data to teachers and have a plan that demonstrates that the
34 teachers at the site can use the data to help improve curriculum
35 as well as monitor student achievement.

36 (c) The applicant shall have in its site-based plan an

1 agreement between the district and the exclusive bargaining unit
2 of the district that would give the site-based team increased
3 stability in the placement of teachers at the site. The
4 applicant shall include other innovative site-based personnel
5 decision-making items in its agreement that may include, but are
6 not limited to: hiring bonuses, additional ongoing
7 collaborative preparation time, on-site staff development,
8 hiring additional staff, and performance-based incentives.

9 (d) The site team shall also include in its application a
10 plan for a greater involvement of parents and the community in
11 the school, a plan for ensuring that each student at the site
12 can develop a meaningful relationship with at least one teacher
13 at the school site, and a clear approach to school safety,
14 including promoting respect for students and teachers.

15 Subd. 3. [GRANT AWARDS.] (a) The commissioner shall award
16 grants to a school site in three parts:

17 (1) one-third of the total grant amount is awarded at the
18 beginning of the grant agreement;

19 (2) one-third is awarded at the midpoint of the grant
20 agreement if the site has met the achievement goals established
21 in subdivision 2, paragraph (a); and

22 (3) one-third is awarded upon the completion of the grant
23 agreement if the site has met the achievement goals established
24 in subdivision 2, paragraph (a).

25 (b) The total grant award for a school site shall be at
26 least \$150,000 and shall not exceed \$500,000. The commissioner
27 shall determine the grant amount based on the number of students
28 enrolled at the site.

29 (c) The commissioner shall determine all other aspects of
30 the application and grant award process consistent with this
31 section.

32 Subd. 4. [REPORT.] The commissioner shall report annually
33 by March 1 during the program, with a final report due by
34 January 15, 2011, to the house of representatives and senate
35 committees having jurisdiction over education on the progress of
36 the program, including at least improvement in student

1 achievement, the effect of innovative personnel decision making
2 on closing the achievement gap, and the characteristics of
3 highly effective teachers.

4 [EFFECTIVE DATE.] This section is effective the day
5 following final enactment and applies to the 2005-2006 through
6 2011-2012 school years.

7 Sec. 22. Minnesota Statutes 2004, section 121A.06,
8 subdivision 2, is amended to read:

9 Subd. 2. [REPORTS; CONTENT.] ~~By January 1, 1994, the~~
10 ~~commissioner, in consultation with the criminal and juvenile~~
11 ~~information policy group, shall develop a standardized form to~~
12 ~~be used by schools to report incidents involving the use or~~
13 ~~possession of a dangerous weapon in school zones. School~~
14 districts must electronically report to the commissioner of
15 education incidents involving the use or possession of a
16 dangerous weapon in school zones. The form ~~shall~~ must include
17 the following information:

18 (1) a description of each incident, including a description
19 of the dangerous weapon involved in the incident;

20 (2) where, at what time, and under what circumstances the
21 incident occurred;

22 (3) information about the offender, other than the
23 offender's name, including the offender's age; whether the
24 offender was a student and, if so, where the offender attended
25 school; and whether the offender was under school expulsion or
26 suspension at the time of the incident;

27 (4) information about the victim other than the victim's
28 name, if any, including the victim's age; whether the victim was
29 a student and, if so, where the victim attended school; and if
30 the victim was not a student, whether the victim was employed at
31 the school;

32 (5) the cost of the incident to the school and to the
33 victim; and

34 (6) the action taken by the school administration to
35 respond to the incident.

36 The commissioner ~~also shall develop~~ provide an alternative

1 electronic reporting format that allows school districts to
2 provide aggregate data,~~with an option to use computer~~
3 ~~technology to report the data.~~

4 Sec. 23. Minnesota Statutes 2004, section 121A.06,
5 subdivision 3, is amended to read:

6 Subd. 3. [REPORTS; FILING REQUIREMENTS.] By ~~February 1 and~~
7 July 1 ~~31~~ of each year, each school other than a home school
8 shall report incidents involving the use or possession of a
9 dangerous weapon in school zones to the commissioner. The
10 reports by public schools must be ~~made on the standardized forms~~
11 ~~or using the alternative format~~ submitted using the electronic
12 reporting system developed by the commissioner under subdivision
13 2. The commissioner shall compile the information it receives
14 from the schools and report it annually to the commissioner of
15 ~~public safety, the criminal and juvenile information policy~~
16 ~~group,~~ and the legislature.

17 Sec. 24. [121A.0695] [SCHOOL BOARD POLICY; PROHIBITING
18 INTIMIDATION AND BULLYING.]

19 Subdivision 1. [INTIMIDATION OR BULLYING
20 DEFINED.] "Intimidation or bullying" means an intentional
21 gesture or a written, oral, or physical act or threat that a
22 reasonable person under the circumstances knows or should know
23 has the effect of:

24 (1) harming a student;

25 (2) damaging a student's property;

26 (3) placing a student in reasonable fear of harm to the
27 student's person;

28 (4) placing a student in reasonable fear of damage to the
29 student's property; or

30 (5) creating a severe or persistent environment of
31 intimidation or abuse.

32 Subd. 2. [MODEL POLICY.] The commissioner of education
33 shall maintain and make available to school boards and other
34 schools a model policy prohibiting intimidation and bullying
35 that addresses the requirements of subdivision 3.

36 Subd. 3. [SCHOOL BOARD POLICY.] Each school board shall

1 adopt a written policy prohibiting intimidation and bullying of
2 any student, including, but not limited to, the acts defined in
3 subdivision 1. The policy must describe the behavior expected
4 of each student and state the consequences for and the
5 appropriate remedial action to be taken against the person
6 acting to intimidate or bully. The policy must include
7 reporting procedures, including, at a minimum, requiring school
8 personnel to report student intimidation or bullying incidents
9 and allowing persons to report incidents anonymously. Each
10 district must integrate into its violence prevention program
11 under section 120B.22, if applicable, behavior and expectations
12 established under this section. Each school must include the
13 policy in the student handbook on school policies.

14 [EFFECTIVE DATE.] This section is effective for the
15 2005-2006 school year and later.

16 Sec. 25. [121A.222] [POSSESSION AND USE OF NONPRESCRIPTION
17 PAIN RELIEVERS BY SECONDARY STUDENTS.]

18 A secondary student may possess and use nonprescription
19 pain relief in a manner consistent with the labeling, if the
20 district has received a written authorization from the student's
21 parent permitting the student to self-administer the
22 medication. The parent must submit written authorization for
23 the student to self-administer the medication each school year.
24 The district may revoke a student's privilege to possess and use
25 nonprescription pain relievers if the district determines that
26 the student is abusing the privilege.

27 Sec. 26. [121A.231] [COMPREHENSIVE FAMILY LIFE AND
28 SEXUALITY EDUCATION PROGRAMS.]

29 Subdivision 1. [DEFINITIONS.] (a) "Comprehensive family
30 life and sexuality education" means education in grades 7
31 through 12 that:

32 (1) respects community values and encourages family
33 communication;

34 (2) develops skills in communication, decision making, and
35 conflict resolution;

36 (3) contributes to healthy relations;

1 (4) provides human development and sexuality education that
2 is age appropriate and medically accurate;

3 (5) promotes responsible sexual behavior, including an
4 abstinence-first approach to delaying initiation to sexual
5 activity that emphasizes abstinence while also including
6 education about the use of protection and contraception; and

7 (6) promotes individual responsibility.

8 (b) "Age appropriate" refers to topics, messages, and
9 teaching methods suitable to particular ages or age groups of
10 children and adolescents, based on developing cognitive,
11 emotional, and behavioral capacity typical for the age or age
12 group.

13 (c) "Medically accurate" means verified or supported by
14 research conducted in compliance with scientific methods and
15 published in peer-reviewed journals, where appropriate, and
16 recognized as accurate and objective by professional
17 organizations and agencies in the relevant field, such as the
18 federal Centers for Disease Control and Prevention, the American
19 Public Health Association, the American Academy of Pediatrics,
20 or the American College of Obstetricians and Gynecologists.

21 Subd. 2. [CURRICULUM REQUIREMENTS.] (a) A school district
22 may offer and may independently establish policies, procedures,
23 curriculum, and services for providing comprehensive family life
24 and sexuality education that is age appropriate and medically
25 accurate for kindergarten through grade 6.

26 (b) A school district must offer and may independently
27 establish policies, procedures, curriculum, and services for
28 providing comprehensive family life and sexuality education that
29 is age appropriate and medically accurate for grades 7 through
30 12.

31 Subd. 3. [NOTICE AND PARENTAL OPTIONS.] (a) It is the
32 legislature's intent to encourage pupils to communicate with
33 their parents or guardians about human sexuality and to respect
34 rights of parents or guardians to supervise their children's
35 education on these subjects.

36 (b) Parents or guardians may excuse their children from all

1 or part of a comprehensive family life and sexuality education
2 program.

3 (c) A school district must establish procedures for
4 providing parents or guardians reasonable notice with the
5 following information:

6 (1) if the district is offering a comprehensive family life
7 and sexuality education program to the parents' or guardians'
8 child during the course of the year;

9 (2) how the parents or guardians may inspect the written
10 and audio/visual educational materials used in the program and
11 the process for inspection;

12 (3) if the program is presented by school district
13 personnel or outside consultants, and if outside consultants are
14 used, who they may be; and

15 (4) parents' or guardians' right to choose not to have
16 their child participate in the program and the procedure for
17 exercising that right.

18 (d) A school district must establish procedures for
19 reasonably restricting the availability of written and
20 audio/visual educational materials from public view of students
21 who have been excused from all or part of a comprehensive family
22 life and sexuality education program at the request of a parent
23 or guardian.

24 Subd. 4. [ASSISTANCE TO SCHOOL DISTRICTS.] (a) The
25 Department of Education may offer services to school districts
26 to help them implement effective comprehensive family life and
27 sexuality education programs. In providing these services, the
28 department may contract with a school district, or a school
29 district in partnership with a local health agency or a
30 nonprofit organization, to establish up to eight regional
31 training sites, taking into account geographical balance, to
32 provide:

33 (1) training for teachers, parents, and community members
34 in the development of comprehensive family life and sexuality
35 education curriculum or services and in planning for monitoring
36 and evaluation activities;

1 (2) resource staff persons to provide expert training,
2 curriculum development and implementation, and evaluation
3 services;

4 (3) technical assistance to promote and coordinate
5 community, parent, and youth forums in communities identified as
6 having high needs for comprehensive family life and sexuality
7 education;

8 (4) technical assistance for issue management and policy
9 development training for school boards, superintendents,
10 principals, and administrators across the state; and

11 (5) funding for grants to school-based comprehensive family
12 life and sexuality education programs to promote innovation and
13 to recognize outstanding performance and promote replication of
14 demonstrably effective strategies.

15 (b) Technical assistance provided by the department to
16 school districts or regional training sites may:

17 (1) promote instruction and use of materials that are age
18 appropriate;

19 (2) provide information that is medically accurate and
20 objective;

21 (3) provide instruction and promote use of materials that
22 are respectful of marriage and commitments in relationships;

23 (4) provide instruction and promote use of materials that
24 are appropriate for use with pupils and family experiences based
25 on race, gender, sexual orientation, ethnic and cultural
26 background, and appropriately accommodate alternative learning
27 based on language or disability;

28 (5) provide instruction and promote use of materials that
29 encourage pupils to communicate with their parents or guardians
30 about human sexuality;

31 (6) provide instruction and promote use of age-appropriate
32 materials that teach abstinence from sexual intercourse as the
33 only certain way to prevent unintended pregnancy or sexually
34 transmitted infections, including HIV, and provide information
35 about the role and value of abstinence while also providing
36 medically accurate information on other methods of preventing

1 and reducing risk for unintended pregnancy and sexually
2 transmitted infections;

3 (7) provide instruction and promote use of age-appropriate
4 materials that are medically accurate in explaining transmission
5 modes, risks, symptoms, and treatments for sexually transmitted
6 infections, including HIV;

7 (8) provide instruction and promote use of age-appropriate
8 materials that address varied societal views on sexuality,
9 sexual behaviors, pregnancy, and sexually transmitted
10 infections, including HIV, in an age-appropriate manner;

11 (9) provide instruction and promote use of age-appropriate
12 materials that provide information about the effectiveness and
13 safety of all FDA-approved methods for preventing and reducing
14 risk for unintended pregnancy and sexually transmitted
15 infections, including HIV;

16 (10) provide instruction and promote use of age-appropriate
17 materials that provide instruction in skills for making and
18 implementing responsible decisions about sexuality;

19 (11) provide instruction and promote use of age-appropriate
20 materials that provide instruction in skills for making and
21 implementing responsible decisions about finding and using
22 health services; and

23 (12) provide instruction and promote use of age-appropriate
24 materials that do not teach or promote religious doctrine nor
25 reflect or promote bias against any person on the basis of any
26 category protected under the Minnesota Human Rights Act, chapter
27 363A.

28 Sec. 27. Minnesota Statutes 2004, section 121A.53, is
29 amended to read:

30 121A.53 [REPORT TO COMMISSIONER OF EDUCATION.]

31 Subdivision 1. [EXCLUSIONS AND EXPULSIONS.] The school
32 board ~~shall~~ must report through the department electronic
33 reporting system each exclusion or expulsion within 30 days of
34 the effective date of the action to the commissioner of
35 education. This report ~~shall~~ must include a statement of
36 alternative educational services given the pupil and the reason

1 for, the effective date, and the duration of the exclusion or
2 expulsion. The report must also include the student's age,
3 grade, gender, race, and special education status.

4 Subd. 2. [REPORT.] The school board must include state
5 student identification numbers of affected pupils on all
6 dismissal reports required by the department. The department
7 must report annually to the commissioner summary data on the
8 number of dismissals by age, grade, gender, race, and special
9 education status of the affected pupils. All dismissal reports
10 must be submitted through the department electronic reporting
11 system.

12 Sec. 28. Minnesota Statutes 2004, section 122A.06,
13 subdivision 4, is amended to read:

14 Subd. 4. [COMPREHENSIVE, SCIENTIFICALLY BASED READING
15 INSTRUCTION.] ~~"Comprehensive, scientifically based reading~~
16 ~~instruction" includes instruction and practice in phonemic~~
17 ~~awareness, phonics and other word recognition skills, and guided~~
18 ~~oral reading for beginning readers, as well as extensive silent~~
19 ~~reading, vocabulary instruction, instruction in comprehension,~~
20 ~~and instruction that fosters understanding and higher order~~
21 ~~thinking for readers of all ages and proficiency~~
22 ~~levels.~~ "Comprehensive, scientifically based reading
23 instruction" includes a program or collection of instructional
24 practices with demonstrated success in instructing learners and
25 reliable and valid evidence to support the conclusion that when
26 these methods are used with learners, they can be expected to
27 achieve, at a minimum, satisfactory progress in reading
28 achievement. The program or collection of practices must
29 include, at a minimum, instruction in five areas of reading:
30 phonemic awareness, phonics, fluency, vocabulary, and text
31 comprehension.

32 Comprehensive, scientifically based reading instruction
33 also includes and integrates instructional strategies for
34 continuously assessing and evaluating the learner's reading
35 progress and needs in order to design and implement ongoing
36 interventions so that learners of all ages and proficiency

1 levels can read and comprehend text and apply higher level
2 thinking skills.

3 Sec. 29. Minnesota Statutes 2004, section 122A.18,
4 subdivision 2a, is amended to read:

5 Subd. 2a. [READING STRATEGIES.] (a) All colleges and
6 universities approved by the Board of Teaching to prepare
7 persons for classroom teacher licensure must include in their
8 teacher preparation programs ~~reading-best-practices-that-enable~~
9 ~~classroom-teacher-licensure-candidates-to-know-how-to-teach~~
10 ~~reading, such as phonics or other~~ research-based best practices
11 in reading, consistent with section 122A.06, subdivision 4, that
12 enable the licensure candidate to know how to teach reading in
13 the candidate's content areas.

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

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

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

25 Sec. 30. Minnesota Statutes 2004, section 122A.40,
26 subdivision 5, is amended to read:

27 Subd. 5. [PROBATIONARY PERIOD.] (a) The first three
28 consecutive years of a teacher's first teaching experience in
29 Minnesota in a single district is deemed to be a probationary
30 period of employment, and after completion thereof, the
31 probationary period in each district in which the teacher is
32 thereafter employed shall be one year. The school board must
33 adopt a plan for written evaluation of teachers during the
34 probationary period. Evaluation must occur at least three times
35 each year for a teacher performing services on 120 or more
36 school days, at least two times each year for a teacher

1 performing services on 60 to 119 school days, and at least one
2 time each year for a teacher performing services on fewer than
3 60 school days. Days devoted to parent-teacher conferences,
4 teachers' workshops, and other staff development opportunities
5 and days on which a teacher is absent from school must not be
6 included in determining the number of school days on which a
7 teacher performs services. Except as otherwise provided in
8 paragraph (b), during the probationary period any annual
9 contract with any teacher may or may not be renewed as the
10 school board shall see fit. However, the board must give any
11 such teacher whose contract it declines to renew for the
12 following school year written notice to that effect before July
13 1. If the teacher requests reasons for any nonrenewal of a
14 teaching contract, the board must give the teacher its reason in
15 writing, including a statement that appropriate supervision was
16 furnished describing the nature and the extent of such
17 supervision furnished the teacher during the employment by the
18 board, within ten days after receiving such request. The school
19 board may, after a hearing held upon due notice, discharge a
20 teacher during the probationary period for cause, effective
21 immediately, under section 122A.44.

22 (b) A board must discharge a probationary teacher,
23 effective immediately, upon receipt of notice under section
24 122A.20, subdivision 1, paragraph (b), that the teacher's
25 license has been revoked due to a conviction for child abuse or
26 sexual abuse.

27 (c) A probationary teacher whose first three years of
28 consecutive employment is interrupted for active military
29 service and who promptly resumes teaching consistent with
30 federal reemployment timelines for uniformed service personnel
31 under United States Code, title 38, section 4312(e), is
32 considered to have a consecutive teaching experience for
33 purposes of paragraph (a).

34 (d) A probationary teacher must complete at least 60 days
35 of teaching service each year during the probationary period.
36 Days devoted to parent-teacher conferences, teachers' workshops,

1 and other staff development opportunities and days on which a
2 teacher is absent from school do not count as days of teaching
3 service under this paragraph.

4 [EFFECTIVE DATE.] Paragraph (c) of this section is
5 retroactively effective to September 10, 2001, and applies to
6 those probationary teachers absent for active military service
7 beginning on September 10, 2001, or later. Paragraph (d) of
8 this section is effective July 1, 2005.

