

1 Senator moves to amend S.F. No. 1148 as follows:

2 Delete everything after the enacting clause and insert:

3 "ARTICLE 1

4 EDUCATION EXCELLENCE

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

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

10 [EFFECTIVE DATE.] This section is effective the day
11 following final enactment.

12 Sec. 2. Minnesota Statutes 2004, section 120B.02, is
13 amended to read:

14 120B.02 [EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S
15 STUDENTS.]

16 (a) The legislature is committed to establishing rigorous
17 academic standards for Minnesota's public school students. To
18 that end, the commissioner shall adopt in rule statewide
19 academic standards. The commissioner shall not prescribe in
20 rule or otherwise the delivery system, classroom assessments, or
21 form of instruction that school sites must use. For purposes of
22 this chapter, a school site is a separate facility, or a
23 separate program within a facility that a local school board
24 recognizes as a school site for funding purposes.

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

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

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

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

36 (c) When fully implemented, the requirements for high

1 school graduation in Minnesota must require students to pass-the
2 basic-skills-test-requirements-and satisfactorily complete, as
3 determined by the school district, the course credit
4 requirements under section 120B.024 and:

5 (1) for students enrolled in grade 8 before the 2005-2006
6 school year, to pass the basic skills test requirements; or
7 (2) for students enrolled in grade 8 in the 2005-2006
8 school year and later, to pass the Minnesota Comprehensive
9 Assessments Second Edition (MCA-IIIs).

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

12 (e) School districts are not required to adopt specific
13 provisions of ~~the Goals-2000~~ and the federal School-to-Work
14 programs.

15 Sec. 3. Minnesota Statutes 2004, section 120B.021,
16 subdivision 1, is amended to read:

17 Subdivision 1. [REQUIRED ACADEMIC STANDARDS.] The
18 following subject areas are required for statewide
19 accountability:

20 (1) language arts;

21 (2) mathematics;

22 (3) science;

23 (4) social studies, including history, geography,
24 economics, and government and citizenship;

25 (5) health and physical education, for which locally
26 developed academic standards apply; and

27 (6) the arts, for which statewide or locally developed
28 academic standards apply, as determined by the school district.

29 Public elementary and middle schools must offer at least three
30 and require at least two of the following four arts areas:

31 dance; music; theater; and visual arts. Public high schools

32 must offer at least three and require at least one of the

33 following five arts areas: media arts; dance; music; theater;
34 and visual arts.

35 The commissioner must submit proposed standards in science
36 and social studies to the legislature by February 1, 2004.

1 For purposes of applicable federal law, the academic standards
2 for language arts, mathematics, and science apply to all public
3 school students, except the very few students with extreme
4 cognitive or physical impairments for whom an individualized
5 education plan team has determined that the required academic
6 standards are inappropriate. An individualized education plan
7 team that makes this determination must establish alternative
8 standards.

9 A school district, no later than the 2007-2008 school year,
10 must adopt graduation requirements that meet or exceed state
11 graduation requirements established in law or rule. A school
12 district that incorporates these state graduation requirements
13 before the 2007-2008 school year must provide students who enter
14 the 9th grade in or before the 2003-2004 school year the
15 opportunity to earn a diploma based on existing locally
16 established graduation requirements in effect when the students
17 entered the 9th grade. District efforts to develop, implement,
18 or improve instruction or curriculum as a result of the
19 provisions of this section must be consistent with sections
20 120B.10, 120B.11, and 120B.20.

21 At a minimum, school districts must maintain the same
22 physical education and health education requirements for
23 kindergarten through 8th grade students adopted for the
24 2004-2005 school year through the 2007-2008 school year.
25 Beginning in the 2008-2009 school year, public elementary school
26 students must participate in physical education for at least 150
27 minutes during the school week and health education for at least
28 50 hours a school year. Beginning in the 2008-2009 school year,
29 public 7th and 8th grade students must participate in physical
30 education for at least 225 minutes per week and health education
31 for at least 50 hours a school year.

32 Sec. 4. Minnesota Statutes 2004, section 120B.024, is
33 amended to read:

34 120B.024 [GRADUATION REQUIREMENTS; COURSE CREDITS.]

35 Students beginning 9th grade in the 2004-2005 school year
36 and later must successfully complete the following high school

1 level course credits for graduation:

2 (1) four credits of language arts;

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

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

8 (4) three and one-half credits of social studies,
9 encompassing at least United States history, geography,
10 government and citizenship, world history, and economics or
11 three credits of social studies encompassing at least United
12 States history, geography, government and citizenship, and world
13 history, and one-half credit of economics taught in a school's
14 social studies or business department;

15 (5) one credit in the arts; and

16 (6) one credit in physical education and one credit in
17 health education; and

18 (7) a minimum of ~~seven~~ five elective course credits.

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

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

25 Subdivision 1. [DEFINITIONS.] For the purposes of this
26 section and section 120B.10, the following terms have the
27 meanings given them.

28 (a) "Instruction" means methods of providing learning
29 experiences that ~~enables~~ enable a student to meet state and
30 district academic standards and graduation
31 standards requirements.

32 (b) "Curriculum" means district or school adopted programs
33 and written plans for providing students with learning
34 experiences that lead to expected knowledge, and skills, ~~and~~
35 ~~positive-attitudes~~.

36 Sec. 6. Minnesota Statutes 2004, section 120B.11,

1 subdivision 2, is amended to read:

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

5 (1) district goals for instruction ~~and~~ including the use of
6 best practices, district and school curriculum, and achievement
7 for all student subgroups;

8 (2) a process for evaluating each student's progress toward
9 meeting ~~graduation~~ academic standards and identifying the
10 strengths and weaknesses of instruction and curriculum affecting
11 students' progress;

12 (3) a system for periodically reviewing and evaluating all
13 instruction and curriculum;

14 (4) a plan for improving instruction ~~and~~, curriculum, and
15 student achievement; and

16 (5) an ~~instruction-plan-that-includes~~ education
17 effectiveness ~~processes-developed-under~~ plan aligned with
18 section 122A.625 ~~and~~ that integrates instruction, curriculum,
19 and technology.

20 Sec. 7. Minnesota Statutes 2004, section 120B.11,
21 subdivision 3, is amended to read:

22 Subd. 3. [~~INSTRUCTION-AND-CURRICULUM~~ DISTRICT ADVISORY
23 COMMITTEE.] Each school board shall establish an ~~Instruction-and~~
24 ~~Curriculum~~ advisory committee to ensure active community
25 participation in all phases of planning and improving the
26 instruction and curriculum affecting state ~~graduation~~ and
27 district academic standards. A district advisory committee, to
28 the extent possible, shall reflect the diversity of the district
29 and its learning sites, and shall include teachers, parents,
30 support staff, ~~pupils~~ students, and other community residents.
31 The district may establish building teams as subcommittees of
32 the district advisory committee under subdivision 4. The
33 district advisory committee shall recommend to the school
34 board ~~districtwide-education-standards~~ rigorous academic
35 standards, student achievement goals and measures, assessments,
36 and program evaluations. Learning sites may expand upon

1 district evaluations of instruction, curriculum, assessments, or
2 programs. Whenever possible, parents and other community
3 residents shall comprise at least two-thirds of advisory
4 committee members.

5 Sec. 8. Minnesota Statutes 2004, section 120B.11,
6 subdivision 4, is amended to read:

7 Subd. 4. [BUILDING TEAM.] A school may establish a
8 building team to develop and implement an education
9 effectiveness plan to improve instruction and, curriculum, and
10 student achievement. The team shall advise the board and the
11 advisory committee about developing an instruction and
12 curriculum improvement plan that aligns curriculum, assessment
13 of student progress in meeting state graduation and district
14 academic standards, and instruction.

15 Sec. 9. Minnesota Statutes 2004, section 120B.11,
16 subdivision 5, is amended to read:

17 Subd. 5. [REPORT.] (a) By October 1 of each year, the
18 school board shall use standard statewide reporting procedures
19 the commissioner develops and adopt a report that includes the
20 following:

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

23 (2) results of local assessment data, and any additional
24 test data;

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

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

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

31 (b) The school board shall publish the report in the local
32 newspaper with the largest circulation in the district ~~or~~, by
33 mail, or by electronic means such as the district Web site. If
34 electronic means are used, the public must be notified and
35 copies of the report made available on request. The board shall
36 make a copy of the report available to the public for

1 inspection. The board shall send a copy of the report to the
2 commissioner of education by October 15 of each year.

3 (c) The title of the report shall contain the name and
4 number of the school district and read "Annual Report on
5 Curriculum, Instruction, and Student Performance Achievement."
6 The report must include at least the following information about
7 advisory committee membership:

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

10 (2) the method and criteria the school board uses to select
11 committee members; and

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

14 Sec. 10. Minnesota Statutes 2004, section 120B.11,
15 subdivision 8, is amended to read:

16 Subd. 8. [BIENNIAL EVALUATION; ASSESSMENT PROGRAM.] At
17 least once every two years, the district report shall include an
18 evaluation of the district testing programs, according to the
19 following:

20 (1) written objectives of the assessment program;

21 (2) names of tests and grade levels tested;

22 (3) use of test results; and

23 (4) ~~implementation-of-an-assurance-of-mastery-program~~
24 student achievement results compared to previous years.

25 Sec. 11. Minnesota Statutes 2004, section 120B.13,
26 subdivision 1, is amended to read:

27 Subdivision 1. [PROGRAM STRUCTURE; TRAINING PROGRAMS FOR
28 TEACHERS.] (a) The advanced placement and international
29 baccalaureate programs are well-established academic programs
30 for mature, academically directed high school students. These
31 programs, in addition to providing academic rigor, offer sound
32 curricular design, accountability, comprehensive external
33 assessment, feedback to students and teachers, and the
34 opportunity for high school students to compete academically on
35 a global level. Advanced placement and international
36 baccalaureate programs allow students to leave high school with

1 the academic skills and self-confidence to succeed in college
2 and beyond. The advanced placement and international
3 baccalaureate programs help provide Minnesota students with
4 world-class educational opportunity.

5 (b) Critical to schools' educational success is ongoing
6 advanced placement/international baccalaureate-approved teacher
7 training. A secondary teacher assigned by a ~~district~~ public or
8 nonpublic school to teach an advanced placement or international
9 baccalaureate course or other interested educator may
10 participate in a training program offered by The College Board
11 or International Baccalaureate North America, Inc. The state
12 may pay a portion of the tuition, room, and board, and
13 out-of-state travel costs a teacher or other interested educator
14 incurs in participating in a training program. The commissioner
15 shall determine application procedures and deadlines, and select
16 teachers and other interested educators to participate in the
17 training program, and determine the payment process and amount
18 of the subsidy. The procedures determined by the commissioner
19 shall, to the extent possible, ensure that advanced placement
20 and international baccalaureate courses become available in all
21 parts of the state and that a variety of course offerings are
22 available in school districts. This subdivision does not
23 prevent teacher or other interested educator participation in
24 training programs offered by The College Board or International
25 Baccalaureate North America, Inc., when tuition is paid by a
26 source other than the state.