9 Sec. 31. Minnesota Statutes 2004, section 122A.41,
10 subdivision 2, is amended to read:

11 Subd. 2. [PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.] (a)
12 All teachers in the public schools in cities of the first class
13 during the first three years of consecutive employment shall be
14 deemed to be in a probationary period of employment during which
15 period any annual contract with any teacher may, or may not, be
16 renewed as the school board, after consulting with the peer
17 review committee charged with evaluating the probationary
18 teachers under subdivision 3, shall see fit. The school site
19 management team or the school board if there is no school site
20 management team, shall adopt a plan for a written evaluation of
21 teachers during the probationary period according to subdivision
22 3. Evaluation by the peer review committee charged with
23 evaluating probationary teachers under subdivision 3 shall occur
24 at least three times each year for a teacher performing services
25 on 120 or more school days, at least two times each year for a
26 teacher performing services on 60 to 119 school days, and at
27 least one time each year for a teacher performing services on
28 fewer than 60 school days. Days devoted to parent-teacher
29 conferences, teachers' workshops, and other staff development
30 opportunities and days on which a teacher is absent from school
31 shall not be included in determining the number of school days
32 on which a teacher performs services. The school board may,
33 during such probationary period, discharge or demote a teacher
34 for any of the causes as specified in this code. A written
35 statement of the cause of such discharge or demotion shall be
36 given to the teacher by the school board at least 30 days before

1 such removal or demotion shall become effective, and the teacher
2 so notified shall have no right of appeal therefrom.

3 (b) A probationary teacher whose first three years of
4 consecutive employment is interrupted for active military
5 service and who promptly resumes teaching consistent with
6 federal reemployment timelines for uniformed service personnel
7 under United States Code, title 38, section 4312(e), is
8 considered to have a consecutive teaching experience for
9 purposes of paragraph (a).

10 (c) A probationary teacher must complete at least 60 days
11 of teaching service each year during the probationary period.
12 Days devoted to parent-teacher conferences, teachers' workshops,
13 and other staff development opportunities and days on which a
14 teacher is absent from school do not count as days of teaching
15 service under this paragraph.

16 [EFFECTIVE DATE.] Paragraph (b) of this section is
17 retroactively effective to September 10, 2001, and applies to
18 those probationary teachers absent for active military service
19 beginning on September 10, 2001, or later. Paragraph (c) of
20 this section is effective July 1, 2005.

21 Sec. 32. Minnesota Statutes 2004, section 122A.41,
22 subdivision 5a, is amended to read:

23 Subd. 5a. [PROBATIONARY PERIOD FOR PRINCIPALS HIRED
24 INTERNALLY.] A board and the exclusive representative of the
25 school principals in the district may negotiate a plan for a
26 probationary period of up to two school years for licensed
27 teachers employed by the board who are subsequently employed by
28 the board as a licensed school principal or assistant principal
29 and an additional probationary period of up to two years for
30 licensed assistant principals employed by the board who are
31 subsequently employed by the board as a licensed school
32 principal.

33 [EFFECTIVE DATE.] This section is effective August 1, 2005.

34 Sec. 33. Minnesota Statutes 2004, section 122A.41,
35 subdivision 14, is amended to read:

36 Subd. 14. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK

1 OF PUPILS; PREFERENCE GIVEN.] (a) A teacher whose services are
2 terminated on account of discontinuance of position or lack of
3 pupils must receive first consideration for other positions in
4 the district for which that teacher is qualified. In the event
5 it becomes necessary to discontinue one or more positions, in
6 making such discontinuance, teachers must be discontinued in any
7 department in the inverse order in which they were employed,
8 unless a board and the exclusive representative of teachers in
9 the district negotiate a plan providing otherwise.

10 (b) Notwithstanding the provisions of clause (a), a teacher
11 is not entitled to exercise any seniority when that exercise
12 results in that teacher being retained by the district in a
13 field for which the teacher holds only a provisional license, as
14 defined by the Board of Teaching, unless that exercise of
15 seniority results in the termination of services, on account of
16 discontinuance of position or lack of pupils, of another teacher
17 who also holds a provisional license in the same field. The
18 provisions of this clause do not apply to vocational education
19 licenses.

20 (c) Notwithstanding the provisions of clause (a), a teacher
21 must not be reinstated to a position in a field in which the
22 teacher holds only a provisional license, other than a
23 vocational education license, while another teacher who holds a
24 nonprovisional license in the same field is available for
25 reinstatement.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005.

27 Sec. 34. Minnesota Statutes 2004, section 122A.413, is
28 amended to read:

29 122A.413 [EDUCATIONAL IMPROVEMENT PLAN.]

30 Subdivision 1. [QUALIFYING PLAN.] A district may develop
31 an educational improvement plan for the purpose of qualifying
32 for ~~alternative-teacher-compensation~~ principled pay practices
33 aid under ~~sections-122A-414-and-122A-415~~ section 122A.4142. The
34 plan must include measures for improving school district, school
35 site, teacher, and individual student performance.

36 Subd. 2. [PLAN COMPONENTS.] The educational improvement

1 plan must be approved by the school board and have at least
2 these elements:

3 (1) assessment and evaluation tools to measure student
4 performance and progress;

5 (2) performance goals and benchmarks for improvement;

6 (3) measures of student attendance and completion rates;

7 (4) a rigorous professional development system, consistent
8 with section 122A.60, that is aligned with educational
9 improvement, designed to achieve teaching quality improvement,
10 and consistent with clearly defined research-based standards;

11 (5) measures of student, family, and community involvement
12 and satisfaction;

13 (6) a data system about students and their academic
14 progress that provides parents and the public with
15 understandable information; and

16 (7) a teacher induction and mentoring program for
17 probationary teachers that provides continuous learning and
18 sustained teacher support; ~~---The process for developing the plan~~
19 ~~must involve district teachers; and~~

20 (8) substantial teacher participation in developing the
21 plan, including teachers selected by the exclusive
22 representative of the teachers.

23 Subd. 3. [SCHOOL SITE ACCOUNTABILITY.] A district that
24 develops a plan under subdivisions 1 and 2 must ensure that each
25 school site develops a board-approved educational improvement
26 plan that is aligned with the district educational improvement
27 plan under subdivision 2 and developed with teacher
28 participation consistent with subdivision 2, clause (8). While
29 a site plan must be consistent with the district educational
30 improvement plan, it may establish performance goals and
31 benchmarks that meet or exceed those of the district. ~~The~~
32 ~~process for developing the plan must involve site teachers.~~

33 Sec. 35. [122A.4142] [PRINCIPLED PAY PRACTICES FOR
34 TEACHERS.]

35 Subdivision 1. [PRINCIPLED PAY PRACTICES SYSTEM.] A school
36 district and the exclusive representative of the teachers may

1 adopt, by agreement, principled pay practices under subdivision
2 2 to provide incentives to attract and retain high-quality
3 teachers, encourage high-quality teachers to accept difficult
4 assignments, encourage teachers to improve their knowledge and
5 skills, and support teachers' roles in improving students'
6 educational achievement.

7 Subd. 2. [ELIGIBILITY FOR PRINCIPLED PAY PRACTICES
8 AID.] (a) To be eligible for principled pay practices aid, a
9 school district must submit to the department:

10 (1) a districtwide or site-based educational improvement
11 plan as described in section 122A.413;

12 (2) an executed collective bargaining agreement that
13 contains at least the following elements:

14 (i) a description of the conditions or actions necessary
15 for career advancement and additional compensation;

16 (ii) compensation provisions that base at least 60 percent
17 of any increase in compensation on performance and not on years
18 of service or the attainment of additional education or
19 training;

20 (iii) career advancement options for teachers retaining
21 primary roles in student instruction and for other members of
22 the bargaining unit;

23 (iv) incentives for teachers' continuous improvement in
24 content knowledge, pedagogy, and use of best practices;

25 (v) an objective evaluation program, including classroom or
26 performance observation, that is aligned with the district's or
27 site's educational improvement plan, and is a component of
28 determining performance;

29 (vi) provisions preventing any teacher's compensation from
30 being reduced as a result of implementing principled pay
31 practices;

32 (vii) provisions enabling any teacher in the district if
33 the principled pay practices are applied districtwide, or at a
34 site, if the practices apply only to a site, to participate in
35 the principled pay practices without limitations by quota or
36 other restrictions;

1 (viii) provisions encouraging collaboration among teachers
2 rather than competition; and

3 (ix) provisions for participation by all teachers in a
4 district, all teachers at a site, or at least 25 percent of the
5 teachers in a district.

6 (b) An agreement may contain different compensation
7 provisions for separate classifications of employees.

8 Subd. 3. [COMMISSIONER APPROVAL.] (a) Before concluding a
9 collective bargaining agreement, a district may submit a
10 proposed agreement and educational improvement plan for review,
11 comment, and preliminary approval by the commissioner. If the
12 plan and agreement are executed in the same form as
13 preliminarily approved by the commissioner, the plan and
14 agreement must be approved without further review.

15 (b) The application to the commissioner must contain a
16 formally adopted collective bargaining agreement, memorandum of
17 understanding, or other binding agreement that implements
18 principled pay practices consistent with this section.

19 (c) The commissioner's approval must be based on the
20 requirements established in subdivision 2. If the commissioner
21 does not approve an application, the notice to the school
22 district must provide details regarding the commissioner's
23 reason for rejecting the application.

24 (d) A school district that intends to apply for principled
25 pay practices aid for the first time must notify the
26 commissioner in writing by November 1 prior to the academic year
27 for which they intend to seek aid. The commissioner must
28 approve initial applications for school districts qualifying
29 under subdivision 4, paragraph (b), clause (1), by January 15 of
30 each year.

31 Subd. 4. [AID AMOUNT.] (a) A school district that meets
32 the conditions of this section, as approved by the commissioner,
33 is eligible for principled pay practices aid.

34 (b) Principled pay practices aid for a qualifying school
35 district, site, or portion of a district or school site is as
36 follows:

1 (1) for a school district in which the school board and the
2 exclusive representative of the teachers agree to place all
3 teachers in the district or at the site in the principled pay
4 practices system, aid equals \$150 times the district's or the
5 site's number of pupils enrolled on October 1 of the previous
6 fiscal year; or

7 (2) for a district in which the school board and the
8 exclusive representative of the teachers agree that at least 25
9 percent of the district's licensed teachers will be paid under
10 the principled pay practices system, aid equals \$150 times the
11 percentage of participating teachers times the district's number
12 of pupils enrolled as of October 1 of the previous fiscal year.

13 Subd. 5. [PERCENTAGE OF TEACHERS.] For purposes of
14 subdivision 4, the percentage of teachers participating in the
15 principled pay practices system equals the ratio of the number
16 of licensed teachers who are working at least 60 percent of a
17 full-time teacher's hours and agree to participate in the
18 principled pay practices system to the total number of licensed
19 teachers who are working at least 60 percent of a full-time
20 teacher's hours.

21 Subd. 6. [AID TIMING.] Districts or sites with approved
22 applications must receive principled pay practices aid for each
23 school year that the district or site participates in the
24 program.

25 Subd. 7. [ANNUAL AID APPROPRIATION.] The amount necessary
26 for this purpose is appropriated annually from the general fund
27 to the commissioner of education for principled pay practices
28 aid under this section.

29 [EFFECTIVE DATE.] This section is effective for fiscal year
30 2006 and thereafter.

31 Sec. 36. [122A.4143] [CLOSED CONTRACT.]

32 A district and the exclusive representative of the teachers
33 may agree jointly to reopen a collective bargaining agreement
34 for the sole purpose of entering into a principled pay practices
35 system consistent with section 122A.4142 and an educational
36 improvement plan under section 122A.413.

1 Sec. 37. [122A.628] [SCHOOLS MENTORING SCHOOLS REGIONAL
2 SITES.]

3 The commissioner of education shall select up to four
4 school districts, or partnerships of school districts, for the
5 purpose of assisting other school districts in the region with
6 the development of thorough and effective teacher mentoring
7 programs. The commissioner shall use geographic balance and
8 proven teacher induction programs as criteria when selecting the
9 sites. One site must include the Brainerd teacher support
10 system, which has been cited by the Minnesota Board of Teaching
11 as a model program and was one of only six programs in the
12 nation to be recognized for the 2004 NEA-Saturn/UAW partnership
13 award. The sites shall be known as schools mentoring schools
14 regional sites.

15 The sites shall provide high quality mentoring assistance
16 programs and services to other nearby school districts for the
17 development of effective systems of support for new teachers.
18 The sites shall offer coaching/mentor training, in-class
19 observation training, and train-the-teacher opportunities for
20 teams of participating teachers. The sites shall use their
21 recognized experience and methods to equip schools to work with
22 their own new and beginning teachers. The commissioner shall
23 review and report annually to the legislature on the operation
24 of each training center.

25 Sec. 38. Minnesota Statutes 2004, section 123B.02, is
26 amended by adding a subdivision to read:

27 Subd. 14a. [EMPLOYEE RECOGNITION.] A school board may
28 establish and operate an employee recognition program for
29 district employees, including teachers, and may expend funds as
30 necessary to achieve the objectives of the program.

31 Sec. 39. Minnesota Statutes 2004, section 123B.02, is
32 amended by adding a subdivision to read:

33 Subd. 22. [REWARDS.] A school board may offer a reward to
34 persons who provide accurate and reliable information that leads
35 to the apprehension and arrest of a person who has committed a
36 crime against school district property, students, employees or

1 volunteers, or school board members.

2 [EFFECTIVE DATE.] This section is effective the day
3 following final enactment.

4 Sec. 40. Minnesota Statutes 2004, section 124D.09,
5 subdivision 12, is amended to read:

6 Subd. 12. [CREDITS.] A pupil may enroll in a course under
7 this section for either secondary credit or postsecondary
8 credit. At the time a pupil enrolls in a course, the pupil
9 shall designate whether the course is for secondary or
10 postsecondary credit. A pupil taking several courses may
11 designate some for secondary credit and some for postsecondary
12 credit. A pupil must not audit a course under this section.

13 A district shall grant academic credit to a pupil enrolled
14 in a course for secondary credit if the pupil successfully
15 completes the course. Seven quarter or four semester college
16 credits equal at least one full year of high school credit.
17 Fewer college credits may be prorated. A district must also
18 grant academic credit to a pupil enrolled in a course for
19 postsecondary credit if secondary credit is requested by a
20 pupil. If no comparable course is offered by the district, the
21 district must, as soon as possible, notify the commissioner, who
22 shall determine the number of credits that shall be granted to a
23 pupil who successfully completes a course. If a comparable
24 course is offered by the district, the school board shall grant
25 a comparable number of credits to the pupil. If there is a
26 dispute between the district and the pupil regarding the number
27 of credits granted for a particular course, the pupil may appeal
28 the board's decision to the commissioner. The commissioner's
29 decision regarding the number of credits shall be final.

30 The secondary credits granted to a pupil must be counted
31 toward the graduation requirements and subject area requirements
32 of the district. Evidence of successful completion of each
33 course and secondary credits granted must be included in the
34 pupil's secondary school record. A pupil shall provide the
35 school with a copy of the pupil's grade in each course taken for
36 secondary credit under this section. Upon the request of a

1 pupil, the pupil's secondary school record must also include
2 evidence of successful completion and credits granted for a
3 course taken for postsecondary credit. In either case, the
4 record must indicate that the credits were earned at a
5 postsecondary institution.

6 If a pupil enrolls in a postsecondary institution after
7 leaving secondary school, the postsecondary institution must
8 award postsecondary credit for any course successfully completed
9 for secondary credit at that institution. Other postsecondary
10 institutions may award, after a pupil leaves secondary school,
11 postsecondary credit for any courses successfully completed
12 under this section. An institution may not charge a pupil for
13 the award of credit.

14 The Board of Trustees of the Minnesota State Colleges and
15 Universities and the Board of Regents of the University of
16 Minnesota must, and private nonprofit and proprietary
17 postsecondary institutions should award postsecondary credit for
18 any successfully completed courses in a program certified by the
19 National Alliance of Concurrent Enrollment Partnership offered
20 according to an agreement under section 124D.09, subdivision 10.

21 Sec. 41. [124D.091] [CONCURRENT ENROLLMENT PROGRAM AID.]

22 Subdivision 1. [ELIGIBILITY.] A district that offers a
23 National Alliance of Concurrent Enrollment Partnership certified
24 program according to an agreement under section 124D.09,
25 subdivision 10, is eligible to receive aid to support the costs
26 associated with providing postsecondary courses at the high
27 school.

28 Subd. 2. [AID.] An eligible district shall receive \$150
29 per pupil enrolled in a course that is part of a program
30 certified by the National Alliance of Concurrent Enrollment
31 Partnership. The money must be used to defray the cost of
32 delivering the course at the high school. The commissioner
33 shall establish application procedures and deadlines for receipt
34 of aid payments.

35 Sec. 42. Minnesota Statutes 2004, section 124D.10,
36 subdivision 3, is amended to read:

1 Subd. 3. [SPONSOR.] (a) A school board; intermediate
2 school district school board; education district organized under
3 sections 123A.15 to 123A.19; charitable organization under
4 section 501(c)(3) of the Internal Revenue Code of 1986 that is a
5 member of the Minnesota Council of Nonprofits or the Minnesota
6 Council on Foundations, registered with the attorney general's
7 office, and reports an end-of-year fund balance of at least
8 \$2,000,000; Minnesota private college that grants two- or
9 four-year degrees and is registered with the Higher Education
10 Services Office under chapter 136A; community college, state
11 university, or technical college, governed by the Board of
12 Trustees of the Minnesota State Colleges and Universities; the
13 Board of the Perpich Center for Arts Education under chapter
14 129C; or the University of Minnesota may sponsor one or more
15 charter schools.

16 (b) A nonprofit corporation subject to chapter 317A,
17 described in section 317A.905, and exempt from federal income
18 tax under section 501(c)(6) of the Internal Revenue Code of
19 1986, may sponsor one or more charter schools if the charter
20 school has operated for at least three years under a different
21 sponsor and if the nonprofit corporation has existed for at
22 least 25 years.

23 Sec. 43. Minnesota Statutes 2004, section 124D.11,
24 subdivision 1, is amended to read:

25 Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) General
26 education revenue must be paid to a charter school as though it
27 were a district. The general education revenue for each
28 adjusted marginal cost pupil unit is the state average general
29 education revenue per pupil unit, plus the referendum
30 equalization aid allowance in the pupil's district of residence,
31 minus an amount equal to the product of the formula allowance
32 according to section 126C.10, subdivision 2, times .0485,
33 calculated without basic skills revenue, extended time revenue,
34 transition revenue, and transportation sparsity revenue, plus
35 basic skills revenue, extended time revenue, and transition
36 revenue as though the school were a school district. The

1 general education revenue for each extended time marginal cost
2 pupil unit equals \$4,378.