27 Sec. 12. Minnesota Statutes 2004, section 120B.13,
28 subdivision 3, is amended to read:

29 Subd. 3. [SUBSIDY FOR EXAMINATION FEES.] The state may pay
30 all or part of the fee for advanced placement or international
31 baccalaureate examinations ~~for-pupils-of-low-income-families-in~~
32 ~~public-and-nonpublic-schools~~. The commissioner shall adopt-a
33 ~~schedule-for-fee-subsidies-that-may-allow-payment-of-the-entire~~
34 fee-for pay all examination fees for all public and nonpublic
35 students of low-income families, as defined by the commissioner,
36 and to the limit of the available appropriation, shall also pay

1 a portion or all of the examination fees for other public and
2 nonpublic students sitting for an advanced placement
3 examination, international baccalaureate examination, or both.
4 The commissioner shall determine procedures for state payments
5 of fees.

6 Sec. 13. [120B.15] [GIFTED AND TALENTED STUDENTS
7 PROGRAMS.]

8 Subdivision 1. [IDENTIFYING AND SERVING GIFTED AND
9 TALENTED STUDENTS.] School districts must use the following
10 guidelines to identify students, design programs, provide staff
11 development, and evaluate programs in order to better and
12 appropriately serve gifted and talented students.

13 Subd. 2. [GIFTED AND TALENTED STUDENTS.] In order to
14 provide gifted and talented students with appropriate
15 educational programs, school districts must assess and identify
16 students by:

17 (1) reviewing multiple and objective criteria that include
18 student performances and student test results;

19 (2) informing instruction and services using a continuous
20 and comprehensive district assessment system;

21 (3) identifying gifted and talented students using
22 instruments and procedures that are valid and reliable,
23 culturally fair, and based on current theory and research;

24 (4) making fair, consistent, valid, and reliable decisions;

25 (5) establishing processes for parents to give informed
26 consent for their students' participation in a gifted and
27 talented program, for retaining and reassessing students, for
28 students exiting a program, and for appealing a decision about
29 whether a student may participate in a gifted and talented
30 program;

31 (6) implementing an open identification process available
32 to all students; and

33 (7) consistent with data practices law, sharing information
34 from the student identification process with parents and
35 guardians, school staff, and students.

36 Subd. 3. [STUDENT ACCESS; PROGRAM CONTENT AND

1 DEVELOPMENT.] (a) At the request of a student, parent or
2 guardian, or school staff member, a district must provide gifted
3 and talented students identified under subdivision 2 with
4 appropriate education programs under paragraph (b).

5 (b) Gifted and talented programs include:

6 (1) curriculum aligned with the cognitive, affective,
7 developmental, physical, and ethical needs of gifted and
8 talented students;

9 (2) articulated prekindergarten through grade 12 learning
10 experiences;

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

13 (4) rigorous content consistent with students' abilities
14 and social and emotional development;

15 (5) challenging learning experiences focused on problem
16 solving and advanced reasoning; and

17 (6) differentiated guidance services to nurture students'
18 social and emotional development.

19 (c) School districts, in collaboration with interested
20 community members and with technical assistance from the state
21 education department, must develop gifted and talented programs
22 consistent with this section.

23 Subd. 4. [STAFF DEVELOPMENT.] Licensed teachers
24 instructing students in gifted and talented programs must
25 complete:

26 (1) postgraduate educational coursework that provides a
27 foundation for teaching gifted and talented students;

28 (2) ongoing staff development that prepares teachers to
29 best meet the unique needs of gifted and talented students; and

30 (3) a core of academic courses leading to certification as
31 a teacher of gifted and talented students.

32 Subd. 5. [ACCOUNTABILITY; EVALUATION.] School districts
33 annually by June 30 must determine whether gifted and talented
34 programs meet the needs of participating students and submit a
35 written program evaluation to the commissioner for review in
36 collaboration with the gifted and talented council. The

1 evaluation must indicate how well students participating in the
2 gifted and talented program were served. The evaluation must
3 show:

4 (1) community involvement in developing and evaluating the
5 program;

6 (2) the qualifications of teachers providing instruction in
7 gifted and talented programs;

8 (3) the process for identifying gifted and talented
9 students incorporates research-based best practices;

10 (4) students participating in a gifted and talented program
11 progressed in and were satisfied with the program; and

12 (5) an increase of underrepresented students participating
13 in gifted and talented and similar academically challenging
14 programs.

15 The commissioner may recommend improving the process for
16 identifying gifted and talented students or developing the
17 program.

18 [EFFECTIVE DATE.] This section is effective for the
19 2005-2006 school year and later.

20 Sec. 14. Minnesota Statutes 2004, section 120B.30,
21 subdivision 1, is amended to read:

22 Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner,
23 with advice from experts with appropriate technical
24 qualifications and experience and stakeholders, consistent with
25 subdivision 1a, shall include in the comprehensive assessment
26 system, for each grade level to be tested, state-constructed
27 tests developed from and aligned with the state's required
28 academic standards under section 120B.021 and administered
29 annually to all students in grades 3 through 8 and at the high
30 school level. A state-developed test in a subject other than
31 writing, developed after the 2002-2003 school year, must include
32 both multiple choice and constructed response questions. The
33 commissioner shall establish one or more months during which
34 schools shall administer the tests to students each school
35 year. For students enrolled in grade 8 before the 2005-2006
36 school year, only Minnesota basic skills tests in reading,

1 mathematics, and writing shall fulfill students' basic skills
2 testing requirements for a passing state notation. The passing
3 scores of the state tests in reading and mathematics are the
4 equivalent of:

5 (1) 70 percent correct for students entering grade 9 in
6 1996; and

7 (2) 75 percent correct for students entering grade 9 in
8 1997 and thereafter, as based on the first uniform test
9 administration of February 1998.

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

14 (b) The third through 8th grade and high school level test
15 results shall be available to districts for diagnostic purposes
16 affecting student learning and district instruction and
17 curriculum, and for establishing educational accountability.

18 The commissioner must disseminate to the public the test results
19 upon receiving those results.

20 (c) State tests must be constructed and aligned with state
21 academic standards. The testing process and the order of
22 administration shall be determined by the commissioner. The
23 statewide results shall be aggregated at the site and district
24 level, consistent with subdivision 1a.

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

28 (1) uniform statewide testing of all students in grades 3
29 through 8 and at the high school level that provides exemptions,
30 only with parent or guardian approval, for those very few
31 students for whom the student's individual education plan team
32 under sections 125A.05 and 125A.06, determines that the student
33 is incapable of taking a statewide test, or for a limited
34 English proficiency student under section 124D.59, subdivision
35 2, if the student has been in the United States for fewer than
36 three years;

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

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

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

12 (e) Districts must report exemptions under paragraph (d),
13 clause (1), to the commissioner consistent with a format
14 provided by the commissioner.

15 Sec. 15. Minnesota Statutes 2004, section 120B.30,
16 subdivision 1a, is amended to read:

17 Subd. 1a. [STATEWIDE AND LOCAL ASSESSMENTS; RESULTS.] (a)

18 The commissioner must develop ~~language-arts~~ reading,
19 mathematics, and science assessments aligned with state academic
20 standards that districts and sites must use to monitor student
21 growth toward achieving those standards. The commissioner must
22 not develop statewide assessments for academic standards in
23 social studies and the arts. The commissioner must require:

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

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

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

35 (c) Reporting of assessment results must:

36 (1) provide timely, useful, and understandable information

1 on the performance of individual students, schools, school
2 districts, and the state;

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

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

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

11 (d) Consistent with applicable federal law and subdivision
12 1, paragraph (d), clause (1), the commissioner must include
13 alternative assessments for the very few students with
14 disabilities for whom statewide assessments are inappropriate
15 and for students with limited English proficiency.

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

29 Sec. 16. [120B.361] [VALUE-ADDED ASSESSMENT PROGRAM.]

30 (a) The commissioner of education must implement a
31 value-added assessment program to assist school districts,
32 public schools, and charter schools in assessing and reporting
33 students' growth in academic achievement under section 120B.30,
34 subdivision 1a. The program must use assessments of students'
35 academic achievement to make longitudinal comparisons of each
36 student's academic growth over time. School districts, public

1 schools, and charter schools may apply to the commissioner to
2 participate in the initial trial program using a form and in the
3 manner the commissioner prescribes. The commissioner must
4 select program participants from urban, suburban, and rural
5 areas throughout the state.

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

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

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment.

17 Sec. 17. [120B.362] [GRANTS FOR SITE-BASED ACHIEVEMENT
18 CONTRACTS.]

19 Subdivision 1. [ELIGIBLE SCHOOLS.] (a) The commissioner of
20 education shall award grants to public school sites to increase
21 student achievement and eliminate the achievement gap at the
22 school site.

23 (b) The commissioner shall select sites that meet the
24 following criteria:

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

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

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

31 (c) In order to be eligible for a grant under this section,
32 a public school site shall have an approved site decision-making
33 agreement under section 123B.04, including an achievement
34 contract under section 123B.04, subdivision 4. The site
35 decision-making team shall include the principal of the school
36 site.

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

5 Subd. 2. [APPLICATION.] (a) The applicant shall submit a
6 plan that will result in at least 80 percent of the students at
7 the site testing at a proficient level for their grade by the
8 end of the grant period of six years, with at least 60 percent
9 of the students testing at a proficient level for their grade at
10 the midpoint of the grant period.

11 (b) The site team shall include in its application a
12 detailed plan for using multiple objective and measurable
13 methods for tracking student achievement during the duration of
14 the grant and shall also include curriculum and academic
15 requirements that are rigorous and challenging for all
16 students. The site shall have the ability to return timely test
17 data to teachers and have a plan that demonstrates that the
18 teachers at the site can use the data to help improve curriculum
19 as well as monitor student achievement.

20 (c) The applicant shall have in its site-based plan an
21 agreement between the district and the exclusive bargaining unit
22 of the district that would give the site-based team increased
23 stability in the placement of teachers at the site. The
24 applicant shall include other innovative site-based personnel
25 decision-making items in its agreement that may include, but are
26 not limited to: hiring bonuses, additional ongoing
27 collaborative preparation time, on-site staff development,
28 hiring additional staff, and performance-based incentives.

29 (d) The site team shall also include in its application a
30 plan for a greater involvement of parents and the community in
31 the school, a plan for ensuring that each student at the site
32 can develop a meaningful relationship with at least one teacher
33 at the school site, and a clear approach to school safety,
34 including promoting respect for students and teachers.

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

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

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

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

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

13 (c) The commissioner shall determine all other aspects of
14 the application and grant award process consistent with this
15 section.

16 Subd. 4. [REPORT.] The commissioner shall report annually
17 by March 1 during the program, with a final report due by
18 January 15, 2011, to the house of representatives and senate
19 committees having jurisdiction over education on the progress of
20 the program, including at least improvement in student
21 achievement, the effect of innovative personnel decision making
22 on closing the achievement gap, and the characteristics of
23 highly effective teachers.

24 [EFFECTIVE DATE.] This section is effective the day
25 following final enactment and applies to the 2005-2006 through
26 2011-2012 school years.