3 (b) Notwithstanding paragraph (a), for charter schools in
4 the first year of operation, general education revenue shall be
5 computed using the number of adjusted pupil units in the current
6 fiscal year.

7 Sec. 44. Minnesota Statutes 2004, section 124D.11,
8 subdivision 6, is amended to read:

9 Subd. 6. [OTHER AID, GRANTS, REVENUE.] (a) A charter
10 school is eligible to receive other aids, grants, and revenue
11 according to chapters 120A to 129C, as though it were a district.

12 (b) Notwithstanding paragraph (a), a charter school may not
13 receive aid, a grant, or revenue if a levy is required to obtain
14 the money, or if the aid, grant, or revenue is a replacement of
15 levy revenue, except as otherwise provided in this section.

16 (c) Federal aid received by the state must be paid to the
17 school, if it qualifies for the aid as though it were a school
18 district.

19 (d) A charter school may receive money from any source for
20 capital facilities needs. In the year-end report to the
21 commissioner of education, the charter school shall report the
22 total amount of funds received from grants and other outside
23 sources.

24 Sec. 45. Minnesota Statutes 2004, section 124D.66,
25 subdivision 3, is amended to read:

26 Subd. 3. [ELIGIBLE SERVICES.] (a) Assurance of mastery
27 programs may provide direct instructional services to an
28 eligible pupil, or a group of eligible pupils, under the
29 following conditions in paragraphs (b) to (d).

30 (b) Instruction may be provided at one or more grade levels
31 from kindergarten to grade 8 and for students in grades 9
32 through 12 who were enrolled in grade 8 before the 2005-2006
33 school year and have failed the basic skills tests, or were
34 enrolled in grade 8 in the 2005-2006 school year and later and
35 who have failed the Minnesota Comprehensive Assessments
36 (MCA-IIs) in reading, mathematics, or writing as required for

1 high school graduation under section 120B.02. If an assessment
2 of pupils' needs within a district demonstrates that the
3 eligible pupils in grades kindergarten to grade 8 are being
4 appropriately served, a district may serve eligible pupils in
5 grades 9 to 12.

6 (c) Instruction must be provided under the supervision of
7 the eligible pupil's regular classroom teacher. Instruction may
8 be provided by the eligible pupil's classroom teacher, by
9 another teacher, by a team of teachers, or by an education
10 assistant or aide. A special education teacher may provide
11 instruction, but instruction that is provided under this section
12 is not eligible for aid under section 125A.76.

13 (d) The instruction that is provided must differ from the
14 initial instruction the pupil received in the regular classroom
15 setting. The instruction may differ by presenting different
16 curriculum than was initially presented in the regular classroom
17 or by presenting the same curriculum:

18 (1) at a different rate or in a different sequence than it
19 was initially presented;

20 (2) using different teaching methods or techniques than
21 were used initially; or

22 (3) using different instructional materials than were used
23 initially.

24 Sec. 46. Minnesota Statutes 2004, section 124D.74,
25 subdivision 1, is amended to read:

26 Subdivision 1. [PROGRAM DESCRIBED.] American Indian
27 education programs are programs in public elementary and
28 secondary schools, nonsectarian nonpublic, community,
29 tribal, charter, or alternative schools enrolling American
30 Indian children designed to:

31 (1) support postsecondary preparation for pupils;

32 (2) support the academic achievement of American Indian
33 students with identified focus to improve reading and mathematic
34 skills;

35 (3) make the curriculum more relevant to the needs,
36 interests, and cultural heritage of American Indian pupils;

1 (4) provide positive reinforcement of the self-image of
2 American Indian pupils;

3 (5) develop intercultural awareness among pupils, parents,
4 and staff; and

5 (6) supplement, not supplant, state and federal educational
6 and cocurricular programs.

7 Program components may include: development of support
8 components for students in the areas of academic achievement,
9 retention, and attendance; development of support components for
10 staff, including in-service training and technical assistance in
11 methods of teaching American Indian pupils; research projects,
12 including experimentation with and evaluation of methods of
13 relating to American Indian pupils; provision of personal and
14 vocational counseling to American Indian pupils; modification of
15 curriculum, instructional methods, and administrative procedures
16 to meet the needs of American Indian pupils; and supplemental
17 instruction in American Indian language, literature, history,
18 and culture. Districts offering programs may make contracts for
19 the provision of program components by establishing cooperative
20 liaisons with tribal programs and American Indian social service
21 agencies. These programs may also be provided as components of
22 early childhood and family education programs.

23 Sec. 47. Minnesota Statutes 2004, section 124D.81,
24 subdivision 1, is amended to read:

25 Subdivision 1. [GRANTS; PROCEDURES.] Each fiscal year the
26 commissioner of education must make grants to no fewer than six
27 American Indian education programs. At least three programs
28 must be in urban areas and at least three must be on or near
29 reservations. The board of a local district, a participating
30 school or a group of boards may develop a proposal for grants in
31 support of American Indian education programs. Proposals may
32 provide for contracts for the provision of program components by
33 nonsectarian nonpublic, community, tribal, charter, or
34 alternative schools. The commissioner shall prescribe the form
35 and manner of application for grants, and no grant shall be made
36 for a proposal not complying with the requirements of sections

1 124D.71 to 124D.82. ~~The commissioner must submit all proposals~~
2 ~~to the state Advisory Committee on American Indian Education~~
3 ~~Programs for its recommendations concerning approval,~~
4 ~~modification, or disapproval and the amounts of grants to~~
5 ~~approved programs.~~

6 Sec. 48. Minnesota Statutes 2004, section 124D.84,
7 subdivision 1, is amended to read:

8 Subdivision 1. [AWARDS.] The commissioner, ~~with the advice~~
9 ~~and counsel of the Minnesota Indian Education Committee,~~ may
10 award scholarships to any Minnesota resident student who is of
11 one-fourth or more Indian ancestry, who has applied for other
12 existing state and federal scholarship and grant programs, and
13 who, in the opinion of the commissioner, has the capabilities to
14 benefit from further education. Scholarships must be for
15 accredited degree programs in accredited Minnesota colleges or
16 universities or for courses in accredited Minnesota business,
17 technical, or vocational schools. Scholarships may also be
18 given to students attending Minnesota colleges that are in
19 candidacy status for obtaining full accreditation, and are
20 eligible for and receiving federal financial aid programs.
21 Students are also eligible for scholarships when enrolled as
22 students in Minnesota higher education institutions that have
23 joint programs with other accredited higher education
24 institutions. Scholarships shall be used to defray the total
25 cost of education including tuition, incidental fees, books,
26 supplies, transportation, other related school costs and the
27 cost of board and room and shall be paid directly to the college
28 or school concerned where the student receives federal financial
29 aid. The total cost of education includes all tuition and fees
30 for each student enrolling in a public institution and the
31 portion of tuition and fees for each student enrolling in a
32 private institution that does not exceed the tuition and fees at
33 a comparable public institution. Each student shall be awarded
34 a scholarship based on the total cost of the student's education
35 and a federal standardized need analysis. Applicants are
36 encouraged to apply for all other sources of financial aid. The

1 ~~amount-and-type-of-each-scholarship-shall-be-determined-through~~
2 ~~the-advice-and-counsel-of-the-Minnesota-Indian-education~~
3 ~~committee.~~

4 When an Indian student satisfactorily completes the work
5 required by a certain college or school in a school year the
6 student is eligible for additional scholarships, if additional
7 training is necessary to reach the student's educational and
8 vocational objective. Scholarships may not be given to any
9 Indian student for more than five years of study ~~without-special~~
10 ~~recommendation-of-the-Minnesota-Indian-Education-Committee.~~

11 Sec. 49. Minnesota Statutes 2004, section 126C.10,
12 subdivision 1, is amended to read:

13 Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) For fiscal
14 year 2003, the general education revenue for each district
15 equals the sum of the district's basic revenue, basic skills
16 revenue, training and experience revenue, secondary sparsity
17 revenue, elementary sparsity revenue, transportation sparsity
18 revenue, total operating capital revenue, and equity revenue.

19 (b) For fiscal year 2004 and later, the general education
20 revenue for each district equals the sum of the district's basic
21 revenue, extended time revenue, basic skills revenue, gifted and
22 talented revenue, training and experience revenue, secondary
23 sparsity revenue, elementary sparsity revenue, transportation
24 sparsity revenue, total operating capital revenue, equity
25 revenue, and transition revenue.

26 [EFFECTIVE DATE.] This section is effective for revenue for
27 fiscal year 2006 and later.

28 Sec. 50. Minnesota Statutes 2004, section 126C.10, is
29 amended by adding a subdivision to read:

30 Subd. 2b. [GIFTED AND TALENTED REVENUE.] Gifted and
31 talented revenue for each district equals \$10 times the
32 district's adjusted marginal cost pupil units. A school
33 district must reserve gifted and talented revenue and,
34 consistent with section 120B.15, must spend the revenue only to:

35 (1) identify gifted and talented students;

36 (2) provide education programs for gifted and talented

1 students; or

2 (3) provide staff development to prepare teachers to best
3 meet the unique needs of gifted and talented students.

4 [EFFECTIVE DATE.] This section is effective for revenue for
5 fiscal year 2006 and later.

6 Sec. 51. [127A.095] [IMPLEMENTATION OF NO CHILD LEFT
7 BEHIND ACT.]

8 Subdivision 1. [CONTINUED IMPLEMENTATION.] The Department
9 of Education shall continue to implement the federal No Child
10 Left Behind Act, Public Law 107-110, without interruption until
11 June 30, 2006.

12 Subd. 2. [NO CHILD LEFT BEHIND NULLIFICATION.] (a) The
13 consolidated state plan submitted by the state to the federal
14 Department of Education on implementing the No Child Left Behind
15 Act, Public Law 107-110, and any other Minnesota state contract
16 or agreement under the provisions of the No Child Left Behind
17 Act, shall be nullified and revoked by the commissioner of
18 education on July 1, 2006.

19 (b) The commissioner shall report to the education funding
20 divisions and the education policy committees of the house of
21 representatives and the senate by April 1, 2006, whether the
22 following conditions have been met:

23 (1) the Department of Education has received approval from
24 the federal Department of Education to allow the state to
25 develop a plan using multiple measures including value-added
26 measurement of student achievement in addition to relying on
27 standardized test results to evaluate school and student
28 performance for the purpose of determining adequate yearly
29 progress;

30 (2) the Department of Education has received approval from
31 the federal Department of Education to allow the state to
32 average three years of data for the purposes of identifying a
33 school for improvement;

34 (3) the Department of Education has developed a plan and
35 model legislation to ensure that if an adequate yearly progress
36 determination was made in error, that the error will not

1 adversely affect the school's or school district's sanction
2 status in subsequent years. The Department of Education must
3 have a policy in place to correct errors to accountability
4 reports;

5 (4) the Department of Education has reported the additional
6 costs for state fiscal years 2006 to 2009 that the No Child Left
7 Behind Act imposes on the state, the state's school districts,
8 and charter schools that are in excess of costs associated with
9 the Improving America's Schools Act of 1994, Public Law 103-382;

10 (5) the Department of Education has received approval from
11 the federal Department of Education to allow the state to use No
12 Child Left Behind money to provide supplemental education
13 services only in the academic subject area that causes a school
14 to miss adequate yearly progress;

15 (6) the Department of Education has received approval from
16 the federal Department of Education to exclude from sanctions
17 schools that have not made adequate yearly progress solely due
18 to a subgroup of students with disabilities not testing at a
19 proficient level;

20 (7) the Department of Education has received approval from
21 the federal Department of Education to exclude from sanctions a
22 school that is classified as not having made adequate yearly
23 progress solely due to different subgroups testing below
24 proficient levels for at least two consecutive years;

25 (8) the Department of Education has received approval from
26 the federal Department of Education to identify a school as not
27 making adequate yearly progress only after missing the adequate
28 yearly progress targets in the same subject and subgroup for two
29 consecutive years;

30 (9) the Department of Education has received approval from
31 the federal Department of Education to identify a district as in
32 need of improvement only after missing the adequate yearly
33 progress target in the same subject across multiple grade spans
34 for two consecutive years;

35 (10) the Department of Education has received approval from
36 the federal Department of Education to limit the score of a

1 student within multiple subgroups to the one subgroup that is
2 the smallest subgroup in which that student is a part of when
3 calculating adequate yearly progress;

4 (11) the Department of Education has implemented a uniform
5 financial reporting system for school districts to report costs
6 related to implementing No Child Left Behind Act requirements,
7 including the costs of complying with sanctions;

8 (12) the Department of Education has received approval from
9 the federal Department of Education to determine the percentage
10 of the special education students that would be best educated
11 based on out-of-level standards and tested accordingly based on
12 an individual education plan; and

13 (13) the Department of Education has received approval from
14 the federal Department of Education to determine when to hold
15 schools accountable for including a student with limited English
16 proficiency in adequate yearly progress calculations.

17 (c) The state's continued implementation of the No Child
18 Left Behind Act shall be discontinued effective July 1, 2006,
19 unless the legislature passes a law during the 2006 regular
20 legislative session establishing the legislature's satisfaction
21 that the requirements under paragraph (b) have been met.

22 Subd. 3. [DEPARTMENT OF FINANCE CERTIFICATION.] If the
23 legislature does not pass a law authorizing continued
24 implementation of the No Child Left Behind Act under subdivision
25 2, paragraph (c), the commissioner of finance shall certify and
26 report to the legislature beginning January 1, 2007, and each
27 year thereafter the amount of federal revenue, if any, that has
28 been withheld by the federal government as a result of the
29 state's discontinued implementation of the No Child Left Behind
30 Act. The report shall also specify the intended purpose of the
31 federal revenue and the amount of revenue withheld from the
32 state, each school district, and each charter school in each
33 fiscal year.

34 Subd. 4. [ANNUAL CONTINGENT APPROPRIATION.] For fiscal
35 year 2007 and thereafter, an amount equal to the federal revenue
36 withheld in the same fiscal year as a result of the state's

1 discontinued implementation of the No Child Left Behind Act, as
2 certified by the commissioner of finance under subdivision 3, is
3 appropriated from the general fund to the commissioner of
4 education. The commissioner of education shall allocate the
5 appropriation under this section according to the report from
6 the commissioner of finance in subdivision 3.

7 [EFFECTIVE DATE.] This section is effective the day
8 following final enactment.

9 Sec. 52. [129C.105] [BOARD MEETINGS BY TELEPHONE OR OTHER
10 ELECTRONIC MEANS.]

11 (a) Notwithstanding section 13D.01 and if complying with
12 section 13D.02 is impractical, the board for the Perpich Center
13 for Arts Education may conduct a meeting of its members by
14 telephone or other electronic means so long as the following
15 conditions are met:

16 (1) all members of the board participating in the meeting,
17 wherever their physical location, can hear one another and all
18 discussion and testimony;

19 (2) members of the public present at the regular meeting
20 location of the board can hear all discussion and testimony and
21 all votes of members of the board;

22 (3) at least one member of the board is physically present
23 at the regular meeting location; and

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

26 (b) Each member of the board participating in a meeting by
27 telephone or other electronic means is considered present at the
28 meeting for purposes of determining a quorum and participating
29 in all proceedings.

30 (c) If telephone or other electronic means is used to
31 conduct a meeting, the board, to the extent practical, shall
32 allow a person to monitor the meeting electronically from a
33 remote location. The board may require the person making such a
34 connection to pay for documented marginal costs that the board
35 incurs as a result of the additional connection.

36 (d) If telephone or other electronic means is used to

1 conduct a regular, special, or emergency meeting, the board
2 shall provide notice of the regular meeting location, of the
3 fact that some members may participate by telephone or other
4 electronic means, and of the provisions of paragraph (c). The
5 timing and method of providing notice is governed by section
6 13D.04.

7 [EFFECTIVE DATE.] This section is effective the day
8 following final enactment.

9 Sec. 53. Minnesota Statutes 2004, section 179A.03,
10 subdivision 14, is amended to read:

11 Subd. 14. [PUBLIC EMPLOYEE OR EMPLOYEE.] "Public employee"
12 or "employee" means any person appointed or employed by a public
13 employer except:

14 (a) elected public officials;

15 (b) election officers;

16 (c) commissioned or enlisted personnel of the Minnesota
17 National Guard;

18 (d) emergency employees who are employed for emergency work
19 caused by natural disaster;

20 (e) part-time employees whose service does not exceed the
21 lesser of 14 hours per week or 35 percent of the normal work
22 week in the employee's appropriate unit;

23 (f) employees whose positions are basically temporary or
24 seasonal in character and: (1) are not for more than 67 working
25 days in any calendar year; or (2) are not for more than 100
26 working days in any calendar year and the employees are under
27 the age of 22, are full-time students enrolled in a nonprofit or
28 public educational institution prior to being hired by the
29 employer, and have indicated, either in an application for
30 employment or by being enrolled at an educational institution
31 for the next academic year or term, an intention to continue as
32 students during or after their temporary employment;

33 (g) employees providing services for not more than two
34 consecutive quarters to the Board of Trustees of the Minnesota
35 State Colleges and Universities under the terms of a
36 professional or technical services contract as defined in

1 section 16C.08, subdivision 1;

2 (h) employees of charitable hospitals as defined by section
3 179.35, subdivision 3;

4 (i) full-time undergraduate students employed by the school
5 which they attend under a work-study program or in connection
6 with the receipt of financial aid, irrespective of number of
7 hours of service per week;

8 (j) an individual who is employed for less than 300 hours
9 in a fiscal year as an instructor in an adult vocational
10 education program;

11 (k) an individual hired by the Board of Trustees of the
12 Minnesota State Colleges and Universities to teach one course
13 for three or fewer credits for one semester in a year;

14 (l) with respect to court employees:

15 (1) personal secretaries to judges;

16 (2) law clerks;

17 (3) managerial employees;

18 (4) confidential employees; and

19 (5) supervisory employees.

20 The following individuals are public employees regardless
21 of the exclusions of clauses (e) and (f):

22 (i) an employee hired by a school district or the Board of
23 Trustees of the Minnesota State Colleges and Universities except
24 at the university established in section 136F.13 or for
25 community services or community education instruction offered on
26 a noncredit basis: (A) to replace an absent teacher or faculty
27 member who is a public employee, where the replacement employee
28 is employed more than 30 working days as a replacement for that
29 teacher or faculty member; or (B) to take a teaching position
30 created due to increased enrollment, curriculum expansion,
31 courses which are a part of the curriculum whether offered
32 annually or not, or other appropriate reasons; and

33 (ii) an employee hired for a position under clause (f)(1)
34 if that same position has already been filled under clause
35 (f)(1) in the same calendar year and the cumulative number of
36 days worked in that same position by all employees exceeds 67

1 calendar days in that year. For the purpose of this paragraph,
2 "same position" includes a substantially equivalent position if
3 it is not the same position solely due to a change in the
4 classification or title of the position; and

5 (iii) an early childhood family education teacher employed
6 by a school district.