27 Sec. 18. Minnesota Statutes 2004, section 121A.06,
28 subdivision 2, is amended to read:

29 Subd. 2. [REPORTS; CONTENT.] ~~By January 1, 1994, the~~
30 ~~commissioner, in consultation with the criminal and juvenile~~
31 ~~information policy group, shall develop a standardized form to~~
32 ~~be used by schools to report incidents involving the use or~~
33 ~~possession of a dangerous weapon in school zones. School~~
34 ~~districts must electronically report to the commissioner of~~
35 ~~education incidents involving the use or possession of a~~
36 ~~dangerous weapon in school zones. The form shall~~ must include

1 the following information:

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

4 (2) where, at what time, and under what circumstances the
5 incident occurred;

6 (3) information about the offender, other than the
7 offender's name, including the offender's age; whether the
8 offender was a student and, if so, where the offender attended
9 school; and whether the offender was under school expulsion or
10 suspension at the time of the incident;

11 (4) information about the victim other than the victim's
12 name, if any, including the victim's age; whether the victim was
13 a student and, if so, where the victim attended school; and if
14 the victim was not a student, whether the victim was employed at
15 the school;

16 (5) the cost of the incident to the school and to the
17 victim; and

18 (6) the action taken by the school administration to
19 respond to the incident.

20 The commissioner ~~also shall develop~~ provide an alternative
21 electronic reporting format that allows school districts to
22 provide aggregate data, ~~with an option to use computer~~
23 ~~technology to report the data.~~

24 Sec. 19. Minnesota Statutes 2004, section 121A.06,
25 subdivision 3, is amended to read:

26 Subd. 3. [REPORTS; FILING REQUIREMENTS.] By ~~February 1 and~~
27 July ~~±~~ 31 of each year, each public school shall report
28 incidents involving the use or possession of a dangerous weapon
29 in school zones to the commissioner. The reports must be made
30 ~~on the standardized forms or using the alternative~~
31 ~~format~~ submitted using the electronic reporting system developed
32 by the commissioner under subdivision 2. The commissioner shall
33 compile the information it receives from the schools and report
34 it annually to the commissioner of public safety, ~~the criminal~~
35 ~~and juvenile information policy group,~~ and the legislature.

36 Sec. 20. [121A.222] [POSSESSION AND USE OF NONPRESCRIPTION

1 PAIN RELIEVERS BY SECONDARY STUDENTS.]

2 A secondary student may possess and use nonprescription
3 pain relief in a manner consistent with the labeling, if the
4 district has received a written authorization from the student's
5 parent permitting the student to self-administer the
6 medication. The parent must submit written authorization for
7 the student to self-administer the medication each school year.
8 The district may revoke a student's privilege to possess and use
9 nonprescription pain relievers if the district determines that
10 the student is abusing the privilege.

11 Sec. 21. Minnesota Statutes 2004, section 121A.53, is
12 amended to read:

13 121A.53 [REPORT TO COMMISSIONER OF EDUCATION.]

14 Subdivision 1. [EXCLUSIONS AND EXPULSIONS.] The school
15 board ~~shall~~ must report through the department electronic
16 reporting system each exclusion or expulsion within 30 days of
17 the effective date of the action to the commissioner of
18 education. This report ~~shall~~ must include a statement of
19 alternative educational services given the pupil and the reason
20 for, the effective date, and the duration of the exclusion or
21 expulsion. The report must also include the student's age,
22 grade, gender, race, and special education status.

23 Subd. 2. [REPORT.] The school board must include state
24 student identification numbers of affected pupils on all
25 dismissal reports required by the department. The department
26 must report annually to the commissioner summary data on the
27 number of dismissals by age, grade, gender, race, and special
28 education status of the affected pupils. All dismissal reports
29 must be submitted through the department electronic reporting
30 system.

31 Sec. 22. Minnesota Statutes 2004, section 122A.06,
32 subdivision 4, is amended to read:

33 Subd. 4. [COMPREHENSIVE, SCIENTIFICALLY BASED READING
34 INSTRUCTION.] ~~"Comprehensive, scientifically-based-reading~~
35 ~~instruction"-includes-instruction-and-practice-in-phonemic~~
36 ~~awareness,-phonics-and-other-word-recognition-skills,-and-guided~~

1 oral-reading-for-beginning-readers,-as-well-as-extensive-silent
2 reading,-vocabulary-instruction,-instruction-in-comprehension,
3 and-instruction-that-fosters-understanding-and-higher-order
4 thinking-for-readers-of-all-ages-and-proficiency
5 levels. "Comprehensive, scientifically based reading
6 instruction" includes a program or collection of instructional
7 practices with demonstrated success in instructing learners and
8 reliable and valid evidence to support the conclusion that when
9 these methods are used with learners, they can be expected to
10 achieve, at a minimum, satisfactory progress in reading
11 achievement. The program or collection of practices must
12 include, at a minimum, instruction in five areas of reading:
13 phonemic awareness, phonics, fluency, vocabulary, and text
14 comprehension.

15 Comprehensive, scientifically based reading instruction
16 also includes and integrates instructional strategies for
17 continuously assessing and evaluating the learner's reading
18 progress and needs in order to design and implement ongoing
19 interventions so that learners of all ages and proficiency
20 levels can read and comprehend text and apply higher level
21 thinking skills.

22 Sec. 23. Minnesota Statutes 2004, section 122A.09,
23 subdivision 4, is amended to read:

24 Subd. 4. [LICENSE AND RULES.] (a) The board must adopt
25 rules to license public school teachers and interns subject to
26 chapter 14.

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

35 (c) The board must adopt rules to approve teacher
36 preparation programs. The board, upon the request of a

1 postsecondary student preparing for teacher licensure or a
2 licensed graduate of a teacher preparation program, shall assist
3 in resolving a dispute between the person and a postsecondary
4 institution providing a teacher preparation program when the
5 dispute involves an institution's recommendation for licensure
6 affecting the person or the person's credentials. At the
7 board's discretion, assistance may include the application of
8 chapter 14.

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

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

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

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

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

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

36 (j) The board must grant life licenses to those who qualify

1 according to requirements established by the board, and suspend
2 or revoke licenses pursuant to sections 122A.20 and 214.10. The
3 board must not establish any expiration date for application for
4 life licenses.

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

12 (l) In adopting rules to license public school teachers who
13 provide health-related services for disabled children, the board
14 shall adopt rules consistent with license or registration
15 requirements of the commissioner of health and the
16 health-related boards who license personnel who perform similar
17 services outside of the school.

18 (m) The board must adopt rules that require all licensed
19 teachers who are renewing their continuing license to include in
20 their renewal requirements further reading preparation,
21 consistent with section 122A.06, subdivision 4. The rules do
22 not take effect until they are approved by law. Teachers who do
23 not provide direct instruction including, at least, counselors,
24 school psychologists, school nurses, school social workers,
25 audiovisual directors and coordinators, and recreation personnel
26 are exempt from this section.

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

32 (o) The board must:

33 (1) adopt rules to license qualified candidates to teach
34 chemistry, physics, biology, and earth and space science; and

35 (2) license a science teacher to teach in a new science
36 content area or level if the teacher holds a continuing license

1 to teach science and receives a qualifying score on an
2 appropriate Praxis II test in a science subject other than the
3 teacher's currently licensed science field or level. A
4 qualifying score is the same test score used for initial
5 licenses to teach science. A science teacher who seeks
6 licensure in a different science content area or level under
7 this paragraph is responsible for the actual costs of the
8 required testing.

9 Sec. 24. Minnesota Statutes 2004, section 122A.18,
10 subdivision 2a, is amended to read:

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

20 (b) Board-approved teacher preparation programs for
21 teachers of elementary education must require instruction in the
22 application of comprehensive, scientifically based, and balanced
23 reading instruction programs, that:

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

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

31 Sec. 25. Minnesota Statutes 2004, section 122A.41,
32 subdivision 14, is amended to read:

33 Subd. 14. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK
34 OF PUPILS; PREFERENCE GIVEN.] (a) A teacher whose services are
35 terminated on account of discontinuance of position or lack of
36 pupils must receive first consideration for other positions in

1 the district for which that teacher is qualified. In the event
2 it becomes necessary to discontinue one or more positions, in
3 making such discontinuance, teachers must be discontinued in any
4 department in the inverse order in which they were employed,
5 unless a board and the exclusive representative of teachers in
6 the district negotiate a plan providing otherwise.

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

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

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

24 Sec. 26. Minnesota Statutes 2004, section 122A.413, is
25 amended to read:

26 122A.413 [EDUCATIONAL IMPROVEMENT PLAN.]

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

33 Subd. 2. [PLAN COMPONENTS.] The educational improvement
34 plan must be approved by the school board and have at least
35 these elements:

36 (1) assessment and evaluation tools to measure student

1 performance and progress;

2 (2) performance goals and benchmarks for improvement;

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

4 (4) a rigorous professional development system, consistent
5 with section 122A.60, that is aligned with educational

6 improvement, designed to achieve teaching quality improvement,
7 and consistent with clearly defined research-based standards;

8 (5) measures of student, family, and community involvement
9 and satisfaction;

10 (6) a data system about students and their academic
11 progress that provides parents and the public with
12 understandable information; and

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

17 (8) substantial teacher participation in developing the
18 plan, including teachers selected by the exclusive
19 representative of the teachers.

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

30 Sec. 27. [122A.4142] [PRINCIPLED PAY PRACTICES FOR
31 TEACHERS.]

32 Subdivision 1. [PRINCIPLED PAY PRACTICES SYSTEM.] A school
33 district and the exclusive representative of the teachers may
34 adopt, by agreement, principled pay practices under subdivision
35 2 to provide incentives to attract and retain high-quality
36 teachers, encourage high-quality teachers to accept difficult

1 assignments, encourage teachers to improve their knowledge and
2 skills, and support teachers' roles in improving students'
3 educational achievement.

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

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

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

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

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

17 (iii) career advancement options for teachers retaining
18 primary roles in student instruction and for other members of
19 the bargaining unit;

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

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

26 (vi) provisions preventing any teacher's compensation from
27 being reduced as a result of implementing principled pay
28 practices;

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

34 (viii) provisions encouraging collaboration among teachers
35 rather than competition; and

36 (ix) provisions for participation by all teachers in a

1 district, all teachers at a site, or at least 25 percent of the
2 teachers in a district.

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

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

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

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

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

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

31 (b) Principled pay practices aid for a qualifying school
32 district, site, or portion of a district or school site is as
33 follows:

34 (1) for a school district in which the school board and the
35 exclusive representative of the teachers agree to place all
36 teachers in the district or at the site in the principled pay

1 practices system, aid equals \$150 times the district's or the
2 site's number of pupils enrolled on October 1 of the previous
3 fiscal year; or

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

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

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

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

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

28 Sec. 28. [122A.4143] [CLOSED CONTRACT.]

29 A district and the exclusive representative of the teachers
30 may agree jointly to reopen a collective bargaining agreement in
31 order to enter into a principled pay practices system consistent
32 with section 122A.4142 and an educational improvement plan under
33 section 122A.413.

34 Sec. 29. [122A.628] [SCHOOLS MENTORING SCHOOLS REGIONAL
35 SITES.]

36 The commissioner of education shall select up to four

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

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

22 Sec. 30. [124D.091] [COLLEGE IN THE SCHOOLS PROGRAM AID.]

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

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

35 Sec. 31. Minnesota Statutes 2004, section 124D.095,
36 subdivision 8, is amended to read:

1 Subd. 8. [FINANCIAL ARRANGEMENTS.] (a) For a student
2 enrolled in an on-line learning course, the department must
3 calculate average daily membership and make payments according
4 to this subdivision.

5 (b) The initial on-line learning average daily membership
6 equals 1/12 for each semester course or a proportionate amount
7 for courses of different lengths. The adjusted on-line learning
8 average daily membership equals the initial on-line learning
9 average daily membership times .88.

10 (c) No on-line learning average daily membership shall be
11 generated if: (1) the student does not complete the on-line
12 learning course, or (2) the student is enrolled in on-line
13 learning provided by the enrolling district and the student
14 was either enrolled in a Minnesota public school for the school
15 year before the school year in which the student first enrolled
16 in on-line learning, or the student is enrolled in an
17 instructional program in which at least 40 percent of the total
18 instructional time takes place in the school's facilities. For
19 students enrolled in on-line learning according to clause (2),
20 the department shall calculate average daily membership
21 according to section 126C.05, subdivision 8.

22 (d) On-line learning average daily membership under this
23 subdivision for a student currently enrolled in a Minnesota
24 public school and who was enrolled in a Minnesota public school
25 for the school year before the school year in which the student
26 first enrolled in on-line learning shall be used only for
27 computing average daily membership according to section 126C.05,
28 subdivision 19, paragraph (a), clause ~~(1)~~ (2), and for
29 computing on-line learning aid according to section 126C.24.

30 (e) On-line learning average daily membership under this
31 subdivision for students not included in paragraph (c) or (d)
32 shall be used only for computing average daily membership
33 according to section 126C.05, subdivision 19, paragraph (a),
34 clause ~~(1)~~ (2), and for computing payments under paragraphs (f)
35 and (g).

36 (f) Subject to the limitations in this subdivision, the

1 department must pay an on-line learning provider an amount equal
2 to the product of the adjusted on-line learning average daily
3 membership for students under paragraph (e) times the student
4 grade level weighting under section 126C.05, subdivision 1,
5 times the formula allowance.

6 (g) The department must pay each on-line learning provider
7 100 percent of the amount in paragraph (f) within 45 days of
8 receiving final enrollment and course completion information
9 each quarter or semester.

10 [EFFECTIVE DATE.] This section is effective the day
11 following final enactment.

12 Sec. 32. Minnesota Statutes 2004, section 124D.10,
13 subdivision 3, is amended to read:

14 Subd. 3. [SPONSOR.] (a) A school board; intermediate
15 school district school board; education district organized under
16 sections 123A.15 to 123A.19; charitable organization under
17 section 501(c)(3) of the Internal Revenue Code of 1986 that is a
18 member of the Minnesota Council of Nonprofits or the Minnesota
19 Council on Foundations, registered with the attorney general's
20 office, and reports an end-of-year fund balance of at least
21 \$2,000,000; Minnesota private college that grants two- or
22 four-year degrees and is registered with the Higher Education
23 Services Office under chapter 136A; community college, state
24 university, or technical college, governed by the Board of
25 Trustees of the Minnesota State Colleges and Universities; the
26 Board of the Perpich Center for Arts Education under chapter
27 129C; or the University of Minnesota may sponsor one or more
28 charter schools.

29 (b) A nonprofit corporation subject to chapter 317A,
30 described in section 317A.905, and exempt from federal income
31 tax under section 501(c)(6) of the Internal Revenue Code of
32 1986, may sponsor one or more charter schools if the charter
33 school has operated for at least three years under a different
34 sponsor and if the nonprofit corporation has existed for at
35 least 25 years.

36 Sec. 33. Minnesota Statutes 2004, section 124D.11,

1 subdivision 1, is amended to read:

2 Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) General
3 education revenue must be paid to a charter school as though it
4 were a district. The general education revenue for each
5 adjusted marginal cost pupil unit is the state average general
6 education revenue per pupil unit, plus the referendum
7 equalization aid allowance in the pupil's district of residence,
8 minus an amount equal to the product of the formula allowance
9 according to section 126C.10, subdivision 2, times .0485,
10 calculated without basic skills revenue, extended time revenue,
11 transition revenue, and transportation sparsity revenue, plus
12 basic skills revenue, extended time revenue, and transition
13 revenue as though the school were a school district. The
14 general education revenue for each extended time marginal cost
15 pupil unit equals \$4,378.

16 (b) Notwithstanding paragraph (a), for charter schools in
17 the first year of operation, general education revenue shall be
18 computed using the number of adjusted pupil units in the current
19 fiscal year.

20 Sec. 34. Minnesota Statutes 2004, section 124D.11,
21 subdivision 6, is amended to read:

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

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

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

32 (d) A charter school may receive money from any source for
33 capital facilities needs. In the year-end report to the
34 commissioner of education, the charter school shall report the
35 total amount of funds received from grants and other outside
36 sources.

1 Sec. 35. Minnesota Statutes 2004, section 124D.66,
2 subdivision 3, is amended to read:

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

7 (b) Instruction may be provided at one or more grade levels
8 from kindergarten to grade 8 and for students in grades 9
9 through 12 who were enrolled in grade 8 before the 2005-2006
10 school year and have failed the basic skills tests, or were
11 enrolled in grade 8 in the 2005-2006 school year and later and
12 who have failed the Minnesota Comprehensive Assessments
13 (MCA-IIIs) in reading, mathematics, or writing as required for
14 high school graduation under section 120B.02. If an assessment
15 of pupils' needs within a district demonstrates that the
16 eligible pupils in grades kindergarten to grade 8 are being
17 appropriately served, a district may serve eligible pupils in
18 grades 9 to 12.

19 (c) Instruction must be provided under the supervision of
20 the eligible pupil's regular classroom teacher. Instruction may
21 be provided by the eligible pupil's classroom teacher, by
22 another teacher, by a team of teachers, or by an education
23 assistant or aide. A special education teacher may provide
24 instruction, but instruction that is provided under this section
25 is not eligible for aid under section 125A.76.

26 (d) The instruction that is provided must differ from the
27 initial instruction the pupil received in the regular classroom
28 setting. The instruction may differ by presenting different
29 curriculum than was initially presented in the regular classroom
30 or by presenting the same curriculum:

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

33 (2) using different teaching methods or techniques than
34 were used initially; or

35 (3) using different instructional materials than were used
36 initially.

1 Sec. 36. Minnesota Statutes 2004, section 124D.74,
2 subdivision 1, is amended to read:

3 Subdivision 1. [PROGRAM DESCRIBED.] American Indian
4 education programs are programs in public elementary and
5 secondary schools, nonsectarian nonpublic, community,
6 tribal, charter, or alternative schools enrolling American
7 Indian children designed to:

8 (1) support postsecondary preparation for pupils;

9 (2) support the academic achievement of American Indian
10 students with identified focus to improve reading and mathematic
11 skills;

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

14 (4) provide positive reinforcement of the self-image of
15 American Indian pupils;

16 (5) develop intercultural awareness among pupils, parents,
17 and staff; and

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

20 Program components may include: development of support
21 components for students in the areas of academic achievement,
22 retention, and attendance; development of support components for
23 staff, including in-service training and technical assistance in
24 methods of teaching American Indian pupils; research projects,
25 including experimentation with and evaluation of methods of
26 relating to American Indian pupils; provision of personal and
27 vocational counseling to American Indian pupils; modification of
28 curriculum, instructional methods, and administrative procedures
29 to meet the needs of American Indian pupils; and supplemental
30 instruction in American Indian language, literature, history,
31 and culture. Districts offering programs may make contracts for
32 the provision of program components by establishing cooperative
33 liaisons with tribal programs and American Indian social service
34 agencies. These programs may also be provided as components of
35 early childhood and family education programs.

36 Sec. 37. Minnesota Statutes 2004, section 124D.81,

1 subdivision 1, is amended to read:

2 Subdivision 1. [GRANTS; PROCEDURES.] Each fiscal year the
3 commissioner of education must make grants to no fewer than six
4 American Indian education programs. At least three programs
5 must be in urban areas and at least three must be on or near
6 reservations. The board of a local district, a participating
7 school or a group of boards may develop a proposal for grants in
8 support of American Indian education programs. Proposals may
9 provide for contracts for the provision of program components by
10 nonsectarian nonpublic, community, tribal, charter, or
11 alternative schools. The commissioner shall prescribe the form
12 and manner of application for grants, and no grant shall be made
13 for a proposal not complying with the requirements of sections
14 124D.71 to 124D.82. ~~The commissioner must submit all proposals~~
15 ~~to the state Advisory Committee on American Indian Education~~
16 ~~Programs for its recommendations concerning approval,~~
17 ~~modification, or disapproval and the amounts of grants to~~
18 ~~approved programs.~~

19 Sec. 38. Minnesota Statutes 2004, section 124D.84,
20 subdivision 1, is amended to read:

21 Subdivision 1. [AWARDS.] The commissioner, ~~with the advice~~
22 ~~and counsel of the Minnesota Indian Education Committee,~~ may
23 award scholarships to any Minnesota resident student who is of
24 one-fourth or more Indian ancestry, who has applied for other
25 existing state and federal scholarship and grant programs, and
26 who, in the opinion of the commissioner, has the capabilities to
27 benefit from further education. Scholarships must be for
28 accredited degree programs in accredited Minnesota colleges or
29 universities or for courses in accredited Minnesota business,
30 technical, or vocational schools. Scholarships may also be
31 given to students attending Minnesota colleges that are in
32 candidacy status for obtaining full accreditation, and are
33 eligible for and receiving federal financial aid programs.
34 Students are also eligible for scholarships when enrolled as
35 students in Minnesota higher education institutions that have
36 joint programs with other accredited higher education

1 institutions. Scholarships shall be used to defray the total
 2 cost of education including tuition, incidental fees, books,
 3 supplies, transportation, other related school costs and the
 4 cost of board and room and shall be paid directly to the college
 5 or school concerned where the student receives federal financial
 6 aid. The total cost of education includes all tuition and fees
 7 for each student enrolling in a public institution and the
 8 portion of tuition and fees for each student enrolling in a
 9 private institution that does not exceed the tuition and fees at
 10 a comparable public institution. Each student shall be awarded
 11 a scholarship based on the total cost of the student's education
 12 and a federal standardized need analysis. Applicants are
 13 encouraged to apply for all other sources of financial aid. The
 14 ~~amount-and-type-of-each-scholarship-shall-be-determined-through~~
 15 ~~the-advice-and-counsel-of-the-Minnesota-Indian-education~~
 16 ~~committee.~~

17 When an Indian student satisfactorily completes the work
 18 required by a certain college or school in a school year the
 19 student is eligible for additional scholarships, if additional
 20 training is necessary to reach the student's educational and
 21 vocational objective. Scholarships may not be given to any
 22 Indian student for more than five years of study ~~without-special~~
 23 ~~recommendation-of-the-Minnesota-Indian-Education-Committee.~~

24 Sec. 39. Minnesota Statutes 2004, section 126C.10,
 25 subdivision 1, is amended to read:

26 Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) For fiscal
 27 year 2003, the general education revenue for each district
 28 equals the sum of the district's basic revenue, basic skills
 29 revenue, training and experience revenue, secondary sparsity
 30 revenue, elementary sparsity revenue, transportation sparsity
 31 revenue, total operating capital revenue, and equity revenue.

32 (b) For fiscal year 2004 and later, the general education
 33 revenue for each district equals the sum of the district's basic
 34 revenue, extended time revenue, basic skills revenue, gifted and
 35 talented revenue, training and experience revenue, secondary
 36 sparsity revenue, elementary sparsity revenue, transportation

1 sparsity revenue, total operating capital revenue, equity
2 revenue, and transition revenue.