7 [EFFECTIVE DATE.] This section is effective July 1, 2005.

8 Sec. 54. Minnesota Statutes 2004, section 260C.201,
9 subdivision 1, is amended to read:

10 Subdivision 1. [DISPOSITIONS.] (a) If the court finds that
11 the child is in need of protection or services or neglected and
12 in foster care, it shall enter an order making any of the
13 following dispositions of the case:

14 (1) place the child under the protective supervision of the
15 responsible social services agency or child-placing agency in
16 the home of a parent of the child under conditions prescribed by
17 the court directed to the correction of the child's need for
18 protection or services:

19 (i) the court may order the child into the home of a parent
20 who does not otherwise have legal custody of the child, however,
21 an order under this section does not confer legal custody on
22 that parent;

23 (ii) if the court orders the child into the home of a
24 father who is not adjudicated, he must cooperate with paternity
25 establishment proceedings regarding the child in the appropriate
26 jurisdiction as one of the conditions prescribed by the court
27 for the child to continue in his home;

28 (iii) the court may order the child into the home of a
29 noncustodial parent with conditions and may also order both the
30 noncustodial and the custodial parent to comply with the
31 requirements of a case plan under subdivision 2; or

32 (2) transfer legal custody to one of the following:

33 (i) a child-placing agency; or

34 (ii) the responsible social services agency. In placing a
35 child whose custody has been transferred under this paragraph,
36 the agencies shall make an individualized determination of how

1 the placement is in the child's best interests using the
2 consideration for relatives and the best interest factors in
3 section 260C.212, subdivision 2, paragraph (b); or

4 (3) if the child has been adjudicated as a child in need of
5 protection or services because the child is in need of special
6 services or care to treat or ameliorate a physical or mental
7 disability, the court may order the child's parent, guardian, or
8 custodian to provide it. The court may order the child's health
9 plan company to provide mental health services to the child.
10 Section 62Q.535 applies to an order for mental health services
11 directed to the child's health plan company. If the health
12 plan, parent, guardian, or custodian fails or is unable to
13 provide this treatment or care, the court may order it
14 provided. Absent specific written findings by the court that
15 the child's disability is the result of abuse or neglect by the
16 child's parent or guardian, the court shall not transfer legal
17 custody of the child for the purpose of obtaining special
18 treatment or care solely because the parent is unable to provide
19 the treatment or care. If the court's order for mental health
20 treatment is based on a diagnosis made by a treatment
21 professional, the court may order that the diagnosing
22 professional not provide the treatment to the child if it finds
23 that such an order is in the child's best interests; or

24 (4) if the court believes that the child has sufficient
25 maturity and judgment and that it is in the best interests of
26 the child, the court may order a child 16 years old or older to
27 be allowed to live independently, either alone or with others as
28 approved by the court under supervision the court considers
29 appropriate, if the county board, after consultation with the
30 court, has specifically authorized this dispositional
31 alternative for a child.

32 (b) If the child was adjudicated in need of protection or
33 services because the child is a runaway or habitual truant, the
34 court may order any of the following dispositions in addition to
35 or as alternatives to the dispositions authorized under
36 paragraph (a):

1 (1) counsel the child or the child's parents, guardian, or
2 custodian;

3 (2) place the child under the supervision of a probation
4 officer or other suitable person in the child's own home under
5 conditions prescribed by the court, including reasonable rules
6 for the child's conduct and the conduct of the parents,
7 guardian, or custodian, designed for the physical, mental, and
8 moral well-being and behavior of the child; or with the consent
9 of the commissioner of corrections, place the child in a group
10 foster care facility which is under the commissioner's
11 management and supervision;

12 (3) subject to the court's supervision, transfer legal
13 custody of the child to one of the following:

14 (i) a reputable person of good moral character. No person
15 may receive custody of two or more unrelated children unless
16 licensed to operate a residential program under sections 245A.01
17 to 245A.16; or

18 (ii) a county probation officer for placement in a group
19 foster home established under the direction of the juvenile
20 court and licensed pursuant to section 241.021;

21 (4) require the child to pay a fine of up to \$100. The
22 court shall order payment of the fine in a manner that will not
23 impose undue financial hardship upon the child;

24 (5) require the child to participate in a community service
25 project;

26 (6) order the child to undergo a chemical dependency
27 evaluation and, if warranted by the evaluation, order
28 participation by the child in a drug awareness program or an
29 inpatient or outpatient chemical dependency treatment program;

30 (7) if the court believes that it is in the best interests
31 of the child and or of public safety that the child's driver's
32 license or instruction permit be canceled, the court may order
33 the commissioner of public safety to cancel the child's license
34 or permit for any period up to the child's 18th birthday. If
35 the child does not have a driver's license or permit, the court
36 may order a denial of driving privileges for any period up to

1 the child's 18th birthday. The court shall forward an order
2 issued under this clause to the commissioner, who shall cancel
3 the license or permit or deny driving privileges without a
4 hearing for the period specified by the court. At any time
5 before the expiration of the period of cancellation or denial,
6 the court may, for good cause, order the commissioner of public
7 safety to allow the child to apply for a license or permit, and
8 the commissioner shall so authorize;

9 (8) order that the child's parent or legal guardian deliver
10 the child to school at the beginning of each school day for a
11 period of time specified by the court; or

12 (9) require the child to perform any other activities or
13 participate in any other treatment programs deemed appropriate
14 by the court.

15 To the extent practicable, the court shall enter a
16 disposition order the same day it makes a finding that a child
17 is in need of protection or services or neglected and in foster
18 care, but in no event more than 15 days after the finding unless
19 the court finds that the best interests of the child will be
20 served by granting a delay. If the child was under eight years
21 of age at the time the petition was filed, the disposition order
22 must be entered within ten days of the finding and the court may
23 not grant a delay unless good cause is shown and the court finds
24 the best interests of the child will be served by the delay.

25 (c) If a child who is 14 years of age or older is
26 adjudicated in need of protection or services because the child
27 is a habitual truant and truancy procedures involving the child
28 were previously dealt with by a school attendance review board
29 or county attorney mediation program under section 260A.06 or
30 260A.07, the court shall order a cancellation or denial of
31 driving privileges under paragraph (b), clause (7), for any
32 period up to the child's 18th birthday.

33 (d) In the case of a child adjudicated in need of
34 protection or services because the child has committed domestic
35 abuse and been ordered excluded from the child's parent's home,
36 the court shall dismiss jurisdiction if the court, at any time,

1 finds the parent is able or willing to provide an alternative
2 safe living arrangement for the child, as defined in Laws 1997,
3 chapter 239, article 10, section 2.

4 (e) When a parent has complied with a case plan ordered
5 under subdivision 6 and the child is in the care of the parent,
6 the court may order the responsible social services agency to
7 monitor the parent's continued ability to maintain the child
8 safely in the home under such terms and conditions as the court
9 determines appropriate under the circumstances.

10 Sec. 55. [CONCURRENT ENROLLMENT MATHEMATICS AND SCIENCE
11 PARTNERSHIP PROGRAM.]

12 Subdivision 1. [GRANTS.] The commissioner of education
13 shall award grants to partnerships between one or more
14 postsecondary institutions and one or more school districts to
15 expand mathematics and science courses offered in the high
16 school and enhance staff development. The courses must be
17 offered at the high school under an agreement between the
18 governing board of an eligible public postsecondary system or an
19 eligible private institution and a public school board, as
20 described in Minnesota Statutes, section 124D.09, subdivision
21 10. Each partnership must include at least one postsecondary
22 institution and one school district. The grants must be awarded
23 to collaborative efforts that:

24 (1) increase the number of postsecondary-level mathematics
25 and science courses provided to high school students at the
26 student's high school; and

27 (2) develop or enhance the staff training and ongoing
28 support services provided by postsecondary faculty to high
29 school teachers teaching college in the school's agreement
30 courses in the high school.

31 Subd. 2. [ACCREDITATION.] To establish a uniform standard
32 by which courses and professional development activities may be
33 measured, postsecondary institutions applying for a grant under
34 this section are encouraged to apply for accreditation by the
35 National Alliance of Concurrent Enrollment Partnerships.

36 Subd. 3. [APPLICATION PROCESS.] The commissioner of

1 education shall develop the process by which a partnership must
2 apply for a grant. The P-16 Education Partnership shall review
3 and comment on the grant applications and make recommendations
4 to the commissioner regarding the partnerships that should be
5 funded. In selecting projects for funding, the commissioner
6 must ensure that there is a balance in the number of mathematics
7 and science courses offered as part of this initiative.

8 Subd. 4. [CRITERIA.] The application for grant money under
9 this section must include, at a minimum, the following
10 information:

11 (1) specification of the goals to be achieved through the
12 delivery of courses and faculty staff development and support
13 activities;

14 (2) a description of the courses to be offered at the high
15 schools and the initial and ongoing training and support that
16 will be provided to high school faculty teaching courses under
17 this program;

18 (3) a description of the eligibility requirements for
19 students participating in the program and the number of students
20 that will be served;

21 (4) a description of the curriculum enhancements and
22 efficiencies to be achieved in the delivery of instruction
23 through the partnership;

24 (5) a description of how the goals established for the
25 course delivery and faculty staff development and support
26 activities will be evaluated to determine if the goals of the
27 partnership were met; and

28 (6) other information as identified by the commissioner.

29 Sec. 56. [COLLEGE PREPARATION STANDARDS.]

30 (a) The Higher Education Advisory Council must convene a
31 working group to develop standards describing the skills and
32 knowledge a high school graduate must have at entry into
33 postsecondary education in order to successfully graduate from
34 college. The standards must, to the extent possible, be
35 applicable for all postsecondary education but may describe
36 differences in the skills and knowledge necessary for success in

1 different higher education institutions and programs. The
2 standards need not be comprehensive but must, at a minimum, be
3 the essential skills and knowledge that will enable a student to
4 succeed in college. The Higher Education Services Office must
5 provide staff for the working group.

6 (b) The Higher Education Advisory Council must submit the
7 standards to the commissioner of education no later than January
8 15, 2006. No later than March 15, 2006, the commissioner of
9 education must report, to the chairs of the legislative
10 committees with jurisdiction over kindergarten through grade 12
11 education policy and finance and higher education policy and
12 finance, its recommendations regarding the changes, if any, that
13 must be made in Minnesota's academic standards in order to
14 ensure that Minnesota high school graduates meet the college
15 readiness standards established by the Higher Education Advisory
16 Council.

17 (c) The Higher Education Advisory Council must invite the
18 University of Minnesota, Minnesota State Colleges and
19 Universities, representatives of private colleges, and other
20 private postsecondary institutions, to participate in the
21 working group and may invite other individuals or entities to
22 participate. The Higher Education Advisory Council and its
23 working group may collaborate with the Minnesota P-16 Education
24 Partnership in developing the college readiness standards.

25 Sec. 57. [MINNESOTA COMPREHENSIVE ASSESSMENTS; RULES.]

26 The commissioner of education shall adopt rules on or
27 before January 1, 2005, to implement the Minnesota Comprehensive
28 Assessments Second Edition (MCA-IIIs) in reading, mathematics,
29 and writing. For purposes of state and local high school
30 graduation requirements, the rules must include criteria
31 enabling school districts to:

32 (1) appropriately accommodate a student who fails but seeks
33 to pass the Minnesota Comprehensive Assessments Second Edition;
34 and

35 (2) exempt a disabled student, consistent with the
36 student's individualized education plan, or an English language

1 learner from the Minnesota Comprehensive Assessments Second
2 Edition or administer an alternative assessment either to a
3 disabled student, consistent with the student's individualized
4 education plan, or to an English language learner.

5 Sec. 58. [HEALTH AND PHYSICAL EDUCATION MODEL BENCHMARKS.]

6 By July 1, 2006, the commissioner of education must
7 transmit to school districts model kindergarten through grade 12
8 health and physical education benchmarks developed by the
9 department's health and physical education quality teaching
10 network.

11 Sec. 59. [RULES FOR SUPPLEMENTAL SERVICE PROVIDERS.]

12 The commissioner of education must amend Minnesota Rules,
13 part 3512.5400, relating to supplemental service providers to
14 include outcome standards. The commissioner must include in the
15 amended rules criteria to remove an education service provider
16 from the listing of approved service providers if they fail to
17 meet the outcome standards.

18 Sec. 60. [EVALUATING THE EDUCATIONAL IMPACT OF FEDERAL AND
19 STATE TESTS ON KINDERGARTEN THROUGH GRADE 12 STUDENTS.]

20 (a) The Office of Educational Accountability under
21 Minnesota Statutes, section 120B.31, subdivision 3, must
22 evaluate the educational impact of the federal No Child Left
23 Behind Act and other state and federal laws requiring school
24 districts to administer tests to kindergarten through grade 12
25 students. The evaluation at least must address:

26 (1) potential educational costs to kindergarten through
27 grade 12 public school students through the 2013-2014 school
28 year of complying with testing requirements;

29 (2) educational factors that may increase or decrease the
30 educational costs identified under clause (1);

31 (3) the impact of testing requirements on the statewide
32 accountability system, teacher training and employment, and
33 curriculum development; and

34 (4) the relationship between the testing requirements,
35 postsecondary entrance requirements and the expectations of the
36 business community regarding the educational preparation of new

1 high school graduates seeking employment.

2 The Office of Educational Accountability, at its
3 discretion, may include additional areas for evaluation.

4 (b) In preparing this evaluation, the Office of Educational
5 Accountability must select a sample of school districts to
6 explore in depth the areas listed in paragraph (a). The school
7 districts must be of varying sizes and geographical locations,
8 and must include some districts with schools designated by the
9 state Department of Education as "needing improvement" under the
10 No Child Left Behind Act. The Office of Educational
11 Accountability must contact school officials, employees of
12 postsecondary institutions, and representatives of business
13 communities from throughout the state to collect information and
14 perceptions related to the evaluation. State and local entities
15 must cooperate with and assist the Office of Educational
16 Accountability with this evaluation at the request of the Office
17 of Educational Accountability.

18 (c) The Office of Educational Accountability must submit
19 the evaluation in writing to the chairs of the legislative
20 committees in the house and senate charged with oversight of
21 kindergarten through grade 12 education policy and finance by
22 February 15, 2006.

23 [EFFECTIVE DATE.] This section is effective the day
24 following final enactment.

25 Sec. 61. [MODEL POLICY; INTIMIDATION AND BULLYING.]

26 The commissioner of education shall work with the Minnesota
27 School Boards Association to develop a model policy that
28 prohibits intimidating and bullying as required in Minnesota
29 Statutes, section 121A.0695, subdivision 2.

30 Sec. 62. [LICENSED STUDENT SUPPORT SERVICES.]

31 Subdivision 1. [ACCESS TO SERVICES.] School districts and
32 the Department of Education shall work to provide for students'
33 educational achievement, to provide for student safety, and to
34 enhance student physical, emotional, and social well-being by
35 providing access to licensed student support services, such as
36 licensed school nurses, licensed school counselors, licensed

1 school social workers, and licensed school psychologists.

2 Subd. 2. [FUNDING.] Districts and the department shall
3 explore opportunities for obtaining additional funds to improve
4 students' access to needed licensed student support services
5 including, but not limited to, medical assistance
6 reimbursements, local collaborative time study funds, federal
7 funds, public health funds, and specifically designated funds.

8 Subd. 3. [IMPROVING ACCESS.] Districts and the department
9 must consider nationally recommended licensed staff-to-student
10 ratios, work loads, and best practices when working to improve
11 student access to needed licensed student support services.

12 Sec. 63. [BOARD OF TEACHING REPORT.]

13 By January 16, 2006, the Board of Teaching, in consultation
14 with the Department of Education and other education
15 stakeholders, must prepare and submit to the education
16 committees of the legislature proposed licensure requirements
17 for teachers of interdisciplinary curriculum to facilitate
18 learning in state-approved innovative schools and programs.

19 Sec. 64. [APPROPRIATIONS.]

20 Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums
21 indicated in this section are appropriated from the general fund
22 to the Department of Education for the fiscal years designated.

23 Subd. 2. [CONCURRENT ENROLLMENT PROGRAM AID.] For
24 concurrent enrollment program aid:

25 \$..... 2006

26 \$..... 2007

27 Subd. 3. [CONCURRENT ENROLLMENT MATHEMATICS AND SCIENCE
28 PARTNERSHIP.] For concurrent enrollment mathematics and science
29 partnership program grants:

30 \$..... 2006

31 \$..... 2007

32 Subd. 4. [NATIONAL ALLIANCE OF CONCURRENT ENROLLMENT
33 PARTNERSHIP; UNIVERSITY OF MINNESOTA.] For transfer to the Board
34 of Regents of the University of Minnesota for institutions
35 receiving partnership grants to become provisional members of
36 the National Alliance of Concurrent Enrollment Partnership:

1 \$,.,.,.,. 2006

2 \$,.,.,.,. 2007

3 Subd. 5. [NATIONAL ALLIANCE OF CONCURRENT ENROLLMENT
4 PARTNERSHIP; MNSCU.] For transfer to the Board of Trustees of
5 the Minnesota State Colleges and Universities for institutions
6 receiving partnership grants to become provisional members of
7 the National Alliance of Concurrent Enrollment Partnership:

8 \$,.,.,.,. 2006

9 \$,.,.,.,. 2007

10 Subd. 6. [SCHOOLS MENTORING SCHOOLS REGIONAL SITES.] For
11 schools mentoring schools regional sites:

12 \$,.,.,.,. 2006

13 \$,.,.,.,. 2007

14 Any balance remaining in the first year does not cancel but
15 is available in the second year.

16 Subd. 7. [PRINCIPLED PRACTICES AID.] For principled pay
17 practices aid:

18 \$,.,.,.,. 2006

19 \$,.,.,.,. 2007

20 Sec. 65. [REPEALER.]
21 Minnesota Statutes 2004, sections 121A.23, 122A.414, and
22 122A.415, are repealed.

23 ARTICLE 2

24 SPECIAL PROGRAMS

25 Section 1. Minnesota Statutes 2004, section 121A.66,
26 subdivision 5, is amended to read:

27 Subd. 5. [EMERGENCY.] "Emergency" means a situation in
28 which immediate intervention is necessary to protect a pupil or
29 other individual from physical injury or to prevent serious
30 property damage.

31 Sec. 2. Minnesota Statutes 2004, section 121A.66, is
32 amended by adding a subdivision to read:

33 Subd. 6. [POSITIVE BEHAVIORAL INTERVENTIONS AND
34 SUPPORTS.] "Positive behavioral interventions and supports"
35 means those strategies used to improve the school environment
36 and teach pupils skills likely to increase their ability to

1 exhibit appropriate behaviors.