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

5 Sec. 40. Minnesota Statutes 2004, section 126C.10, is
6 amended by adding a subdivision to read:

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

12 (1) identify gifted and talented students;

13 (2) provide education programs for gifted and talented
14 students; or

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

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

19 Sec. 41. [129C.105] [BOARD MEETINGS BY TELEPHONE OR OTHER
20 ELECTRONIC MEANS.]

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

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

29 (2) members of the public present at the regular meeting
30 location of the board can hear all discussion and testimony and
31 all votes of members of the board;

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

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

36 (b) Each member of the board participating in a meeting by

1 telephone or other electronic means is considered present at the
2 meeting for purposes of determining a quorum and participating
3 in all proceedings.

4 (c) If telephone or other electronic means is used to
5 conduct a meeting, the board, to the extent practical, shall
6 allow a person to monitor the meeting electronically from a
7 remote location. The board may require the person making such a
8 connection to pay for documented marginal costs that the board
9 incurs as a result of the additional connection.

10 (d) If telephone or other electronic means is used to
11 conduct a regular, special, or emergency meeting, the board
12 shall provide notice of the regular meeting location, of the
13 fact that some members may participate by telephone or other
14 electronic means, and of the provisions of paragraph (c). The
15 timing and method of providing notice is governed by section
16 13D.04.

17 [EFFECTIVE DATE.] This section is effective the day
18 following final enactment.

19 Sec. 42. Minnesota Statutes 2004, section 136A.101,
20 subdivision 4, is amended to read:

21 Subd. 4. [ELIGIBLE INSTITUTION.] "Eligible institution"
22 means a postsecondary educational institution located in this
23 state or in a state with which the office has entered into a
24 higher education reciprocity agreement on state student aid
25 programs that either (1) is operated by this state, or (2) is
26 operated publicly or privately and, as determined by the office,
27 maintains academic standards substantially equivalent to those
28 of comparable institutions operated in this state. The Board of
29 Regents of the University of Minnesota and the Board of Trustees
30 of the Minnesota State Colleges and Universities must accept the
31 credits students who enroll at an institution in their system
32 received for National Alliance of Concurrent Enrollment
33 Partnership certified courses taken by the student while the
34 student was in high school as a condition of eligibility.
35 Private, nonprofit, and career schools are encouraged to accept
36 credits students who enroll at their institutions received for

1 National Alliance of Concurrent Enrollment Partnership certified
2 courses taken by the student while the student was in high
3 school.

4 Sec. 43. [COLLEGE IN THE SCHOOLS MATHEMATICS AND SCIENCE
5 PARTNERSHIP PROGRAM.]

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

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

21 (2) develop or enhance the staff training and ongoing
22 support services provided by postsecondary faculty to high
23 school teachers teaching college in the school's agreement
24 courses in the high school.

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

30 Subd. 3. [APPLICATION PROCESS.] The commissioner of
31 education shall develop the process by which a partnership must
32 apply for a grant. The P-16 Education Partnership shall review
33 and comment on the grant applications and make recommendations
34 to the commissioner regarding the partnerships that should be
35 funded. In selecting projects for funding, the commissioner
36 must ensure that there is a balance in the number of mathematics

1 and science courses offered as part of this initiative.

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

5 (1) specification of the goals to be achieved through the
6 delivery of courses and faculty staff development and support
7 activities;

8 (2) a description of the courses to be offered at the high
9 schools and the initial and ongoing training and support that
10 will be provided to high school faculty teaching courses under
11 this program;

12 (3) a description of the eligibility requirements for
13 students participating in the program and the number of students
14 that will be served;

15 (4) a description of the curriculum enhancements and
16 efficiencies to be achieved in the delivery of instruction
17 through the partnership;

18 (5) a description of how the goals established for the
19 course delivery and faculty staff development and support
20 activities will be evaluated to determine if the goals of the
21 partnership were met; and

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

23 Sec. 44. [MINNESOTA COMPREHENSIVE ASSESSMENTS; RULES.]

24 The commissioner of education shall adopt rules on or
25 before January 1, 2005, to implement the Minnesota Comprehensive
26 Assessments Second Edition (MCA-IIIs) in reading, mathematics,
27 and writing.

28 Sec. 45. [HEALTH AND PHYSICAL EDUCATION MODEL CURRICULUM.]

29 By July 1, 2006, the commissioner of education must develop
30 and transmit to school districts a model kindergarten through
31 grade 12 health and physical education curriculum.

32 Sec. 46. [RULES FOR SUPPLEMENTAL SERVICE PROVIDERS.]

33 The commissioner of education must amend Minnesota Rules,
34 part 3512.5400, relating to supplemental service providers to
35 include outcome standards. The commissioner must include in the
36 amended rules criteria to remove an education service provider

1 from the listing of approved service providers if they fail to
2 meet the outcome standards.

3 Sec. 47. [APPROPRIATIONS.]

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

7 Subd. 2. [COLLEGE IN THE SCHOOLS PROGRAM.] For college in
8 the schools program aid:

9 \$.,.,.,.,. 2006

10 \$.,.,.,.,. 2007

11 Subd. 3. [COLLEGE IN THE SCHOOLS MATHEMATICS AND SCIENCE
12 PARTNERSHIP.] For college in the schools mathematics and science
13 partnership program grants:

14 \$.,.,.,.,. 2006

15 \$.,.,.,.,. 2007

16 Subd. 4. [NATIONAL ALLIANCE OF CONCURRENT ENROLLMENT
17 PARTNERSHIP; UNIVERSITY OF MINNESOTA.] For transfer to the Board
18 of Regents of the University of Minnesota for institutions
19 receiving partnership grants to become provisional members of
20 the National Alliance of Concurrent Enrollment Partnership:

21 \$.,.,.,.,. 2006

22 \$.,.,.,.,. 2007

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

28 \$.,.,.,.,. 2006

29 \$.,.,.,.,. 2007

30 Subd. 6. [SCHOOLS MENTORING SCHOOLS REGIONAL SITES.] For
31 schools mentoring schools regional sites:

32 \$.,.,.,.,. 2006

33 \$.,.,.,.,. 2007

34 Any balance remaining in the first year does not cancel but
35 is available in the second year.

36 Subd. 7. [PRINCIPLED PRACTICES AID.] For principled pay

1 practices aid:

2 \$.....,..... 2006

3 \$.....,..... 2007

4 Sec. 48. [REPEALER.]

5 Minnesota Statutes 2004, sections 122A.414 and 122A.415,
6 are repealed.

7 ARTICLE 2

8 SPECIAL PROGRAMS

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

11 Subd. 5. [EMERGENCY.] "Emergency" means a situation in
12 which:

13 (1) immediate ~~intervention~~ use of regulated interventions
14 is necessary to protect a pupil or other individual from
15 physical injury or to prevent serious property damage; or

16 (2) a law enforcement official restrains or removes a pupil
17 from a classroom, school building, or school grounds in response
18 to the pupil's behavior while attending school at the request of
19 an administrator or staff supervising the student.

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

22 Subd. 6. [POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.]
23 "Positive behavioral interventions and supports" means those
24 strategies used to modify the school environment and teach
25 pupils skills likely to increase their ability to exhibit
26 appropriate behaviors.

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

29 Subd. 7. [PHYSICAL INTERVENTION.] "Physical intervention"
30 means the use of physical restraint techniques to safely control
31 a pupil until the pupil regains control of the pupil's behaviors.

32 Sec. 4. Minnesota Statutes 2004, section 121A.66, is
33 amended by adding a subdivision to read:

34 Subd. 8. [TIME-OUT.] (a) "Time-out" means:

35 (1) contingent observation, which is a nonregulated
36 intervention that involves instructing the pupil to leave the

1 reinforcing activity and not participate for a period of time
2 but to observe the activity and listen to the discussion from a
3 time-out area within the same setting;

4 (2) exclusionary time-out, which is a nonregulated
5 intervention that involves instructing the pupil to leave the
6 reinforcing activity and not participate in or observe the
7 activity but to go to another area from which the pupil may
8 leave; or

9 (3) locked time-out, which is a regulated intervention that
10 involves involuntarily removing the pupil from the reinforcing
11 activity and placing the pupil in a specially designed and
12 continuously supervised isolation room that the pupil is
13 prevented from leaving.

14 (b) A time-out not specifically identified in this
15 subdivision is prohibited.

16 Sec. 5. Minnesota Statutes 2004, section 121A.67, is
17 amended to read:

18 121A.67 [AVERSIVE AND DEPRIVATION PROCEDURES.]

19 The commissioner, in consultation with interested parent
20 organizations and advocacy groups, the Minnesota Administrators
21 for Special Education, the Minnesota Association of School
22 Administrators, Ed Minnesota, the Minnesota School Boards
23 Association, the Minnesota Police Officers Association, and the
24 Elementary School Principals Association and the Secondary
25 School Principals Association, must adopt amend rules governing
26 the use of aversive and deprivation procedures by school
27 district employees or persons under contract with a school
28 district. The rules must:

29 (1) promote the use of positive approaches behavioral
30 interventions and supports and must not encourage or require the
31 use of aversive or deprivation procedures;

32 (2) require that planned application of aversive and
33 deprivation procedures only be a-part-of-an instituted after
34 completing a functional behavior assessment and developing a
35 behavior intervention plan that is included in the individual
36 education plan;

1 (3) ~~require parents-or-guardians-to-be-notified-after-the~~
2 ~~use-of~~ district personnel to notify a student's parent or
3 guardian on the same day aversive or deprivation procedures are
4 used in an emergency or in writing within two school days if
5 district personnel are unable to provide same-day notice;

6 (4) establish health and safety standards for the use of
7 locked time-out procedures that require a safe environment,
8 continuous monitoring of the child, ventilation, and adequate
9 space, a locking mechanism that disengages automatically when
10 not continuously engaged by school personnel, and full
11 compliance with state and local fire and building codes,
12 including state policies on time-out rooms; and

13 (5) contain a list of prohibited procedures;

14 (6) consolidate and clarify provisions related to behavior
15 support plans;

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

20 (8) place a student in locked time-out only if the
21 intervention is (i) part of the comprehensive behavior
22 intervention plan that is included in the student's
23 individualized education plan and the plan uses positive
24 behavioral interventions and supports and data support its
25 continued use, or (ii) used in an emergency for the duration of
26 the emergency only; and

27 (9) require school districts and cooperatives to establish
28 an oversight committee composed of members trained in behavioral
29 analysis to annually review aggregate data regarding the use of
30 aversive and deprivation procedures.

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

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

34 Subdivision 1. [PURPOSE.] The purpose of an education
35 administrative district is to increase the efficiency of
36 administrative services for elementary and secondary education

1 by combining administrative functions for multiple school
2 districts, while maintaining independent school district control
3 of individual student attendance sites.

4 Subd. 2. [AGREEMENT TO ESTABLISH AN EDUCATION
5 ADMINISTRATIVE DISTRICT.] Boards meeting the requirements of
6 subdivision 3 may enter into a written agreement to establish an
7 education administrative district. The agreement must address
8 methods to improve the efficiency of delivering administrative
9 services. The agreement and subsequent amendments must be
10 adopted by majority vote of the full membership of each board.

11 Subd. 3. [REQUIREMENTS FOR FORMATION.] (a) An education
12 administrative district must have one of the following at the
13 time of formation:

14 (1) at least five districts;

15 (2) at least three districts with a total of at least 5,000
16 pupils in average daily membership; or

17 (3) at least three districts with a total of at least 2,000
18 square miles.