2 Sec. 3. Minnesota Statutes 2004, section 121A.66, is
3 amended by adding a subdivision to read:

4 Subd. 7. [TIME-OUT.] "Time-out" means:

5 (1) a contingent observation, which is not a regulated
6 intervention, and involves instructing the pupil to leave the
7 school activity during the school day and not participate for a
8 period of time, but to observe the activity and listen to the
9 discussion from a time-out area within the same setting;

10 (2) an exclusionary time-out, which is not a regulated
11 intervention, and involves instructing the pupil to leave the
12 school activity during the school day and not participate in or
13 observe the classroom activity, but to go to another area from
14 which the pupil may leave; or

15 (3) a locked time-out, which is a regulated intervention,
16 and involves involuntarily removing the pupil from the school
17 activity during the school day and placing the pupil in a
18 specially designed and continuously supervised isolation room
19 that the pupil is prevented from leaving.

20 Sec. 4. Minnesota Statutes 2004, section 121A.67, is
21 amended to read:

22 121A.67 [AVERSIVE AND DEPRIVATION PROCEDURES.]

23 Subdivision 1. [RULES.] The commissioner, after
24 consultation with interested parent organizations and advocacy
25 groups, the Minnesota Administrators for Special Education, the
26 Minnesota Association of School Administrators, Education
27 Minnesota, the Minnesota School Boards Association, the
28 Minnesota Police Officers Association, a representative of a
29 bargaining unit that represents paraprofessionals, and the
30 Elementary School Principals Association and the Secondary
31 School Principals Association, must ~~adopt~~ amend rules governing
32 the use of aversive and deprivation procedures by school
33 district employees or persons under contract with a school
34 district. The rules must:

35 (1) promote the use of positive ~~approaches~~ behavioral
36 interventions and supports and must not encourage or require the

1 use of aversive or deprivation procedures;

2 (2) require that planned application of aversive and
3 deprivation procedures only be a-part-of-an instituted after
4 completing a functional behavior assessment and developing a
5 behavior intervention plan that is included in or maintained
6 with the individual education plan;

7 (3) ~~require parents-or-guardians-to-be-notified-after-the~~
8 ~~use-of~~ educational personnel to notify a parent or guardian of a
9 pupil with an individual education plan on the same day aversive
10 or deprivation procedures are used in an emergency or in writing
11 within two school days if district personnel are unable to
12 provide same-day notice;

13 (4) establish health and safety standards for the use of
14 locked time-out procedures that require a safe environment,
15 continuous monitoring of the child, ventilation, and adequate
16 space, a locking mechanism that disengages automatically when
17 not continuously engaged by school personnel, and full
18 compliance with state and local fire and building codes,
19 including state rules on time-out rooms; and

20 (5) contain a list of prohibited procedures;

21 (6) consolidate and clarify provisions related to behavior
22 intervention plans;

23 (7) require school districts to register with the
24 commissioner any room used for locked time-out, which the
25 commissioner must monitor by making announced and unannounced
26 on-site visits;

27 (8) place a student in locked time-out only if the
28 intervention is:

29 (i) part of the comprehensive behavior intervention plan
30 that is included in or maintained with the student's individual
31 education plan, and the plan uses positive behavioral
32 interventions and supports, and data support its continued use;
33 or

34 (ii) used in an emergency for the duration of the emergency
35 only; and

36 (9) require a providing school district or cooperative to

1 establish an oversight committee composed of at least one member
2 with training in behavioral analysis and other appropriate
3 education personnel to annually review aggregate data regarding
4 the use of aversive and deprivation procedures.

5 Subd. 2. [REMOVAL BY PEACE OFFICER.] If a pupil who has an
6 individual education plan is restrained or removed from a
7 classroom, school building, or school grounds by a peace officer
8 at the request of a school administrator or a school staff
9 person during the school day twice in a 30-day period, the
10 pupil's individual education program team must meet to determine
11 if the pupil's individual education plan is adequate or if
12 additional evaluation is needed.

13 [EFFECTIVE DATE.] Subdivision 1 of this section is
14 effective the day following final enactment.

15 Sec. 5. Minnesota Statutes 2004, section 122A.15, is
16 amended by adding a subdivision to read:

17 Subd. 3. [STUDENT SUPPORT SERVICES ADVISORY COMMITTEE;
18 DISTRICT PLAN.] (a) A student support services advisory
19 committee composed of ten members selected by the commissioner
20 is established under section 15.059. The commissioner must
21 select one committee member from each of the following
22 organizations:

- 23 (1) the Minnesota Department of Education;
- 24 (2) the Minnesota School Boards Association;
- 25 (3) the Minnesota Association of School Administrators;
- 26 (4) the Minnesota School Social Work Association;
- 27 (5) the School Nurse Organization of Minnesota;
- 28 (6) the Minnesota School Psychologists Association;
- 29 (7) the Minnesota School Counselors Association;
- 30 (8) the Minnesota Association of Resources for Recovery and
31 Chemical Health;
- 32 (9) the Minnesota Administrators for Special Education; and
- 33 (10) the Minnesota Parent Teachers Association.

34 (b) The committee must:

- 35 (1) establish a method for identifying student needs that
36 are barriers to learning;

1 (2) identify alternatives for integrating student support
2 services into public schools;

3 (3) recommend support staff to student ratios and best
4 practices for providing student support services premised on
5 evidence-based practice;

6 (4) identify the substance and extent of the work that
7 student support services staff are trained and licensed to
8 provide and the characteristics of the student populations they
9 serve;

10 (5) recommend how school districts can most appropriately
11 integrate student support services into the education program;
12 and

13 (6) recommend public and nonpublic revenue sources that
14 school districts can use to fund student support services
15 including, among other sources, medical assistance
16 reimbursements, private health insurance, local collaborative
17 time study funds, federal funds, public health funds, and
18 specifically designated funds such as school safety levies and
19 district general funds, among other funds.

20 (c) The committee must consider the oral and written
21 testimony of school district personnel and parents and students
22 in complying with paragraph (b). The committee must submit
23 periodic recommendations about student support services to the
24 commissioner and to the committees of the legislature having
25 jurisdiction over birth to age 21 education policy and budget
26 issues. The commissioner must consider the committee's
27 recommendations in deciding whether to develop and maintain a
28 model district plan for student support services. If the
29 commissioner develops and maintains a model plan, the
30 commissioner also must decide whether to transmit the plan to
31 school districts, whether to require the districts to adopt and
32 maintain a district plan for providing student support services
33 that meets the criteria recommended by the advisory committee,
34 and whether to require the districts to submit the plan for
35 biennial review.

36 (d) Notwithstanding section 15.059, subdivision 5, the

1 committee expires on June 30, 2016.

2 [EFFECTIVE DATE.] This section is effective the day
3 following final enactment and applies to the 2006-2007 school
4 year and later.

5 Sec. 6. [123A.10] [EDUCATION ADMINISTRATIVE DISTRICTS.]

6 Subdivision 1. [PURPOSE.] The purpose of an education
7 administrative district is to increase the efficiency of
8 administrative services for elementary and secondary education
9 by combining administrative functions for multiple school
10 districts, while maintaining independent school district control
11 of individual student attendance sites.

12 Subd. 2. [AGREEMENT TO ESTABLISH AN EDUCATION
13 ADMINISTRATIVE DISTRICT.] Boards meeting the requirements of
14 subdivision 3 may enter into a written agreement to establish an
15 education administrative district. The agreement must address
16 methods to improve the efficiency of delivering administrative
17 services. The agreement and subsequent amendments must be
18 adopted by majority vote of the full membership of each board.

19 Subd. 3. [REQUIREMENTS FOR FORMATION.] (a) An education
20 administrative district must have at least three districts at
21 the time of formation.

22 (b) Prior to entering into an agreement, each individual
23 school district must submit the proposed agreement to the
24 exclusive representatives of the employees impacted by the
25 agreement in their school district. The exclusive
26 representative must sign off on the proposed agreement before it
27 is submitted to the commissioner for review to ensure the rights
28 of the bargaining unit members. Two or more employee
29 organizations that represent the employees in a unit may
30 petition jointly under this subdivision provided that any
31 organization may withdraw from joint certification in favor of
32 the remaining organizations on 30 days' notice to the remaining
33 organizations, the employer, and the commissioner without
34 affecting the rights and obligations of the remaining
35 organizations. The terms and conditions of collective
36 bargaining agreements covering school employee bargaining units

1 remain in effect until a successor agreement becomes effective.

2 (c) If a proposed agreement results in contracting out of
3 public services previously provided by district employees,
4 school district employees shall have the right of first refusal
5 for equivalent positions and shall maintain equivalent wages,
6 benefits, and hours of employment.

7 Subd. 4. [COMMISSIONER REVIEW AND COMMENT.] Before
8 entering into an agreement, the school boards of the proposed
9 member districts must jointly submit the proposed agreement with
10 agreement by the exclusive representative, to the commissioner
11 for review and comment. The commissioner shall submit a review
12 and comment on the educational and economic advisability of the
13 proposed agreement to the school boards within 60 days of
14 receiving the proposal. If the commissioner submits a negative
15 review and comment, the districts do not qualify for levy
16 authority according to section 123A.12, subdivision 5.

17 Subd. 5. [NOTICE AND PUBLIC HEARING ON PROPOSED
18 AGREEMENT.] Before entering into an agreement, the board of each
19 member district must publish the commissioner's review and
20 comment and a summary of the proposed agreement and its effect
21 upon the district at least once in a newspaper of general
22 circulation in the district. The board must conduct a public
23 hearing on the proposed agreement after the publication of the
24 notice and before entering into an agreement.

25 Sec. 7. [123A.11] [EDUCATION ADMINISTRATIVE DISTRICT
26 BOARD.]

27 Subdivision 1. [SCHOOL DISTRICT REPRESENTATION.] The
28 education administrative district board shall be composed of at
29 least one representative appointed by the school board of each
30 member district. Each representative must be a member of the
31 appointing school board. Each representative shall serve at the
32 pleasure of the appointing board and may be recalled by a
33 majority vote of the appointing board. Each representative
34 shall serve for the term that is specified in the agreement.
35 The board shall select its officers from among its members and
36 shall determine the terms of the officers. The board shall

1 adopt bylaws for the conduct of its business. The board may
2 conduct public meetings via interactive television if the board
3 complies with chapter 13D in each location where board members
4 are present.

5 Subd. 2. [PROVISION OF ADMINISTRATIVE SERVICES.] An
6 education administrative district board shall implement the
7 agreement for delivering administrative services, defined in
8 section 123A.12, needed in the education administrative district.

9 Subd. 3. [PERSONNEL.] The board may employ personnel as
10 necessary to provide administrative services for the education
11 administrative district. Education administrative district
12 staff shall participate in retirement programs. Notwithstanding
13 section 123B.143, subdivision 1, a member district of an
14 education administrative district must contract with the
15 education administrative district to obtain the services of a
16 superintendent. The person to provide the services need not be
17 employed by the education administrative district or a member
18 district at the time the contract is entered into.

19 Subd. 4. [CONTRACTS.] The board may enter into contracts
20 with districts and other public and private agencies to provide
21 administrative services needed in the education administrative
22 district.

23 Subd. 5. [GENERAL LAW.] The board shall be governed,
24 unless specifically provided otherwise, by section 471.59.

25 Subd. 6. [ANNUAL REPORT.] After each of its first five
26 years of operation, the board shall submit an annual report to
27 the member districts and the commissioner regarding the
28 activities of the education administrative district, including
29 analysis of the impact of the arrangement on administrative
30 costs and efficiency.

31 Sec. 8. [123A.12] [EDUCATION ADMINISTRATIVE DISTRICT
32 AGREEMENT.]

33 Subdivision 1. [IMPLEMENTATION; REVIEW.] An education
34 administrative district board shall implement the agreement for
35 provision of administrative services to the member school
36 districts adopted by the member districts according to section

1 123A.10, subdivision 2. The education administrative district
2 board shall review the agreement annually and propose necessary
3 amendments to the member districts.

4 Subd. 2. [ADMINISTRATIVE SERVICES.] (a) The agreement may
5 provide for the selection of one superintendent for the
6 administrative district at a specified time, according to
7 section 123B.143, subdivision 1, by the administrative district
8 board.

9 (b) The agreement must specify which other noninstructional
10 services are to be provided by the education administrative
11 district. These services may include, but are not limited to,
12 business management, human resources, payroll, food service,
13 buildings and grounds maintenance, pupil transportation,
14 technology coordination, curriculum coordination, community
15 education, nursing services, student records, district policy,
16 student administrative services, and school building
17 administration.

18 Subd. 3. [TIMING AND DURATION.] (a) The initial agreement
19 must specify a time schedule for implementation.

20 (b) The initial agreement must be for a period of at least
21 three years. After completing the first two years, the
22 agreement may be extended by majority vote of the full
23 membership of each board.

24 Subd. 4. [FINANCES.] The initial agreement must:

25 (1) include a three-year budget projection comparing
26 existing administrative services and their costs with the
27 proposed services and their costs for each year;

28 (2) specify what retirement and severance incentives may be
29 offered to licensed and nonlicensed staff, and how these costs
30 will be apportioned among the member districts. The incentives
31 must conform with section 123A.48, subdivision 23;

32 (3) specify any other start-up costs for the education
33 administrative district and how these costs will be apportioned
34 among the member districts;

35 (4) specify the estimated amounts that each member district
36 will levy under subdivision 5 for the costs specified in clauses

1 (2) and (3); and

2 (5) specify an equitable distribution formula for the
3 education administrative district board to assess and certify to
4 each member school district its proportionate share of
5 expenses. Each member district must remit its assessment to the
6 education administrative district board within 30 days after
7 receipt.

8 Subd. 5. [LEVY.] A school district that is a member of an
9 education administrative district may levy an amount equal to
10 the district's share of costs approved by the commissioner for
11 retirement and severance incentives and other start-up costs
12 included in the initial agreement under subdivision 4, clauses
13 (2) and (3), over a period of time not to exceed three years.

14 Subd. 6. [REPORTS TO DEPARTMENT OF EDUCATION.] Member
15 districts may submit joint reports and jointly provide
16 information required by the department. The joint reports must
17 allow information, including expenditures for the education
18 administrative district, to be attributed to each member
19 district.

20 Subd. 7. [ADDITION AND WITHDRAWAL OF DISTRICTS.] (a) Upon
21 approval by majority vote of a district school board and of the
22 education administrative district board, an adjoining district
23 may become a member of the education administrative district and
24 be governed by the provisions of this section and the agreement
25 in effect. A new member added to an existing education
26 administrative district may levy for approved costs of
27 retirement and severance incentives according to subdivision 5.

28 (b) After its first three years of membership, a district
29 may withdraw from the education administrative district and from
30 the agreement in effect by a majority vote of the full board
31 membership of the member district desiring withdrawal and upon
32 compliance with provisions in the agreement establishing the
33 education administrative district. The withdrawal shall become
34 effective at the end of the next following fiscal year.

35 Subd. 8. [DISSOLUTION.] After the first three years of the
36 education administrative district, the boards of each member

1 district may agree to dissolve the education administrative
2 district effective at the end of any fiscal year or at an
3 earlier time as they may mutually agree. A dissolution must be
4 accomplished in accordance with any applicable provisions of the
5 agreement establishing the education administrative district.
6 The dissolution must not affect the continuing liability of the
7 previous member districts for continuing obligations, including
8 unemployment benefits.

9 Sec. 9. Minnesota Statutes 2004, section 123A.24,
10 subdivision 2, is amended to read:

11 Subd. 2. [COOPERATIVE UNIT DEFINED.] For the purposes of
12 this section, a cooperative unit is:

13 (1) an education district organized under sections 123A.15
14 to 123A.19;

15 (2) a cooperative vocational center organized under section
16 123A.22;

17 (3) an intermediate district organized under chapter 136D;

18 (4) an education administrative district organized under
19 sections 123A.10 to 123A.12;

20 (5) a service cooperative organized under section 123A.21;
21 or

22 ~~(5)~~ (6) a regional management information center organized
23 under section 123A.23 or as a joint powers district according to
24 section 471.59.

25 Sec. 10. Minnesota Statutes 2004, section 123B.92,
26 subdivision 1, is amended to read:

27 Subdivision 1. [DEFINITIONS.] For purposes of this section
28 and section 125A.76, the terms defined in this subdivision have
29 the meanings given to them.

30 (a) "Actual expenditure per pupil transported in the
31 regular and excess transportation categories" means the quotient
32 obtained by dividing:

33 (1) the sum of:

34 (i) all expenditures for transportation in the regular
35 category, as defined in paragraph (b), clause (1), and the
36 excess category, as defined in paragraph (b), clause (2), plus

1 (ii) an amount equal to one year's depreciation on the
2 district's school bus fleet and mobile units computed on a
3 straight line basis at the rate of 15 percent per year for
4 districts operating a program under section 124D.128 for grades
5 1 to 12 for all students in the district and 12-1/2 percent per
6 year for other districts of the cost of the fleet, plus

7 (iii) an amount equal to one year's depreciation on the
8 district's type three school buses, as defined in section
9 169.01, subdivision 6, clause (5), which must be used a majority
10 of the time for pupil transportation purposes, computed on a
11 straight line basis at the rate of 20 percent per year of the
12 cost of the type three school buses by:

13 (2) the number of pupils eligible for transportation in the
14 regular category, as defined in paragraph (b), clause (1), and
15 the excess category, as defined in paragraph (b), clause (2).

16 (b) "Transportation category" means a category of
17 transportation service provided to pupils as follows:

18 (1) Regular transportation is:

19 (i) transportation to and from school during the regular
20 school year for resident elementary pupils residing one mile or
21 more from the public or nonpublic school they attend, and
22 resident secondary pupils residing two miles or more from the
23 public or nonpublic school they attend, excluding desegregation
24 transportation and noon kindergarten transportation; but with
25 respect to transportation of pupils to and from nonpublic
26 schools, only to the extent permitted by sections 123B.84 to
27 123B.87;

28 (ii) transportation of resident pupils to and from language
29 immersion programs;

30 (iii) transportation of a pupil who is a custodial parent
31 and that pupil's child between the pupil's home and the child
32 care provider and between the provider and the school, if the
33 home and provider are within the attendance area of the school;

34 (iv) transportation to and from or board and lodging in
35 another district, of resident pupils of a district without a
36 secondary school; and

1 (v) transportation to and from school during the regular
2 school year required under subdivision 3 for nonresident
3 elementary pupils when the distance from the attendance area
4 border to the public school is one mile or more, and for
5 nonresident secondary pupils when the distance from the
6 attendance area border to the public school is two miles or
7 more, excluding desegregation transportation and noon
8 kindergarten transportation.