19 (b) Members of an education administrative district must be
20 contiguous. Districts with a cooperation agreement according to
21 section 123A.32 may belong to an education administrative
22 district only as a unit.

23 (c) Notwithstanding paragraph (b), a noncontiguous district
24 may be a member of an education administrative district if the
25 commissioner of education determines that:

26 (1) a district between the education administrative
27 district and the noncontiguous district has considered and is
28 unwilling to become a member; or

29 (2) a noncontiguous configuration of member districts has
30 sufficient technological or other resources to offer effective
31 levels of administrative services.

32 Subd. 4. [COMMISSIONER REVIEW AND COMMENT.] Before
33 entering into an agreement, the school boards of the proposed
34 member districts must jointly submit the proposed agreement to
35 the commissioner for review and comment. The commissioner shall
36 submit a review and comment on the educational and economic

1 advisability of the proposed agreement to the school boards
2 within 60 days of receiving the proposal. If the commissioner
3 submits a negative review and comment, the districts do not
4 qualify for levy authority according to section 123A.12,
5 subdivision 5.

6 Subd. 5. [NOTICE AND PUBLIC HEARING ON PROPOSED
7 AGREEMENT.] Before entering into an agreement, the board of each
8 member district must publish the commissioner's review and
9 comment and a summary of the proposed agreement and its effect
10 upon the district at least once in a newspaper of general
11 circulation in the district. The board must conduct a public
12 hearing on the proposed agreement not more than ten days after
13 the notice and at least 30 days before entering into an
14 agreement.

15 Sec. 7. [123A.11] [EDUCATION ADMINISTRATIVE DISTRICT
16 BOARD.]

17 Subdivision 1. [SCHOOL DISTRICT REPRESENTATION.] The
18 education administrative district board shall be composed of at
19 least one representative appointed by the school board of each
20 member district. Each representative must be a member of the
21 appointing school board. Each representative shall serve at the
22 pleasure of the appointing board and may be recalled by a
23 majority vote of the appointing board. Each representative
24 shall serve for the term that is specified in the agreement.
25 The board shall select its officers from among its members and
26 shall determine the terms of the officers. The board shall
27 adopt bylaws for the conduct of its business. The board may
28 conduct public meetings via interactive television if the board
29 complies with chapter 13D in each location where board members
30 are present.

31 Subd. 2. [PROVISION OF ADMINISTRATIVE SERVICES.] An
32 education administrative district board shall implement the
33 agreement for delivering administrative services, defined in
34 section 123A.12, needed in the education administrative district.

35 Subd. 3. [PERSONNEL.] The board may employ personnel as
36 necessary to provide administrative services for the education

1 administrative district. Education administrative district
2 staff shall participate in retirement programs. Notwithstanding
3 section 123B.143, subdivision 1, a member district of an
4 education administrative district must contract with the
5 education administrative district to obtain the services of a
6 superintendent. The person to provide the services need not be
7 employed by the education administrative district or a member
8 district at the time the contract is entered into.

9 Subd. 4. [CONTRACTS.] The board may enter into contracts
10 with districts and other public and private agencies to provide
11 administrative services needed in the education administrative
12 district.

13 Subd. 5. [GENERAL LAW.] The board shall be governed,
14 unless specifically provided otherwise, by section 471:59.

15 Subd. 6. [ANNUAL REPORT.] After each of its first five
16 years of operation, the board shall submit an annual report to
17 the member districts and the commissioner regarding the
18 activities of the education administrative district, including
19 analysis of the impact of the arrangement on administrative
20 costs and efficiency.

21 Sec. 8. [123A.12] [EDUCATION ADMINISTRATIVE DISTRICT
22 AGREEMENT.]

23 Subdivision 1. [IMPLEMENTATION; REVIEW.] An education
24 administrative district board shall implement the agreement for
25 provision of administrative services to the member school
26 districts adopted by the member districts according to section
27 123A.10, subdivision 2. The education administrative district
28 board shall review the agreement annually and propose necessary
29 amendments to the member districts.

30 Subd. 2. [ADMINISTRATIVE SERVICES.] (a) The agreement must
31 provide for the selection of one superintendent for the
32 administrative district at a specified time, according to
33 section 123B.143, subdivision 1, by the administrative district
34 board.

35 (b) The agreement must specify which other noninstructional
36 services are to be provided by the education administrative

1 district. These services may include, but are not limited to,
2 business management, human resources, payroll, food service,
3 buildings and grounds maintenance, pupil transportation,
4 technology coordination, curriculum coordination, community
5 education, nursing services, student records, district policy,
6 student administrative services, and school building
7 administration.

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

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

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

15 (1) include a three-year budget projection comparing
16 existing administrative services and their costs with the
17 proposed services and their costs for each year;

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

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

25 (4) specify the estimated amounts that each member district
26 will levy under subdivision 5 for the costs specified in clauses
27 (2) and (3); and

28 (5) specify an equitable distribution formula for the
29 education administrative district board to assess and certify to
30 each member school district its proportionate share of
31 expenses. Each member district must remit its assessment to the
32 education administrative district board within 30 days after
33 receipt.

34 Subd. 5. [LEVY.] A school district that is a member of an
35 education administrative district may levy an amount equal to
36 the district's share of costs approved by the commissioner for

1 retirement and severance incentives and other start-up costs
2 included in the initial agreement under subdivision 4, clauses
3 (2) and (3), over a period of time not to exceed three years.

4 Subd. 6. [REPORTS TO DEPARTMENT OF EDUCATION.] Member
5 districts may submit joint reports and jointly provide
6 information required by the department. The joint reports must
7 allow information, including expenditures for the education
8 administrative district, to be attributed to each member
9 district.

10 Subd. 7. [ADDITION AND WITHDRAWAL OF DISTRICTS.] (a) Upon
11 approval by majority vote of a district school board and of the
12 education administrative district board, an adjoining district
13 may become a member of the education administrative district and
14 be governed by the provisions of this section and the agreement
15 in effect. A noncontiguous district may become a member with
16 the approval of the commissioner according to the criteria
17 specified in section 123A.10, subdivision 3, paragraph (c). A
18 new member added to an existing education administrative
19 district may levy for approved costs of retirement and severance
20 incentives according to subdivision 5.

21 (b) After its first three years of membership, a district
22 may withdraw from the education administrative district and from
23 the agreement in effect by a majority vote of the full board
24 membership of the member district desiring withdrawal and upon
25 compliance with provisions in the agreement establishing the
26 education administrative district. The withdrawal shall become
27 effective at the end of the next following fiscal year.

28 Subd. 8. [DISSOLUTION.] After the first three years of the
29 education administrative district, the boards of each member
30 district may agree to dissolve the education administrative
31 district effective at the end of any fiscal year or at an
32 earlier time as they may mutually agree. A dissolution must be
33 accomplished in accordance with any applicable provisions of the
34 agreement establishing the education administrative district.
35 The dissolution must not affect the continuing liability of the
36 previous member districts for continuing obligations, including

1 unemployment benefits.

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

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

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

8 (2) a cooperative vocational center organized under section
9 123A.22;

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

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

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

15 ~~(5)~~ (6) a regional management information center organized
16 under section 123A.23 or as a joint powers district according to
17 section 471.59.

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

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

23 (a) "Actual expenditure per pupil transported in the
24 regular and excess transportation categories" means the quotient
25 obtained by dividing:

26 (1) the sum of:

27 (i) all expenditures for transportation in the regular
28 category, as defined in paragraph (b), clause (1), and the
29 excess category, as defined in paragraph (b), clause (2), plus

30 (ii) an amount equal to one year's depreciation on the
31 district's school bus fleet and mobile units computed on a
32 straight line basis at the rate of 15 percent per year for
33 districts operating a program under section 124D.128 for grades
34 1 to 12 for all students in the district and 12-1/2 percent per
35 year for other districts of the cost of the fleet, plus

36 (iii) an amount equal to one year's depreciation on the

1 district's type three school buses, as defined in section
 2 169.01, subdivision 6, clause (5), which must be used a majority
 3 of the time for pupil transportation purposes, computed on a
 4 straight line basis at the rate of 20 percent per year of the
 5 cost of the type three school buses by:

6 (2) the number of pupils eligible for transportation in the
 7 regular category, as defined in paragraph (b), clause (1), and
 8 the excess category, as defined in paragraph (b), clause (2).

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

11 (1) Regular transportation is:

12 (i) transportation to and from school during the regular
 13 school year for resident elementary pupils residing one mile or
 14 more from the public or nonpublic school they attend, and
 15 resident secondary pupils residing two miles or more from the
 16 public or nonpublic school they attend, excluding desegregation
 17 transportation and noon kindergarten transportation; but with
 18 respect to transportation of pupils to and from nonpublic
 19 schools, only to the extent permitted by sections 123B.84 to
 20 123B.87;

21 (ii) transportation of resident pupils to and from language
 22 immersion programs;

23 (iii) transportation of a pupil who is a custodial parent
 24 and that pupil's child between the pupil's home and the child
 25 care provider and between the provider and the school, if the
 26 home and provider are within the attendance area of the school;

27 (iv) transportation to and from or board and lodging in
 28 another district, of resident pupils of a district without a
 29 secondary school; and

30 (v) transportation to and from school during the regular
 31 school year required under subdivision 3 for nonresident
 32 elementary pupils when the distance from the attendance area
 33 border to the public school is one mile or more, and for
 34 nonresident secondary pupils when the distance from the
 35 attendance area border to the public school is two miles or
 36 more, excluding desegregation transportation and noon

1 kindergarten transportation.

2 For the purposes of this paragraph, a district may
3 designate a licensed day care facility, respite care facility,
4 the residence of a relative, or the residence of a person chosen
5 by the pupil's parent or guardian as the home of a pupil for
6 part or all of the day, if requested by the pupil's parent or
7 guardian, and if that facility or residence is within the
8 attendance area of the school the pupil attends.

9 (2) Excess transportation is:

10 (i) transportation to and from school during the regular
11 school year for resident secondary pupils residing at least one
12 mile but less than two miles from the public or nonpublic school
13 they attend, and transportation to and from school for resident
14 pupils residing less than one mile from school who are
15 transported because of extraordinary traffic, drug, or crime
16 hazards; and

17 (ii) transportation to and from school during the regular
18 school year required under subdivision 3 for nonresident
19 secondary pupils when the distance from the attendance area
20 border to the school is at least one mile but less than two
21 miles from the public school they attend, and for nonresident
22 pupils when the distance from the attendance area border to the
23 school is less than one mile from the school and who are
24 transported because of extraordinary traffic, drug, or crime
25 hazards.

26 (3) Desegregation transportation is transportation within
27 and outside of the district during the regular school year of
28 pupils to and from schools located outside their normal
29 attendance areas under a plan for desegregation mandated by the
30 commissioner or under court order.