9 For the purposes of this paragraph, a district may
10 designate a licensed day care facility, respite care facility,
11 the residence of a relative, or the residence of a person chosen
12 by the pupil's parent or guardian as the home of a pupil for
13 part or all of the day, if requested by the pupil's parent or
14 guardian, and if that facility or residence is within the
15 attendance area of the school the pupil attends.

16 (2) Excess transportation is:

17 (i) transportation to and from school during the regular
18 school year for resident secondary pupils residing at least one
19 mile but less than two miles from the public or nonpublic school
20 they attend, and transportation to and from school for resident
21 pupils residing less than one mile from school who are
22 transported because of extraordinary traffic, drug, or crime
23 hazards; and

24 (ii) transportation to and from school during the regular
25 school year required under subdivision 3 for nonresident
26 secondary pupils when the distance from the attendance area
27 border to the school is at least one mile but less than two
28 miles from the public school they attend, and for nonresident
29 pupils when the distance from the attendance area border to the
30 school is less than one mile from the school and who are
31 transported because of extraordinary traffic, drug, or crime
32 hazards.

33 (3) Desegregation transportation is transportation within
34 and outside of the district during the regular school year of
35 pupils to and from schools located outside their normal
36 attendance areas under a plan for desegregation mandated by the

1 commissioner or under court order.

2 (4) "Transportation services for pupils with disabilities"
3 is:

4 (i) transportation of pupils with disabilities who cannot
5 be transported on a regular school bus between home or a respite
6 care facility and school;

7 (ii) necessary transportation of pupils with disabilities
8 from home or from school to other buildings, including centers
9 such as developmental achievement centers, hospitals, and
10 treatment centers where special instruction or services required
11 by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65
12 are provided, within or outside the district where services are
13 provided;

14 (iii) necessary transportation for resident pupils with
15 disabilities required by sections 125A.12, and 125A.26 to
16 125A.48;

17 (iv) board and lodging for pupils with disabilities in a
18 district maintaining special classes;

19 (v) transportation from one educational facility to another
20 within the district for resident pupils enrolled on a
21 shared-time basis in educational programs, and necessary
22 transportation required by sections 125A.18, and 125A.26 to
23 125A.48, for resident pupils with disabilities who are provided
24 special instruction and services on a shared-time basis or if
25 resident pupils are not transported, the costs of necessary
26 travel between public and private schools or neutral
27 instructional sites by essential personnel employed by the
28 district's program for children with a disability;

29 (vi) transportation for resident pupils with disabilities
30 to and from board and lodging facilities when the pupil is
31 boarded and lodged for educational purposes; and

32 (vii) services described in clauses (i) to (vi), when
33 provided for pupils with disabilities in conjunction with a
34 summer instructional program that relates to the pupil's
35 individual education plan or in conjunction with a learning year
36 program established under section 124D.128.

1 For purposes of computing special education base revenue
2 under section 125A.76, subdivision 2, the cost of providing
3 transportation for children with disabilities includes (A) the
4 additional cost of transporting a homeless student from a
5 temporary nonshelter home in another district to the school of
6 origin, or a formerly homeless student from a permanent home in
7 another district to the school of origin but only through the
8 end of the academic year; and (B) depreciation on district-owned
9 school buses purchased after July 1, 2005, and used primarily
10 for transportation of pupils with disabilities, calculated
11 according to paragraph (a), clauses (ii) and (iii).
12 Depreciation costs included in the disabled transportation
13 category must be excluded in calculating the actual expenditure
14 per pupil transported in the regular and excess transportation
15 categories according to paragraph (a).

16 (5) "Nonpublic nonregular transportation" is:

17 (i) transportation from one educational facility to another
18 within the district for resident pupils enrolled on a
19 shared-time basis in educational programs, excluding
20 transportation for nonpublic pupils with disabilities under
21 clause (4);

22 (ii) transportation within district boundaries between a
23 nonpublic school and a public school or a neutral site for
24 nonpublic school pupils who are provided pupil support services
25 pursuant to section 123B.44; and

26 (iii) late transportation home from school or between
27 schools within a district for nonpublic school pupils involved
28 in after-school activities.

29 (c) "Mobile unit" means a vehicle or trailer designed to
30 provide facilities for educational programs and services,
31 including diagnostic testing, guidance and counseling services,
32 and health services. A mobile unit located off nonpublic school
33 premises is a neutral site as defined in section 123B.41,
34 subdivision 13.

35 Sec. 11. [124D.4531] [CAREER AND TECHNICAL LEVY.]

36 Subdivision 1. [CAREER AND TECHNICAL LEVY.] (a) A district

1 with a career and technical program approved under this section
2 for the fiscal year in which the levy is certified may levy an
3 amount equal to the lesser of:

4 (1) \$80 times the district's average daily membership in
5 grades 10 through 12 for the fiscal year in which the levy is
6 certified; or

7 (2) 25 percent of approved expenditures in the fiscal year
8 in which the levy is certified for the following:

9 (i) salaries paid to essential, licensed personnel
10 providing direct instructional services to students in that
11 fiscal year for services rendered in the district's approved
12 career and technical education programs;

13 (ii) contracted services provided by a public or private
14 agency other than a Minnesota school district or cooperative
15 center under subdivision 4;

16 (iii) necessary travel between instructional sites by
17 licensed career and technical education personnel;

18 (iv) necessary travel by licensed career and technical
19 education personnel for vocational student organization
20 activities held within the state for instructional purposes;

21 (v) curriculum development activities that are part of a
22 five-year plan for improvement based on program assessment;

23 (vi) necessary travel by licensed career and technical
24 education personnel for noncollegiate credit-bearing
25 professional development; and

26 (vii) specialized vocational instructional supplies.

27 (b) Up to ten percent of a district's career and technical
28 levy may be spent on equipment purchases. Districts using the
29 career and technical levy for equipment purchases must report to
30 the department on the improved learning opportunities for
31 students that result from the investment in equipment.

32 (c) The district must recognize the full amount of this
33 levy as revenue for the fiscal year in which it is certified.

34 Subd. 2. [ALLOCATION FROM COOPERATIVE CENTERS AND
35 INTERMEDIATE DISTRICTS.] For purposes of this section, a
36 cooperative center or an intermediate district must allocate its

1 approved expenditures for career and technical education
2 programs among participating districts.

3 Subd. 3. [LEVY GUARANTEE.] Notwithstanding subdivision 1,
4 the career and technical education levy for a district is not
5 less than the lesser of:

6 (1) the district's career and technical education levy
7 authority for the previous fiscal year; or

8 (2) 100 percent of the approved expenditures for career and
9 technical programs included in subdivision 1, paragraph (b), for
10 the fiscal year in which the levy is certified.

11 Subd. 4. [DISTRICT REPORTS.] Each district or cooperative
12 center must report data to the department for all career and
13 technical education programs as required by the department to
14 implement the career and technical levy formula.

15 [EFFECTIVE DATE.] This section is effective for taxes
16 payable in 2008.

17 Sec. 12. Minnesota Statutes 2004, section 125A.05, is
18 amended to read:

19 125A.05 [METHOD OF SPECIAL INSTRUCTION.]

20 (a) As defined in this section, to the extent required by
21 federal law as of July 1, 1999, special instruction and services
22 for children with a disability must be based on the assessment
23 and individual education plan. The instruction and services may
24 be provided by one or more of the following methods:

25 (1) in connection with attending regular elementary and
26 secondary school classes;

27 (2) establishment of special classes;

28 (3) at the home or bedside of the child;

29 (4) in other districts;

30 (5) instruction and services by special education

31 cooperative centers established under this section, or in
32 another member district of the cooperative center to which the
33 resident district of the child with a disability belongs;

34 (6) in a state residential school or a school department of
35 a state institution approved by the commissioner;

36 (7) in other states;

1 (8) by contracting with public, private or voluntary
2 agencies;

3 (9) for children under age five and their families,
4 programs and services established through collaborative efforts
5 with other agencies;

6 (10) for children under age five and their families,
7 programs in which children with a disability are served with
8 children without a disability; and

9 (11) any other method approved by the commissioner.

10 (b) Preference shall be given to providing special
11 instruction and services to children under age three and their
12 families in the residence of the child with the parent or
13 primary caregiver, or both, present.

14 (c) The primary responsibility for the education of a child
15 with a disability must remain with the district of the child's
16 residence regardless of which method of providing special
17 instruction and services is used. If a district other than a
18 child's district of residence provides special instruction and
19 services to the child, then the district providing the special
20 instruction and services must notify and invite the child's
21 district of residence before the child's individual education
22 plan is developed and must provide the district of residence an
23 opportunity to participate in the plan's development. The
24 district providing the special instruction and services may not
25 bill special education tuition costs to the resident district
26 unless the resident district has participated or has declined to
27 participate in the development of the student's individual
28 education plan. The district of residence must inform the
29 parents of the child about the methods of instruction that are
30 available.

31 Sec. 13. Minnesota Statutes 2004, section 125A.24, is
32 amended to read:

33 125A.24 [PARENT ADVISORY COUNCILS.]

34 In order to increase the involvement of parents of children
35 with disabilities in district policy making and decision making,
36 school districts must have a special education advisory council

1 that is incorporated into the district's special education
2 system plan.

3 (1) This advisory council may be established either for
4 individual districts or in cooperation with other districts who
5 are members of the same special education cooperative.

6 (2) A district may set up this council as a subgroup of an
7 existing board, council, or committee.

8 (3) At least half of the designated council members must be
9 parents of students with a disability. The council must include
10 at least one member who is a parent of a nonpublic school
11 student with a disability or an employee of a nonpublic school
12 if a nonpublic school is located in the district. Each local
13 council must meet no less than once each year. The number of
14 members, frequency of meetings, and operational procedures are
15 to be locally determined.

16 Sec. 14. Minnesota Statutes 2004, section 125A.28, is
17 amended to read:

18 125A.28 [STATE INTERAGENCY COORDINATING COUNCIL.]

19 An Interagency Coordinating Council of at least 17, but not
20 more than 25 members is established, in compliance with Public
21 Law 102-119, section 682. The members must be appointed by the
22 governor. Council members must elect the council chair. The
23 representative of the commissioner may not serve as the chair.
24 The council must be composed of at least five parents, including
25 persons of color, of children with disabilities under age 12,
26 including at least three parents of a child with a disability
27 under age seven, five representatives of public or private
28 providers of services for children with disabilities under age
29 five, including a special education director, county social
30 service director, local Head Start director, and a community
31 health services or public health nursing administrator, one
32 member of the senate, one member of the house of
33 representatives, one representative of teacher preparation
34 programs in early childhood-special education or other
35 preparation programs in early childhood intervention, at least
36 one representative of advocacy organizations for children with

1 disabilities under age five, one physician who cares for young
2 children with special health care needs, one representative each
3 from the commissioners of commerce, education, health, human
4 services, a representative from the state agency responsible for
5 child care, and a representative from Indian health services or
6 a tribal council. Section 15.059, subdivisions 2 to 5, apply to
7 the council. The council must meet at least quarterly.

8 The council must address methods of implementing the state
9 policy of developing and implementing comprehensive,
10 coordinated, multidisciplinary interagency programs of early
11 intervention services for children with disabilities and their
12 families.

13 The duties of the council include recommending policies to
14 ensure a comprehensive and coordinated system of all state and
15 local agency services for children under age five with
16 disabilities and their families. The policies must address how
17 to incorporate each agency's services into a unified state and
18 local system of multidisciplinary assessment practices,
19 individual intervention plans, comprehensive systems to find
20 children in need of services, methods to improve public
21 awareness, and assistance in determining the role of interagency
22 early intervention committees.

23 ~~By September 1~~ On the date that Minnesota Part C Annual
24 Performance Report is submitted to the federal Office of Special
25 Education, the council must recommend to the governor and the
26 commissioners of education, health, human services, commerce,
27 and employment and economic development policies for a
28 comprehensive and coordinated system.

29 Notwithstanding any other law to the contrary, the State
30 Interagency Coordinating Council expires on June 30, ~~2005~~ 2009.

31 Sec. 15. Minnesota Statutes 2004, section 125A.51, is
32 amended to read:

33 125A.51 [PLACEMENT OF CHILDREN WITHOUT DISABILITIES;
34 EDUCATION AND TRANSPORTATION.]

35 The responsibility for providing instruction and
36 transportation for a pupil without a disability who has a

1 short-term or temporary physical or emotional illness or
2 disability, as determined by the standards of the commissioner,
3 and who is temporarily placed for care and treatment for that
4 illness or disability, must be determined as provided in this
5 section.

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

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

12 (c) Before the placement of a pupil for care and treatment,
13 the district of residence must be notified and provided an
14 opportunity to participate in the placement decision. When an
15 immediate emergency placement is necessary and time does not
16 permit resident district participation in the placement
17 decision, the district in which the pupil is temporarily placed,
18 if different from the district of residence, must notify the
19 district of residence of the emergency placement within 15 days
20 of the placement.

21 (d) When a pupil without a disability is temporarily placed
22 for care and treatment in a day program and the pupil continues
23 to live within the district of residence during the care and
24 treatment, the district of residence must provide instruction
25 and necessary transportation to and from the treatment facility
26 for the pupil. Transportation shall only be provided by the
27 district during regular operating hours of the district. The
28 district may provide the instruction at a school within the
29 district of residence, at the pupil's residence, or in the case
30 of a placement outside of the resident district, in the district
31 in which the day treatment program is located by paying tuition
32 to that district. The district of placement may contract with a
33 facility to provide instruction by teachers licensed by the
34 state Board of Teaching.

35 (e) When a pupil without a disability is temporarily placed
36 in a residential program for care and treatment, the district in

1 which the pupil is placed must provide instruction for the pupil
2 and necessary transportation while the pupil is receiving
3 instruction, and in the case of a placement outside of the
4 district of residence, the nonresident district must bill the
5 district of residence for the actual cost of providing the
6 instruction for the regular school year and for summer school,
7 excluding transportation costs.

8 (f) Notwithstanding paragraph (e), if the pupil is homeless
9 and placed in a public or private homeless shelter, then the
10 district that enrolls the pupil under section 127A.47,
11 subdivision 2, shall provide the transportation, unless the
12 district that enrolls the pupil and the district in which the
13 pupil is temporarily placed agree that the district in which the
14 pupil is temporarily placed shall provide transportation. When
15 a pupil without a disability is temporarily placed in a
16 residential program outside the district of residence, the
17 administrator of the court placing the pupil must send timely
18 written notice of the placement to the district of residence.
19 The district of placement may contract with a residential
20 facility to provide instruction by teachers licensed by the
21 state Board of Teaching. For purposes of this section, the state
22 correctional facilities operated on a fee-for-service basis are
23 considered to be residential programs for care and treatment.

24 ~~(f)~~ (g) The district of residence must include the pupil in
25 its residence count of pupil units and pay tuition as provided
26 in section 123A.488 to the district providing the instruction.
27 Transportation costs must be paid by the district providing the
28 transportation and the state must pay transportation aid to that
29 district. For purposes of computing state transportation aid,
30 pupils governed by this subdivision must be included in the
31 disabled transportation category if the pupils cannot be
32 transported on a regular school bus route without special
33 accommodations.

34 Sec. 16. Minnesota Statutes 2004, section 126C.457, is
35 amended to read:

36 126C.457 [CAREER AND TECHNICAL LEVY.]

1 For taxes payable in 2006 and 2007, a school district may
2 levy an amount equal to the greater of (1) \$10,000, or (2) the
3 district's fiscal year 2001 entitlement for career and technical
4 aid under Minnesota Statutes 2000, section 124D.453. The
5 district must recognize the full amount of this levy as revenue
6 for the fiscal year in which it is certified. Revenue received
7 under this section must be reserved and used only for career and
8 technical programs.

9 Sec. 17. [127A.21] [STATE COORDINATOR FOR WORLD
10 LANGUAGES.]

11 (a) The commissioner of education shall designate a
12 full-time state coordinator for world languages education within
13 the Department of Education by July 1, 2005. The commissioner
14 shall seek input from the Quality Teaching Network before
15 designating or hiring the coordinator who must have classroom
16 experience teaching world languages. The coordinator, at a
17 minimum, shall:

18 (1) survey school districts in the state to:

19 (i) identify the types of existing world language programs
20 and exemplary model extended world languages programs; and

21 (ii) in consultation with Minnesota postsecondary
22 institutions, identify and address staff development needs of
23 current world language teachers and preservice teachers;

24 (2) identify successful extended world language programs
25 from other states;

26 (3) award grants for model extended world languages
27 programs;

28 (4) establish guidelines for a variety of model extended
29 world languages programs;

30 (5) research and recommend the funding necessary to
31 implement various models of extended world languages programs in
32 different languages; and

33 (6) support and monitor, using the most recent information
34 available, current world language programs.

35 (b) For the purposes of this section, "extended world
36 languages program" means a world languages program with a

1 sequence of consecutive years in any of kindergarten through
2 grade 12, including for example sequences of kindergarten
3 through grade 12, grades 5 through 12, and grades 7 through 12.

4 Sec. 18. Minnesota Statutes 2004, section 134.31, is
5 amended by adding a subdivision to read:

6 Subd. 5a. [ADVISORY COMMITTEE.] The commissioner shall
7 appoint an advisory committee of five members to advise the
8 staff of the Minnesota Library for the Blind and Physically
9 Handicapped on long-range plans and library services. Members
10 shall be people who use the library. Section 15.059 governs
11 this committee except that the committee shall not expire.

12 Sec. 19. [EMINENCE CREDENTIALING.]

13 Subdivision 1. [GOAL.] It is the goal of the state to
14 support the teaching and revitalization of the Dakota and
15 Anishinaabe languages, which are contingent to the geographical
16 area included in the state of Minnesota. The Native Language
17 Eminence Credentialing Task Force is created to achieve this
18 goal.

19 Subd. 2. [MEMBERSHIP.] The Native Language Eminence
20 Credentialing Task Force consists of the following members:

21 (1) four members representing public schools with large
22 Native American populations appointed by the commissioner of
23 education;

24 (2) one member appointed by each federally recognized
25 Indian tribe in the state;

26 (3) one member appointed by each institution of higher
27 education that trains credentialed Dakota and Anishinaabe
28 language teachers;

29 (4) one member representing the Minnesota Historical
30 Society;

31 (5) the chair of the state Indian Affairs Council; and

32 (6) three native speakers of the Anishinaabe language and
33 three native speakers of the Dakota language, all appointed by
34 the Dakota Ojibwe Language Revitalization Alliance.

35 Subd. 3. [ADMINISTRATION.] (a) The Native Language
36 Eminence Credentialing Task Force is governed by Minnesota

1 Statutes, section 15.059.

2 (b) The task force shall elect a chair from its
3 membership. The commissioner of education shall provide staff
4 and administrative support for the task force.

5 Subd. 4. [DUTIES.] The task force shall review and
6 recommend changes to the eminence credentials for teachers of
7 the Dakota and Anishinaabe languages in order to increase the
8 number of fluent "first speakers" who can teach the language and
9 the number of teachers of the Dakota and Anishinaabe languages
10 by considering and addressing the following:

11 (1) whether a rating system should be developed that
12 includes separate ratings for fluency of the spoken language,
13 writing and reading skills in language, and specifying which
14 dialect of the Anishinaabe and Dakota languages is being spoken;

15 (2) whether a strategy for determining the level of fluency
16 should be developed;

17 (3) consistency of evaluation of language fluency;

18 (4) identifying issues between tribal authority and state
19 law around strategies of language revitalization; and

20 (5) a strategy to provide affordable and accessible
21 language and culture credentials throughout Minnesota.

22 Subd. 5. [REPORT.] The task force shall submit a report to
23 the legislature by January 15, 2006, to fulfill the duties of
24 the task force.

25 Subd. 6. [EXPIRATION.] The task force expires upon
26 submission of the report on January 15, 2006.

27 Sec. 20. [MODEL EXTENDED WORLD LANGUAGE PROGRAM GRANTS.]

28 (a) The commissioner of education shall award six
29 three-year grants to school districts and charter schools to
30 develop model extended world languages programs including at
31 least model plans for implementing world languages to close the
32 achievement gap between groups of students. The commissioner
33 shall award grants only for the 2006-2007 through 2008-2009
34 school years. The commissioner should award grants for a
35 variety of language programs, if possible.

36 (b) The commissioner shall award grants to four school

1 districts or charter schools in the seven-county metropolitan,
2 Rochester, and Duluth areas, including two urban and two
3 suburban school districts or charter schools, and two school
4 districts or charter schools outside the seven-county
5 metropolitan, Rochester, and Duluth areas, to:

6 (1) develop a model extended world languages program; or
7 (2) extend an existing world language program to a model
8 extended program.

9 (c) A school district and charter school shall apply for a
10 grant in a form and manner prescribed by the commissioner. A
11 school district and charter school must use the grant money to
12 develop and implement or to extend existing world languages
13 programs according to the terms of the grant application and the
14 criteria under paragraph (a).

15 (d) For the purposes of this section, "extended world
16 languages program" means a world languages program with a
17 sequence of consecutive years in any of kindergarten through
18 grade 12, including for example sequences of kindergarten
19 through grade 12, grades 5 through 12, and grades 7 through 12.

20 Sec. 21. [TASK FORCE ON DELIVERY OF SPECIAL EDUCATION TO
21 NONPUBLIC SCHOOL STUDENTS BY PUBLIC SCHOOL DISTRICTS.]

22 Subdivision 1. [PURPOSE; ESTABLISHMENT.] With the
23 congressional reauthorization of the federal Individuals with
24 Disabilities Education Act, a task force on the delivery of
25 special education services to nonpublic school students by
26 public school districts shall be established to compare and
27 evaluate how the individual needs of each child are being met,
28 if services are provided in the least restrictive environment,
29 and whether best practices and program efficiencies are being
30 used in the specific areas of transportation, location of
31 services, and shared time aid.

32 Subd. 2. [MEMBERS.] The governor shall appoint the members
33 of the task force from each of the following:

34 (1) two members from the Department of Education, one
35 representing special education programs and policy and one
36 representing district finances;

1 (2) two special education teachers with one member from a
2 public school and one member from a nonpublic school;

3 (3) two special education administrators with one member
4 from a public school and one member from a nonpublic school;

5 (4) two members with one from each of two special education
6 advocacy organizations;

7 (5) two parents of children receiving special education
8 services with one member from a public school and one member
9 from a nonpublic school;

10 (6) two elementary school principals with one member from a
11 public school and one member from a nonpublic school;

12 (7) two superintendents with one member from a public
13 school district and one member from a nonpublic school district;

14 (8) two school business officials with one from a public
15 school and one from a nonpublic school; and

16 (9) two school board officials with one from a public
17 school and one from a nonpublic school.

18 The task force may select additional members to work on the
19 task force. The commissioner of education shall provide
20 necessary materials and assistance.

21 Subd. 3. [REPORT.] The task force shall submit a report by
22 January 15, 2006, to the house of representatives and senate
23 committees having jurisdiction over education on the delivery of
24 special education services to nonpublic school students by
25 public school districts, to compare and evaluate how the
26 individual needs of each child are being met in the least
27 restrictive environment, and whether best practices and program
28 efficiencies are being used.

29 Subd. 4. [EXPIRATION.] This section expires January 31,
30 2006.

31 [EFFECTIVE DATE.] This section is effective the day
32 following final enactment.

33 Sec. 22. [APPROPRIATION.]

34 Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums
35 indicated in this section are appropriated from the general fund
36 to the Department of Education for the fiscal years designated.

1 Subd. 2. [WORLD LANGUAGES.] For grants for model extended
2 world languages programs:

3 \$..... 2006

4 \$..... 2007

5 These appropriations do not cancel but are available until
6 expended.

7 ARTICLE 3

8 TECHNOLOGY, FACILITIES, AND NUTRITION

9 Section 1. Minnesota Statutes 2004, section 123B.492, is
10 amended to read:

11 123B.492 [SUPERVISED COMPETITIVE HIGH SCHOOL DIVING.]

12 Notwithstanding Minnesota Rules, part 4717.3750, any pool
13 built before January 1, 1987, that was used for a one-meter
14 board high school diving program during the 2000-2001 school
15 year may be used for supervised competitive one-meter board high
16 school diving. Schools and school districts are strongly
17 encouraged to use a pool for supervised competitive high school
18 diving that meets the requirements of Minnesota Rules, part
19 4717.3750. A school or district using a pool for
20 supervised ~~training-practice-for~~ competitive high school
21 diving for either training practice or competition that does not
22 meet the requirements of Minnesota Rules, part 4717.3750, must
23 provide appropriate notice to parents and participants as to the
24 type of variance from Minnesota Rules and risk it may present.

25 Sec. 2. Minnesota Statutes 2004, section 123B.71,
26 subdivision 9, is amended to read:

27 Subd. 9. [INFORMATION REQUIRED.] A school board proposing
28 to construct a facility described in subdivision 8 shall submit
29 to the commissioner a proposal containing information including
30 at least the following:

31 (1) the geographic area and population to be served,
32 preschool through grade 12 student enrollments for the past five
33 years, and student enrollment projections for the next five
34 years;

35 (2) a list of existing facilities by year constructed,
36 their uses, and an assessment of the extent to which alternate

1 facilities are available within the school district boundaries
2 and in adjacent school districts;

3 (3) a list of the specific deficiencies of the facility
4 that demonstrate the need for a new or renovated facility to be
5 provided, and a list of the specific benefits that the new or
6 renovated facility will provide to the students, teachers, and
7 community users served by the facility;

8 (4) the relationship of the project to any priorities
9 established by the school district, educational cooperatives
10 that provide support services, or other public bodies in the
11 service area;

12 (5) a specification of how the project will increase
13 community use of the facility and whether and how the project
14 will increase collaboration with other governmental or nonprofit
15 entities;

16 (6) a description of the project, including the
17 specification of site and outdoor space acreage and square
18 footage allocations for classrooms, laboratories, and support
19 spaces; estimated expenditures for the major portions of the
20 project; and the dates the project will begin and be completed;

21 (7) a specification of the source of financing the project;
22 the scheduled date for a bond issue or school board action; a
23 schedule of payments, including debt service equalization aid;
24 and the effect of a bond issue on local property taxes by the
25 property class and valuation;

26 (8) an analysis of how the proposed new or remodeled
27 facility will affect school district operational or
28 administrative staffing costs, and how the district's operating
29 budget will cover any increased operational or administrative
30 staffing costs;

31 (9) a description of the consultation with local or state
32 road and transportation officials on school site access and
33 safety issues, and the ways that the project will address those
34 issues;

35 (10) a description of how indoor air quality issues have
36 been considered and a certification that the architects and

1 engineers designing the facility will have professional
2 liability insurance;

3 (11) as required under section 123B.72, for buildings
4 coming into service after July 1, 2002, a certification that the
5 plans and designs for the extensively renovated or new
6 facility's heating, ventilation, and air conditioning systems
7 will meet or exceed code standards; will provide for the
8 monitoring of outdoor airflow and total airflow of ventilation
9 systems; and will provide an indoor air quality filtration
10 system that meets ASHRAE standard 52.1;

11 (12) a specification of any desegregation requirements that
12 cannot be met by any other reasonable means; and

13 (13) a specification, if applicable, of how the facility
14 will utilize environmentally sustainable school facility design
15 concepts; and

16 (14) a description of how the architects and engineers have
17 considered the American National Standards Institute Acoustical
18 Performance Criteria, Design Requirements and Guidelines for
19 Schools on maximum background noise levels and reverberation
20 times.

21 Sec. 3. Minnesota Statutes 2004, section 124D.095,
22 subdivision 2, is amended to read:

23 Subd. 2. [DEFINITIONS.] For purposes of this section, the
24 following terms have the meanings given them.

25 (a) "Online learning" is an interactive course or program
26 that delivers instruction from a teacher to a student by
27 computer; is combined with other traditional delivery methods
28 that include frequent student assessment and may include actual
29 teacher contact time; and meets or exceeds state academic
30 standards.

31 (b) "Online learning provider" is a school district, an
32 intermediate school district, an organization of two or more
33 school districts operating under a joint powers agreement, or a
34 charter school located in Minnesota that provides online
35 learning to students.

36 (c) "Student" is a Minnesota resident enrolled in a school

1 under section 120A.22, subdivision 4, in kindergarten through
2 grade 12.

3 (d) "Online learning student" is a student enrolled in an
4 online learning course or program delivered by an online
5 provider under paragraph (b).

6 (e) "Enrolling district" means the school district or
7 charter school in which a student is enrolled under section
8 120A.22, subdivision 4, for purposes of compulsory attendance.

9 Sec. 4. Minnesota Statutes 2004, section 124D.095,
10 subdivision 4, is amended to read:

11 Subd. 4. [ONLINE LEARNING PARAMETERS.] (a) An online
12 learning student must receive academic credit for completing the
13 requirements of an online learning course or program. Secondary
14 credits granted to an online learning student must be counted
15 toward the graduation and credit requirements of the enrolling
16 district. The enrolling district must apply the same graduation
17 requirements to all students, including online learning
18 students, and must continue to provide nonacademic services to
19 online learning students. If a student completes an online
20 learning course or program that meets or exceeds a graduation
21 standard or grade progression requirement at the enrolling
22 district, that standard or requirement is met. The enrolling
23 district must use the same criteria for accepting online
24 learning credits or courses as it does for accepting credits or
25 courses for transfer students under section 124D.03, subdivision
26 9. The enrolling district may reduce the teacher contact time
27 of an online learning student in proportion to the number of
28 online learning courses the student takes from an online
29 learning provider that is not the enrolling district.

30 (b) An online learning student may:

31 (1) enroll during a single school year in a maximum of 12
32 semester-long courses or their equivalent delivered by an online
33 learning provider or the enrolling district;

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

36 (3) enroll in additional courses with the online learning

1 provider under a separate agreement that includes terms for
2 payment of any tuition or course fees.

3 (c) A student with a disability may enroll in an online
4 learning course or program if the student's IEP team determines
5 that online learning is appropriate education for the student.

6 (d) An online learning student has the same access to the
7 computer hardware and education software available in a school
8 as all other students in the enrolling district. An online
9 learning provider must assist an online learning student whose
10 family qualifies for the education tax credit under section
11 290.0674 to acquire computer hardware and educational software
12 for online learning purposes.

13 (e) An enrolling district may offer online learning to its
14 enrolled students. Such online learning does not generate
15 online learning funds under this section. An enrolling district
16 that offers online learning only to its enrolled students is not
17 subject to the reporting requirements or review criteria under
18 subdivision 7. A teacher with a Minnesota license must assemble
19 and deliver instruction to enrolled students receiving online
20 learning from an enrolling district. The delivery of
21 instruction occurs when the student interacts with the computer
22 or the teacher. The instruction may include curriculum
23 developed by persons other than a teacher with a Minnesota
24 license.

25 (f) An online learning provider that is not the enrolling
26 district is subject to the reporting requirements and review
27 criteria under subdivision 7. A teacher with a Minnesota
28 license must assemble and deliver instruction to online learning
29 students. The delivery of instruction occurs when the student
30 interacts with the computer or the teacher. The instruction may
31 include curriculum developed by persons other than a teacher
32 with a Minnesota license. Unless the commissioner grants a
33 waiver, a teacher providing online learning instruction must not
34 instruct more than 40 students in any one online learning course
35 or program.

36 Sec. 5. Minnesota Statutes 2004, section 124D.095,

1 subdivision 8, is amended to read:

2 Subd. 8. [FINANCIAL ARRANGEMENTS.] (a) For a student
3 enrolled in an on-line learning course, the department must
4 calculate average daily membership and make payments according
5 to this subdivision.

6 (b) The initial on-line learning average daily membership
7 equals 1/12 for each semester course or a proportionate amount
8 for courses of different lengths. The adjusted on-line learning
9 average daily membership equals the initial on-line learning
10 average daily membership times .88.

11 (c) No on-line learning average daily membership shall be
12 generated if: (1) the student does not complete the on-line
13 learning course, or (2) the student is enrolled in on-line
14 learning provided by the enrolling district and ~~the student was~~
15 ~~enrolled in a Minnesota public school for the school year before~~
16 ~~the school year in which the student first enrolled in on-line~~
17 learning the student is enrolled in an instructional program in
18 which at least 40 percent of the total instructional time takes
19 place in the school's facilities, or (3) the student is enrolled
20 in online learning and the student was enrolled in and received
21 funding for online learning for the school year before the
22 school year in which the student is currently enrolled. For
23 students enrolled in on-line learning according to clause (2),
24 the department shall calculate average daily membership
25 according to section 126C.05, subdivision 8.

26 (d) On-line learning average daily membership under this
27 subdivision for a student currently enrolled in a Minnesota
28 public school ~~and who was enrolled in a Minnesota public school~~
29 ~~for the school year before the school year in which the student~~
30 ~~first enrolled in on-line learning~~ shall be used only for
31 computing average daily membership according to section 126C.05,
32 subdivision 19, paragraph (a), clause (ii), and for computing
33 on-line learning aid according to section ~~126C.24~~ 124D.096.

34 ~~(e) On-line learning average daily membership under this~~
35 ~~subdivision for students not included in paragraph (c) or (d)~~
36 ~~shall be used only for computing average daily membership~~

1 ~~according to section 126C.057, subdivision 19, paragraph (a),~~
2 ~~clause (ii), and for computing payments under paragraphs (f) and~~
3 ~~(g).~~

4 ~~(f) Subject to the limitations in this subdivision, the~~
5 ~~department must pay an on-line learning provider an amount equal~~
6 ~~to the product of the adjusted on-line learning average daily~~
7 ~~membership for students under paragraph (e) times the student~~
8 ~~grade level weighting under section 126C.057, subdivision 17~~
9 ~~times the formula allowance.~~

10 ~~(g) The department must pay each on-line learning provider~~
11 ~~100 percent of the amount in paragraph (f) within 45 days of~~
12 ~~receiving final enrollment and course completion information~~
13 ~~each quarter or semester.~~

14 [EFFECTIVE DATE.] This section is effective for revenue for
15 fiscal year 2006.

16 Sec. 6. Minnesota Statutes 2004, section 124D.095, is
17 amended by adding a subdivision to read:

18 Subd. 10. [ONLINE LEARNING ADVISORY COUNCIL.] (a) An
19 online learning advisory council is established under section
20 15.059, except that the term for each council member shall be
21 three years. The advisory council is composed of 12 members
22 from throughout the state who have demonstrated experience with
23 or interest in online learning. The members of the council
24 shall be appointed by the commissioner. The advisory council
25 shall bring to the attention of the commissioner any matters
26 related to online learning and provide input to the department
27 in matters related, but not restricted, to:

- 28 (1) quality assurance;
29 (2) teacher qualifications;
30 (3) program approval;
31 (4) special education;
32 (5) attendance;
33 (6) program design and requirements; and
34 (7) fair and equal access to programs.

35 (b) The online learning advisory council under this
36 subdivision expires June 30, 2008.

1 Sec. 7. [125B.26] [TELECOMMUNICATIONS/INTERNET ACCESS
2 EQUITY AID.]

3 Subdivision 1. [COSTS TO BE SUBMITTED.] (a) A district or
4 charter school shall submit its actual
5 telecommunications/Internet access costs for the previous fiscal
6 year, adjusted for any e-rate revenue received, to the
7 department by August 15 of each year as prescribed by the
8 commissioner. Costs eligible for reimbursement under this
9 program are limited to the following:

10 (1) ongoing or recurring telecommunications/Internet access
11 costs associated with Internet access, data lines, and video
12 links providing:

13 (i) the equivalent of one data line, video link, or
14 integrated data/video link that relies on a transport medium
15 that operates at a minimum speed of 1.544 megabytes per second
16 (T1) for each elementary school, middle school, or high school
17 under section 120A.05, subdivisions 9, 11, and 13, including the
18 recurring telecommunications line lease costs and ongoing
19 Internet access service fees; or

20 (ii) the equivalent of one data line or video circuit, or
21 integrated data/video link that relies on a transport medium
22 that operates at a minimum speed of 1.544 megabytes per second
23 (T1) for each district, including recurring telecommunications
24 line lease costs and ongoing Internet access service fees;

25 (2) recurring costs of contractual or vendor-provided
26 maintenance on the school district's wide area network to the
27 point of presence at the school building up to the router,
28 codec, or other service delivery equipment located at the point
29 of presence termination at the school or school district;

30 (3) recurring costs of cooperative, shared arrangements for
31 regional delivery of telecommunications/Internet access between
32 school districts, postsecondary institutions, and public
33 libraries including network gateways, peering points, regional
34 network infrastructure, Internet2 access, and network support,
35 maintenance, and coordination; and

36 (4) service provider installation fees for installation of

1 new telecommunications lines or increased bandwidth.

2 (b) Costs not eligible for reimbursement under this program
3 include:

4 (1) recurring costs of school district staff providing
5 network infrastructure support;

6 (2) recurring costs associated with voice and standard
7 telephone service;

8 (3) costs associated with purchase of network hardware,
9 telephones, computers, or other peripheral equipment needed to
10 deliver telecommunications access to the school or school
11 district;

12 (4) costs associated with laying fiber for
13 telecommunications access;

14 (5) costs associated with wiring school or school district
15 buildings;

16 (6) costs associated with purchase, installation, or
17 purchase and installation of Internet filtering; and

18 (7) costs associated with digital content, including
19 on-line learning or distance learning programming, and
20 information databases.