31 (4) "Transportation services for pupils with disabilities"
32 is:

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

36 (ii) necessary transportation of pupils with disabilities

1 from home or from school to other buildings, including centers
2 such as developmental achievement centers, hospitals, and
3 treatment centers where special instruction or services required
4 by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65
5 are provided, within or outside the district where services are
6 provided;

7 (iii) necessary transportation for resident pupils with
8 disabilities required by sections 125A.12, and 125A.26 to
9 125A.48;

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

12 (v) transportation from one educational facility to another
13 within the district for resident pupils enrolled on a
14 shared-time basis in educational programs, and necessary
15 transportation required by sections 125A.18, and 125A.26 to
16 125A.48, for resident pupils with disabilities who are provided
17 special instruction and services on a shared-time basis or if
18 resident pupils are not transported, the costs of necessary
19 travel between public and private schools or neutral
20 instructional sites by essential personnel employed by the
21 district's program for children with a disability;

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

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

30 For purposes of computing special education base revenue
31 under section 125A.76, subdivision 2, the cost of providing
32 transportation for children with disabilities includes (A) the
33 additional cost of transporting a homeless student from a
34 temporary nonshelter home in another district to the school of
35 origin, or a formerly homeless student from a permanent home in
36 another district to the school of origin but only through the

1 end of the academic year; and (B) depreciation on district-owned
 2 school buses purchased after July 1, 2005, and used primarily
 3 for transportation of pupils with disabilities, calculated
 4 according to paragraph (a), clauses (ii) and (iii).

5 Depreciation costs included in the disabled transportation
 6 category must be excluded in calculating the actual expenditure
 7 per pupil transported in the regular and excess transportation
 8 categories according to paragraph (a).

9 (5) "Nonpublic nonregular transportation" is:

10 (i) transportation from one educational facility to another
 11 within the district for resident pupils enrolled on a
 12 shared-time basis in educational programs, excluding
 13 transportation for nonpublic pupils with disabilities under
 14 clause (4);

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

19 (iii) late transportation home from school or between
 20 schools within a district for nonpublic school pupils involved
 21 in after-school activities.

22 (c) "Mobile unit" means a vehicle or trailer designed to
 23 provide facilities for educational programs and services,
 24 including diagnostic testing, guidance and counseling services,
 25 and health services. A mobile unit located off nonpublic school
 26 premises is a neutral site as defined in section 123B.41,
 27 subdivision 13.

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

29 Subdivision 1. [CAREER AND TECHNICAL LEVY.] (a) A district
 30 with a career and technical program approved under this section
 31 for the fiscal year in which the levy is certified may levy an
 32 amount equal to the lesser of:

33 (1) \$80 times the district's average daily membership in
 34 grades 10 through 12 for the fiscal year in which the levy is
 35 certified; or

36 (2) 25 percent of approved expenditures in the fiscal year

1 in which the levy is certified for the following:

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

6 (ii) contracted services provided by a public or private
7 agency other than a Minnesota school district or cooperative
8 center under subdivision 7;

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

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

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

16 (vi) necessary travel by licensed career and technical
17 education personnel for noncollegiate credit-bearing
18 professional development; and

19 (vii) specialized vocational instructional supplies.

20 (b) Up to ten percent of a district's career and technical
21 levy may be spent on equipment purchases. Districts using the
22 career and technical levy for equipment purchases must report to
23 the department on the improved learning opportunities for
24 students that result from the investment in equipment.

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

27 Subd. 2. [ALLOCATION FROM COOPERATIVE CENTERS AND
28 INTERMEDIATE DISTRICTS.] For purposes of this section, a
29 cooperative center or an intermediate district must allocate its
30 approved expenditures for career and technical education
31 programs among participating districts.

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

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

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

4 Subd. 4. [COMPLIANCE WITH RULES.] (a) Levy authority must
5 be granted under this section only for services rendered or for
6 costs incurred in career and technical education programs
7 approved by the commissioner and operated in accordance with
8 rules adopted by the commissioner. The rules must not require
9 any minimum number of administrative staff, any minimum period
10 of coordination time or extended employment for career and
11 technical education personnel, or the availability of vocational
12 student activities or organizations for a career and technical
13 education program to qualify for this levy. Levy authority
14 shall be granted only for services rendered and for costs
15 incurred by essential, licensed personnel, or approved
16 paraprofessionals who meet the requirements for licensure
17 pursuant to the rules of the Minnesota Board of Teaching.

18 For the purposes of this paragraph, "licensed personnel"
19 means persons holding a valid career and technical license
20 issued by the commissioner. If an average of five or fewer
21 secondary full-time equivalent students are enrolled per teacher
22 in an approved postsecondary program at Intermediate District
23 No. 287, 916, or 917, "licensed personnel" means persons holding
24 a valid vocational license issued by the commissioner or the
25 Board of Trustees of the Minnesota State Colleges and
26 Universities.

27 (b) Notwithstanding section 127A.42, the commissioner may
28 modify or withdraw the program or levy authority under this
29 section without proceeding under section 127A.42, at any time.
30 To do so, the commissioner must determine that the program does
31 not comply with rules of the Department of Education or that any
32 facts concerning the program or its budget differ from the facts
33 in the district's approved application.

34 Subd. 5. [LIMIT.] The commissioner may reduce the levy
35 under this section for a career and technical education program
36 that receives funds from any other source. A district or center

1 must not receive a total amount of levy authority pursuant to
2 this section which, when added to funds from other sources, will
3 provide the program an amount for salaries and travel which
4 exceeds 100 percent of the amount of its expenditures for
5 salaries and travel in the program.

6 Subd. 6. [LEVY FOR CONTRACTED SERVICES.] In addition to
7 the provisions of subdivisions 4 and 5, a school district or
8 cooperative center may contract with a public or private agency
9 other than a Minnesota school district or cooperative center for
10 the provision of career and technical education services. The
11 commissioner must adopt rules relating to program approval
12 procedures and criteria for these contracts and levy authority
13 must be granted only for contracts approved by the
14 commissioner. The district or cooperative center contracting
15 for these services must be construed to be providing the
16 services.

17 Subd. 7. [DISTRICT REPORTS.] Each district or cooperative
18 center must report data to the department for all career and
19 technical education programs as required by the department to
20 implement the career and technical levy formula.

21 [EFFECTIVE DATE.] This section is effective for taxes
22 payable in 2008.

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

25 125A.05 [METHOD OF SPECIAL INSTRUCTION.]

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

31 (1) in connection with attending regular elementary and
32 secondary school classes;

33 (2) establishment of special classes;

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

35 (4) in other districts;

36 (5) instruction and services by special education

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

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

6 (7) in other states;

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

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

12 (10) for children under age five and their families,
13 programs in which children with a disability are served with
14 children without a disability; and

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

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

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

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

3 125A.24 [PARENT ADVISORY COUNCILS.]

4 In order to increase the involvement of parents of children
5 with disabilities in district policy making and decision making,
6 school districts must have a special education advisory council
7 that is incorporated into the district's special education
8 system plan.

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

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

14 (3) At least half of the designated council members must be
15 parents of students with a disability. At least one of the
16 members must be a parent of a nonpublic school student with a
17 disability or an employee of a nonpublic school. Each local
18 council must meet no less than once each year. The number of
19 members, frequency of meetings, and operational procedures are
20 to be locally determined.

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

23 125A.28 [STATE INTERAGENCY COORDINATING COUNCIL.]

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

1 member of the senate, one member of the house of
2 representatives, one representative of teacher preparation
3 programs in early childhood-special education or other
4 preparation programs in early childhood intervention, at least
5 one representative of advocacy organizations for children with
6 disabilities under age five, one physician who cares for young
7 children with special health care needs, one representative each
8 from the commissioners of commerce, education, health, human
9 services, a representative from the state agency responsible for
10 child care, and a representative from Indian health services or
11 a tribal council. Section 15.059, subdivisions 2 to 5, apply to
12 the council. The council must meet at least quarterly.

13 The council must address methods of implementing the state
14 policy of developing and implementing comprehensive,
15 coordinated, multidisciplinary interagency programs of early
16 intervention services for children with disabilities and their
17 families.

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

28 By-September-1 On the date that Minnesota Part C Annual
29 Performance Report is submitted to the federal Office of Special
30 Education, the council must recommend to the governor and the
31 commissioners of education, health, human services, commerce,
32 and employment and economic development policies for a
33 comprehensive and coordinated system.

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

36 Sec. 15. Minnesota Statutes 2004, section 125A.51, is

1 amended to read:

2 125A.51 [PLACEMENT OF CHILDREN WITHOUT DISABILITIES;
3 EDUCATION AND TRANSPORTATION.]

4 The responsibility for providing instruction and
5 transportation for a pupil without a disability who has a
6 short-term or temporary physical or emotional illness or
7 disability, as determined by the standards of the commissioner,
8 and who is temporarily placed for care and treatment for that
9 illness or disability, must be determined as provided in this
10 section.

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

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

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

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

1 to that district. The district of placement may contract with a
2 facility to provide instruction by teachers licensed by the
3 state Board of Teaching.

4 (e) When a pupil without a disability is temporarily placed
5 in a residential program for care and treatment, the district in
6 which the pupil is placed must provide instruction for the pupil
7 and necessary transportation while the pupil is receiving
8 instruction, and in the case of a placement outside of the
9 district of residence, the nonresident district must bill the
10 district of residence for the actual cost of providing the
11 instruction for the regular school year and for summer school,
12 excluding transportation costs.

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

29 ~~(f)~~ (g) The district of residence must include the pupil in
30 its residence count of pupil units and pay tuition as provided
31 in section 123A.488 to the district providing the instruction.
32 Transportation costs must be paid by the district providing the
33 transportation and the state must pay transportation aid to that
34 district. For purposes of computing state transportation aid,
35 pupils governed by this subdivision must be included in the
36 disabled transportation category if the pupils cannot be

1 transported on a regular school bus route without special
2 accommodations.

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

5 126C.457 [CAREER AND TECHNICAL LEVY.]

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

14 Sec. 17. [127A.21] [STATE COORDINATOR FOR WORLD
15 LANGUAGES.]

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

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

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

26 (ii) in consultation with Minnesota postsecondary
27 institutions, identify and address staff development needs of
28 current world language teachers and preservice teachers;

29 (2) identify successful extended world language programs
30 from other states;

31 (3) award grants for model extended world languages
32 programs;

33 (4) establish guidelines for a variety of model extended
34 world languages programs;

35 (5) research and recommend the funding necessary to
36 implement various models of extended world languages programs in

1 different languages; and

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

4 (b) For the purposes of this section, "extended world
5 languages program" means a world languages program with a
6 sequence of consecutive years in any of kindergarten through
7 grade 12, including for example sequences of kindergarten
8 through grade 12, grades 5 through 12, and grades 7 through 12.

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

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

17 Sec. 19. [CAREER AND TECHNICAL EDUCATION PROGRAM RULES.]

18 By January 1, 2007, the commissioner of education must
19 adopt rules for approval of career and technical education
20 programs consistent with Minnesota Statutes, section 124D.4531,
21 subdivisions 4 and 6, that emphasize emerging workforce skills.
22 Program approval for fiscal year 2008 and later must be based on
23 the rules.

24 Sec. 20. [EMINENCE CREDENTIALING.]

25 Subdivision 1. [GOAL.] It is the goal of the state to
26 support the teaching and revitalization of the Dakota and
27 Anishinaabe languages, which are contingent to the geographical
28 area included in the state of Minnesota. The Native Language
29 Eminence Credentialing Task Force is created to achieve this
30 goal.

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

33 (1) four members representing public schools with large
34 Native American populations appointed by the commissioner of
35 education;

36 (2) one member appointed by each federally recognized

1 Indian tribe in the state;

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

5 (4) one member representing the Minnesota Historical
6 Society;

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

8 (6) three native speakers of the Anishinaabe language and
9 three native speakers of the Dakota language, all appointed by
10 the Dakota Ojibwe Language Revitalization Alliance.