21 Subd. 2. [E-RATES.] To be eligible for aid under this
22 section, a district or charter school is required to file an
23 e-rate application either separately or through its
24 telecommunications access cluster and have a current technology
25 plan on file with the department. Discounts received on
26 telecommunications expenditures shall be reflected in the costs
27 submitted to the department for aid under this section.

28 Subd. 3. [REIMBURSEMENT CRITERIA.] The commissioner shall
29 develop criteria for approving costs submitted by school
30 districts and charter schools under subdivision 1.

31 Subd. 4. [DISTRICT AID.] For fiscal year 2006, a district
32 or charter school's Internet access equity aid equals 90 percent
33 of the district or charter school's approved cost for the
34 previous fiscal year according to subdivision 1 exceeding \$15
35 times the district's adjusted marginal cost pupil units for the
36 previous fiscal year. For fiscal year 2007 and later, a

1 district or charter school's Internet access equity aid equals
2 90 percent of the district or charter school's approved cost for
3 the previous fiscal year according to subdivision 1 exceeding
4 \$18 times the district's adjusted pupil units for the previous
5 fiscal year, as adjusted under section 126C.05, subdivision 14.

6 Subd. 5. [TELECOMMUNICATIONS/INTERNET ACCESS SERVICES FOR
7 NONPUBLIC SCHOOLS.] (a) Districts shall provide each year upon
8 formal request by or on behalf of a nonpublic school, not
9 including home schools, located in that district or area,
10 ongoing or recurring telecommunications access services to the
11 nonpublic school either through existing district providers or
12 through separate providers.

13 (b) The amount of district aid for telecommunications
14 access services for each nonpublic school under this subdivision
15 equals the lesser of:

16 (1) 90 percent of the nonpublic school's approved cost for
17 the previous fiscal year according to subdivision 1 exceeding
18 \$10 for fiscal year 2006 and \$13 for fiscal year 2007 and later
19 times the number of weighted pupils enrolled at the nonpublic
20 school as of October 1 of the previous school year; or

21 (2) the product of the district's aid per pupil unit
22 according to subdivision 4 times the number of weighted pupils
23 enrolled at the nonpublic school as of October 1 of the previous
24 school year.

25 (c) For purposes of this subdivision, nonpublic school
26 pupils shall be weighted by grade level using the weighting
27 factors defined in section 126C.05, subdivision 1.

28 (d) Each year, a district providing services under
29 paragraph (a) may claim up to five percent of the aid determined
30 in paragraph (b) for costs of administering this subdivision.
31 No district may expend an amount for these telecommunications
32 access services which exceeds the amount allocated under this
33 subdivision. The nonpublic school is responsible for the
34 Internet access costs not covered by this section.

35 (e) At the request of a nonpublic school, districts may
36 allocate the amount determined in paragraph (b) directly to the

1 nonpublic school to pay for or offset the nonpublic school's
2 costs for telecommunications access services, however, the
3 amount allocated directly to the nonpublic school may not exceed
4 the actual amount of the school's ongoing or recurring
5 telecommunications access costs.

6 Subd. 6. [SEVERABILITY.] If any portion of this section is
7 found by a court to be unconstitutional, the remaining portions
8 of the section shall remain in effect.

9 [EFFECTIVE DATE.] This section is effective for revenue for
10 fiscal year 2006.

11 Sec. 8. Minnesota Statutes 2004, section 128C.12,
12 subdivision 1, is amended to read:

13 Subdivision 1. [DUES AND EVENTS REVENUE.] (a) The state
14 auditor annually must examine the accounts of, and audit all
15 money paid to, the State High School League by its members. The
16 audit must include financial and compliance issues. The state
17 auditor audit must also audit include all money derived from any
18 event sponsored by the league. ~~League-audits-must-include~~
19 ~~audits-of-administrative-regions-of-the-league---The-league-and~~
20 ~~its-administrative-regions-may-not-contract-with-private~~
21 ~~auditors---The-scope-of-the-state-auditor's-examinations-of-the~~
22 ~~league-must-be-agreed-upon-by-the-board-and-the-state-auditor,~~
23 ~~provided-that-all-requirements-of-this-section-must-be-met.~~

24 (b) The administrative regions of the league may contract
25 with the state auditor or with a private certified public
26 accountant for the audit required by this section. If the audit
27 is performed by a private certified public accountant, the state
28 auditor may require additional information from the private
29 certified public accountant as the state auditor deems in the
30 public interest. The state auditor may accept the audit or make
31 additional examinations as the state auditor deems to be in the
32 public interest.

33 Sec. 9. Minnesota Statutes 2004, section 128C.12,
34 subdivision 3, is amended to read:

35 Subd. 3. [COPIES.] The ~~state-auditor~~ board must file
36 copies of the ~~financial-and-compliance~~ audit report with the

1 commissioner of education and the director of the Legislative
2 Reference Library.

3 Sec. 10. [SCHOOLS INTEROPERABILITY FRAMEWORK.]

4 By July 1, 2007, schools, school districts, and the
5 Department of Education must comply with the phase one
6 implementation requirements of the Schools Interoperability
7 Framework specifications to provide for efficient student data
8 sharing.

9 Sec. 11. [SCHOOL DATA SHARING WORKING GROUP.]

10 Subdivision 1. [MEMBERSHIP.] (a) The commissioner of
11 administration and the chief information officer shall convene a
12 working group consisting of representatives of the following:

13 (1) several school districts that are diverse in size and
14 location;

15 (2) charter schools;

16 (3) alternative learning centers;

17 (4) the Department of Education; and

18 (5) up to three citizens with expertise in information
19 technology.

20 (b) The working group must:

21 (1) develop a uniform data model that is usable for
22 schools, school districts, and the Department of Education and
23 enables effective data sharing among schools, school districts,
24 and the Department of Education; and

25 (2) evaluate the feasibility, costs, and benefits of
26 consolidating the provision of data processing, storage, and
27 exchange services currently performed by districts with a single
28 provider for all student-related data reported through the
29 Minnesota Automated Reporting Student System; and

30 (3) define the responsibilities of state agencies, regional
31 management information centers, school districts, and schools in
32 implementing data interoperability, and determine any
33 state-specific requirements for school data interoperability.

34 Subd. 2. [REPORT TO LEGISLATURE.] The working group must
35 report on the work performed under subdivision 1 to the
36 legislature by January 15, 2006. The report must include a

1 recommendation of any legislative changes needed to streamline
2 exchange of data among districts and reports for schools and
3 school districts. The report must include a recommendation on
4 the feasibility of consolidating the provision of student data
5 processing products and services by the state on behalf of
6 school districts.

7 Sec. 12. [TESTING BASED ON A GROWTH MODEL.]

8 (a) For the purposes of the No Child Left Behind Act,
9 Public Law 107-110, and the statewide testing and reporting
10 system under Minnesota Statutes, section 120B.30, the
11 commissioner of education must select computer-based adaptive
12 assessments that accurately measure student achievement and
13 student growth across time. The selected assessments must be
14 aligned with Minnesota standards, use a common scale score over
15 multiple grades or ages, have been used by Minnesota school
16 districts, and be capable of being used for source data for a
17 growth or value-added model of school evaluation. An assessment
18 selected under this section administered at the high school
19 level must be aligned with college entrance requirements. In
20 addition to reporting requirements in Minnesota Statutes,
21 section 120B.30, the commissioner must report assessment result
22 data in a way that shows the growth trends over time for
23 students in four groups:

- 24 (1) performing above grade level;
25 (2) performing at grade level;
26 (3) approaching grade-level performance; and
27 (4) performing significantly below grade level.

28 If the federal Department of Education does not approve the use
29 of the computer-adaptive assessments selected under this
30 section, the commissioner must notify the federal Department of
31 Education that Minnesota is opting out of the provisions of the
32 No Child Left Behind Act.

33 (b) The Department of Education must assist schools that
34 are eligible to receive Microsoft settlement cy pres program
35 vouchers in using the vouchers to acquire equipment and software
36 necessary to administer the assessment selected under this

1 section.

2 Sec. 13. [STUDENT PORTFOLIO DEMONSTRATION PROJECT.]

3 Subdivision 1. [ASSESSMENT.] The commissioner of education
4 shall select up to three school districts to participate in a
5 student portfolio demonstration project. Demonstration project
6 participants must use a portfolio assessment that has
7 demonstrated content validity with respect to the required
8 academic standards under Minnesota Statutes, section 120B.021,
9 and are aligned with appropriate benchmarks established under
10 Minnesota Statutes, section 120B.023. Districts that are part
11 of the demonstration project may use the student portfolio to
12 comply with the assessment portion of the No Child Left Behind
13 Act.

14 Subd. 2. [APPLICATION.] A school district must submit an
15 application in the form and manner prescribed by the
16 commissioner in order to participate in the demonstration
17 project. A school district's application must include a plan
18 indicating the grade level and content area in which student
19 portfolios will be used.

20 Subd. 3. [COMMISSIONER.] (a) The commissioner shall
21 determine the technical soundness of the portfolio assessment
22 selected by a school district. In addition, the commissioner
23 shall determine comparability of the chosen assessment to the
24 state-administered tests used in other grade levels.

25 (b) The commissioner shall submit a request to the federal
26 Department of Education to use a local assessment model that
27 uses student portfolios for compliance with the assessment
28 portion of the No Child Left Behind Act.

29 Sec. 14. [REPEALER.]

30 Minnesota Statutes 2004, sections 123B.749; 124D.095,
31 subdivision 9; and 128C.12, subdivision 4, are repealed.

32 [EFFECTIVE DATE.] This section is effective for revenue for
33 fiscal year 2006.

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121A.23 PROGRAMS TO PREVENT AND REDUCE THE RISKS OF SEXUALLY TRANSMITTED INFECTIONS AND DISEASES.

Subdivision 1. Sexually transmitted infections and diseases program. The commissioner of education, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least:

- (1) planning materials, guidelines, and other technically accurate and updated information;
- (2) a comprehensive, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;
- (3) cooperation and coordination among districts and SCs;
- (4) a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted infections and diseases, for prevention efforts;
- (5) involvement of parents and other community members;
- (6) in-service training for appropriate district staff and school board members;
- (7) collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
- (8) collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program; and
- (9) participation by state and local student organizations.

The department may provide assistance at a neutral site to a nonpublic school participating in a district's program. District programs must not conflict with the health and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2, subdivision 7.

If a district fails to develop and implement a program to prevent and reduce the risk of sexually transmitted infection and disease, the department must assist the service cooperative in the region serving that district to develop or implement the program.

Subd. 2. Funding sources. Districts may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants.

122A.414 ALTERNATIVE TEACHER COMPENSATION.

Subdivision 1. Restructured pay system. A restructured teacher compensation system is established under subdivision 2 to provide incentives for teachers to improve their knowledge and skills and for school districts to recruit and retain highly qualified teachers, and to support teachers' roles in improving students' educational achievement.

Subd. 2. Alternative teacher professional pay system.
(a) To participate in this program, a school district must have an educational improvement plan as described in section 122A.413 and an alternative teacher professional pay system as described in paragraph (b).

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(b) The alternative teacher professional pay system must:

- (1) describe the conditions necessary for career advancement and additional compensation;
- (2) provide career advancement options for teachers retaining primary roles in student instruction;
- (3) use a professional pay system that replaces the step and lane salary schedule and is not based on years of service;
- (4) encourage teachers' continuous improvement in content knowledge, pedagogy, and use of best practices; and
- (5) implement an objective evaluation system, including classroom observation, that is aligned with the district's or the site's educational improvement plan as described in section 122A.413.

Subd. 3. Report. Participating districts and school sites must report on the implementation and effectiveness of the alternative teacher compensation plan, particularly addressing each requirement under subdivision 2 and make biennial recommendations by January 1 to their school boards. The school boards shall transmit a summary of the findings and recommendations of their district to the commissioner.

122A.415 ALTERNATIVE COMPENSATION AID.

Subdivision 1. Aid amount. (a) A school district that meets the conditions of section 122A.414 and submits an application approved by the commissioner is eligible for alternative compensation aid. The commissioner must consider only applications submitted jointly by a school district and the exclusive representative of the teachers for participation in the program. The application must contain a formally adopted collective bargaining agreement, memorandum of understanding, or other binding agreement that implements an alternative teacher professional pay system consistent with section 122A.414 and includes all teachers in a district, all teachers at a school site, or at least 25 percent of the teachers in a district. The commissioner, in approving applications, may give preference to applications involving entire districts or sites or to applications that align measures of teacher performance with student academic achievement and progress under section 120B.35, subdivision 1.

(b) Alternative compensation aid for a qualifying school district, site, or portion of a district or school site is as follows:

(1) for a school district in which the school board and the exclusive representative of the teachers agree to place all teachers in the district or at the site on the alternative compensation schedule, alternative compensation aid equals \$150 times the district's or the site's number of pupils enrolled on October 1 of the previous fiscal year; or

(2) for a district in which the school board and the exclusive representative of the teachers agree that at least 25 percent of the district's licensed teachers will be paid on the alternative compensation schedule, alternative compensation aid equals \$150 times the percentage of participating teachers times the district's number of pupils enrolled as of October 1 of the previous fiscal year.

Subd. 2. Percentage of teachers. For purposes of this section, the percentage of teachers participating in the teacher professional pay system equals the ratio of the number of licensed teachers who are working at least 60 percent of a full-time teacher's hours and agree to participate in the

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teacher professional pay system to the total number of licensed teachers who are working at least 60 percent of a full-time teacher's hours.

Subd. 3. Aid timing. (a) Districts or sites with approved applications must receive alternative compensation aid for each school year that the district or site participates in the program as described in this subdivision. Districts or sites with applications received by the commissioner before June 1 of the first year of a two-year contract shall receive alternative compensation aid for both years of the contract. Districts or sites with applications received by the commissioner after June 1 of the first year of a two-year contract shall receive alternative compensation aid only for the second year of the contract. A qualifying district or site that received alternative compensation aid for the previous fiscal year must receive at least an amount equal to the lesser of the amount it received for the previous fiscal year or its proportionate share of the previous year's appropriation if the district or site submits a timely application and the commissioner determines that the district or site continues to implement an alternative teacher professional pay system, consistent with its application under this section. The commissioner must approve initial applications for school districts qualifying under subdivision 1, paragraph (b), clause (1), by January 15 of each year. If any money remains, the commissioner must approve aid amounts for school districts qualifying under subdivision 1, paragraph (b), clause (2), by February 15 of each year.

(b) The commissioner shall select applicants that qualify for this program, notify school districts and school sites about the program, develop and disseminate application materials, and carry out other activities needed to implement this section.

123B.749 STRUCTURALLY BALANCED SCHOOL DISTRICT BUDGETS.

(a) Prior to approving a collective bargaining agreement that does not result from an interest arbitration decision, a school board must determine by board resolution that the proposed agreement will not cause structural imbalance in the district's budget during the period of the agreement.

(b) A school board may only determine that an agreement will not cause structural imbalance if expenditures will not exceed available funds, taking into account:

(1) current state aid formulas; and

(2) reasonable and comprehensive projections of ongoing revenues and expenditures for the period of the agreement. It is expected that onetime revenue may not be used for ongoing expenditures. The school board must make available with the resolution a summary of the projections and calculations supporting the determination. The projections and calculations must include state aid formulas, pupil units, and employee costs, including the terms of labor agreements, including the agreement under consideration, fringe benefits, severance pay, and staff changes.

(c) In addition to the determination required in paragraph (a), the school board must project revenues, expenditures, and fund balances for one year following the period of the agreement. The projections must include the categories of information described in paragraph (b), be reasonable and comprehensive, and reference current state aid formulas.

(d) All projections and calculations required by this

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section must be made available to the public prior to and at the meeting where the resolution is adopted in a manner consistent with state law on public notice and access to public data.

(e) In an interest arbitration, the district must submit, and the exclusive bargaining representative may submit, proposed determinations with supporting projections and calculations consistent with paragraph (b) of the effect of the potential decision on the structural balance of the district's budget. The arbitrator must consider the potential effect of a decision on the structural balance of the district's budget for the term of the agreement. The arbitrator's decision must describe the effect of the decision on the structural balance of the district's budget in a manner consistent with paragraph (b). The arbitrator's decision must also show the effect of the decision on the school budget for one year following the term of the contract at issue. Within 30 days of receipt of the decision or when the board acts on the decision, whichever is earlier, the school board must by resolution determine the effect of the decision on the structural balance of its budget for the term of the agreement consistent with paragraph (b).

(f) A copy of the resolution with the supporting projections and calculations must be submitted to the commissioner of education with the uniform collective bargaining agreement settlement document within 30 days of adoption of the resolution. The commissioner must develop a model form for use by districts in reporting projections and calculations. The commissioner must make all resolutions, projections, and calculations available to the public.

(g) Compliance with this section by itself is not an unfair labor practice under section 179A.13, subdivision 2.

124D.095 ONLINE LEARNING OPTION.

Subd. 9. **Payment priority.** (a) To the extent funds are available, the commissioner must pay an online learning provider according to subdivision 8, in the order in which an online learning provider notifies the commissioner under subdivision 3, paragraph (b), that it is delivering online learning. The online learning provider must submit to the commissioner any student information necessary to process payments under this section.

(b) Before paying other online learning providers under paragraph (a), the commissioner must pay providers that delivered online learning in fiscal year 2003. (1) First, the commissioner must pay for students who were enrolled in a Minnesota online learning program during fiscal year 2003 and continue to be enrolled in that online learning program during the current fiscal year. (2) Second, the commissioner must pay for other students enrolled in that online learning program during the current fiscal year. A provider's qualifying number of pupils under clauses (1) and (2) shall not exceed 100 percent of the fiscal year 2003 pupils. An online learning provider that qualifies under this paragraph may also submit an application for funding for additional pupils under paragraph (a).

(c) Notwithstanding paragraph (a), the commissioner may establish criteria to limit the increase in the number of qualifying pupils for an online learning provider to enable start-up or growth of other providers.

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128C.12 AUDITS AND REPORTS BY STATE AUDITOR.

Subd. 4. Coverage of report. The audit report must include the aggregate totals for all revenues and expenditures for the current year and the three years before the current year and the percent and dollar change from the year before each of the four years. Revenue items from student activities, membership dues, publications, registration of officials and judges, interest, automobile sales; and from other sources including medals, refunds, and reimbursements must be audited annually. Expenditure items related to staff, the board of directors, student activities, capital outlay, and office and other purposes including membership services must be audited annually.