11 Subd. 3. [ADMINISTRATION.] (a) The Native Language
12 Eminence Credentialing Task Force is governed by Minnesota
13 Statutes, section 15.059.

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

17 Subd. 4. [DUTIES.] The task force shall review and
18 recommend changes to the eminence credentials for teachers of
19 the Dakota and Anishinaabe languages in order to increase the
20 number of fluent "first speakers" who can teach the language and
21 the number of teachers of the Dakota and Anishinaabe languages
22 by considering and addressing the following:

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

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

29 (3) consistency of evaluation of language fluency;

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

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

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

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

3 Sec. 21. [MODEL EXTENDED WORLD LANGUAGE PROGRAM GRANTS.]

4 (a) The commissioner of education shall award six
5 three-year grants to school districts and charter schools to
6 develop model extended world languages programs including at
7 least model plans for implementing world languages to close the
8 achievement gap between groups of students. The commissioner
9 shall award grants only for the 2006-2007 through 2008-2009
10 school years. The commissioner should award grants for a
11 variety of language programs, if possible.

12 (b) The commissioner shall award grants to four school
13 districts or charter schools in the seven-county metropolitan,
14 Rochester, and Duluth areas, including two urban and two
15 suburban school districts or charter schools, and two school
16 districts or charter schools outside the seven-county
17 metropolitan, Rochester, and Duluth areas, to:

18 (1) develop a model extended world languages program; or

19 (2) extend an existing world language program to a model
20 extended program.

21 (c) A school district and charter school shall apply for a
22 grant in a form and manner prescribed by the commissioner. A
23 school district and charter school must use the grant money to
24 develop and implement or to extend existing world languages
25 programs according to the terms of the grant application and the
26 criteria under paragraph (a).

27 (d) For the purposes of this section, "extended world
28 languages program" means a world languages program with a
29 sequence of consecutive years in any of kindergarten through
30 grade 12, including for example sequences of kindergarten
31 through grade 12, grades 5 through 12, and grades 7 through 12.

32 Sec. 22. [APPROPRIATION.]

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

36 Subd. 2. [WORLD LANGUAGES.] For grants for model extended

1 world languages programs:

2 \$,.,.,.,. 2006

3 \$,.,.,.,. 2007

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

6 ARTICLE 3

7 TECHNOLOGY, FACILITIES, AND NUTRITION

8 Section 1. Minnesota Statutes 2004, section 123B.71,
9 subdivision 9, is amended to read:

10 Subd. 9. [INFORMATION REQUIRED.] A school board proposing
11 to construct a facility described in subdivision 8 shall submit
12 to the commissioner a proposal containing information including
13 at least the following:

14 (1) the geographic area and population to be served,
15 preschool through grade 12 student enrollments for the past five
16 years, and student enrollment projections for the next five
17 years;

18 (2) a list of existing facilities by year constructed,
19 their uses, and an assessment of the extent to which alternate
20 facilities are available within the school district boundaries
21 and in adjacent school districts;

22 (3) a list of the specific deficiencies of the facility
23 that demonstrate the need for a new or renovated facility to be
24 provided, and a list of the specific benefits that the new or
25 renovated facility will provide to the students, teachers, and
26 community users served by the facility;

27 (4) the relationship of the project to any priorities
28 established by the school district, educational cooperatives
29 that provide support services, or other public bodies in the
30 service area;

31 (5) a specification of how the project will increase
32 community use of the facility and whether and how the project
33 will increase collaboration with other governmental or nonprofit
34 entities;

35 (6) a description of the project, including the
36 specification of site and outdoor space acreage and square

1 footage allocations for classrooms, laboratories, and support
2 spaces; estimated expenditures for the major portions of the
3 project; and the dates the project will begin and be completed;

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

9 (8) an analysis of how the proposed new or remodeled
10 facility will affect school district operational or
11 administrative staffing costs, and how the district's operating
12 budget will cover any increased operational or administrative
13 staffing costs;

14 (9) a description of the consultation with local or state
15 road and transportation officials on school site access and
16 safety issues, and the ways that the project will address those
17 issues;

18 (10) a description of how indoor air quality issues have
19 been considered and a certification that the architects and
20 engineers designing the facility will have professional
21 liability insurance;

22 (11) as required under section 123B.72, for buildings
23 coming into service after July 1, 2002, a certification that the
24 plans and designs for the extensively renovated or new
25 facility's heating, ventilation, and air conditioning systems
26 will meet or exceed code standards; will provide for the
27 monitoring of outdoor airflow and total airflow of ventilation
28 systems; and will provide an indoor air quality filtration
29 system that meets ASHRAE standard 52.1;

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

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

35 (14) a description of how the architects and engineers have
36 considered the American National Standards Institute Acoustical

1 Performance Criteria, Design Requirements and Guidelines for
2 Schools on maximum background noise levels and reverberation
3 times.

4 Sec. 2. Minnesota Statutes 2004, section 124D.095,
5 subdivision 2, is amended to read:

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

8 (a) "Online learning" is an interactive course or program
9 that delivers instruction to a student by computer; is combined
10 with other traditional delivery methods that include frequent
11 student assessment and may include actual teacher contact time;
12 and meets or exceeds state academic standards.

13 (b) "Online learning provider" is a school district, an
14 intermediate school district, an organization of two or more
15 school districts operating under a joint powers agreement, or a
16 charter school located in Minnesota that provides online
17 learning to students.

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

21 (d) "Online learning student" is a student enrolled in an
22 online learning course or program delivered by an online
23 provider under paragraph (b).

24 (e) "Enrolling district" means the school district or
25 charter school in which a student is enrolled under section
26 120A.22, subdivision 4, for purposes of compulsory attendance.

27 Sec. 3. Minnesota Statutes 2004, section 124D.095,
28 subdivision 8, is amended to read:

29 Subd. 8. [FINANCIAL ARRANGEMENTS.] (a) For a student
30 enrolled in an on-line learning course, the department must
31 calculate average daily membership and make payments according
32 to this subdivision.

33 (b) The initial on-line learning average daily membership
34 equals 1/12 for each semester course or a proportionate amount
35 for courses of different lengths. The adjusted on-line learning
36 average daily membership equals the initial on-line learning

1 average daily membership times .88.

2 (c) No on-line learning average daily membership shall be
 3 generated if: (1) the student does not complete the on-line
 4 learning course, ~~or~~ (2) the student is enrolled in on-line
 5 learning provided by the enrolling district ~~and the student was~~
 6 ~~enrolled in a Minnesota public school for the school year before~~
 7 ~~the school year in which the student first enrolled in on-line~~
 8 learning, or (3) the student is enrolled in online learning and
 9 the student was enrolled in and received funding for online
 10 learning for the school year before the school year in which the
 11 student is currently enrolled.

12 (d) On-line learning average daily membership under this
 13 subdivision for a student currently enrolled in a Minnesota
 14 public school ~~and who was enrolled in a Minnesota public school~~
 15 ~~for the school year before the school year in which the student~~
 16 ~~first enrolled in on-line learning~~ shall be used only for
 17 computing average daily membership according to section 126C.05,
 18 subdivision 19, paragraph (a), clause (ii), and for computing
 19 on-line learning aid according to section ~~126E.24~~ 124D.096.

20 ~~(e) On-line learning average daily membership under this~~
 21 ~~subdivision for students not included in paragraph (e) or (d)~~
 22 ~~shall be used only for computing average daily membership~~
 23 ~~according to section 126E.05, subdivision 19, paragraph (a),~~
 24 ~~clause (ii), and for computing payments under paragraphs (f) and~~
 25 ~~(g).~~

26 ~~(f) Subject to the limitations in this subdivision, the~~
 27 ~~department must pay an on-line learning provider an amount equal~~
 28 ~~to the product of the adjusted on-line learning average daily~~
 29 ~~membership for students under paragraph (e) times the student~~
 30 ~~grade-level weighting under section 126E.05, subdivision 1,~~
 31 ~~times the formula allowance.~~

32 ~~(g) The department must pay each on-line learning provider~~
 33 ~~100 percent of the amount in paragraph (f) within 45 days of~~
 34 ~~receiving final enrollment and course completion information~~
 35 ~~each quarter or semester.~~

36 [EFFECTIVE DATE.] This section is effective for revenue for

1 fiscal year 2006.

2 Sec. 4. Minnesota Statutes 2004, section 124D.095, is
3 amended by adding a subdivision to read:

4 Subd. 10. [ONLINE LEARNING ADVISORY COUNCIL.] (a) An
5 online learning advisory council is established under section
6 15.059, except that the term for each council member shall be
7 three years. The advisory council is composed of 12 members
8 from throughout the state who have demonstrated experience with
9 or interest in online learning. The members of the council
10 shall be appointed by the commissioner. The advisory council
11 shall bring to the attention of the commissioner any matters
12 related to online learning and provide input to the department
13 in matters related, but not restricted, to:

- 14 (1) quality assurance;
15 (2) teacher qualifications;
16 (3) program approval;
17 (4) special education;
18 (5) attendance;
19 (6) program design and requirements; and
20 (7) fair and equal access to programs.

21 (b) The online learning advisory council under this
22 subdivision expires June 30, 2008.

23 Sec. 5. [125B.26] [TELECOMMUNICATIONS/INTERNET ACCESS
24 EQUITY AID.]

25 Subdivision 1. [COSTS TO BE SUBMITTED.] (a) A district or
26 charter school shall submit its actual
27 telecommunications/Internet access costs for the previous fiscal
28 year, adjusted for any e-rate revenue received, to the
29 department by August 15 of each year as prescribed by the
30 commissioner. Costs eligible for reimbursement under this
31 program are limited to the following:

32 (1) ongoing or recurring telecommunications/Internet access
33 costs associated with Internet access, data lines, and video
34 links providing:

35 (i) the equivalent of one data line, video link, or
36 integrated data/video link that relies on a transport medium

1 that operates at a minimum speed of 1.544 megabytes per second
2 (T1) for each elementary school, middle school, or high school
3 under section 120A.05, subdivisions 9, 11, and 13, including the
4 recurring telecommunications line lease costs and ongoing
5 Internet access service fees; or

6 (ii) the equivalent of one data line or video circuit, or
7 integrated data/video link that relies on a transport medium
8 that operates at a minimum speed of 1.544 megabytes per second
9 (T1) for each district, including recurring telecommunications
10 line lease costs and ongoing Internet access service fees;

11 (2) recurring costs of contractual or vendor-provided
12 maintenance on the school district's wide area network to the
13 point of presence at the school building up to the router,
14 codec, or other service delivery equipment located at the point
15 of presence termination at the school or school district;

16 (3) recurring costs of cooperative, shared arrangements for
17 regional delivery of telecommunications/Internet access between
18 school districts, postsecondary institutions, and public
19 libraries including network gateways, peering points, regional
20 network infrastructure, Internet2 access, and network support,
21 maintenance, and coordination; and

22 (4) service provider installation fees for installation of
23 new telecommunications lines or increased bandwidth.

24 (b) Costs not eligible for reimbursement under this program
25 include:

26 (1) recurring costs of school district staff providing
27 network infrastructure support;

28 (2) recurring costs associated with voice and standard
29 telephone service;

30 (3) costs associated with purchase of network hardware,
31 telephones, computers, or other peripheral equipment needed to
32 deliver telecommunications access to the school or school
33 district;

34 (4) costs associated with laying fiber for
35 telecommunications access;

36 (5) costs associated with wiring school or school district

1 buildings;

2 (6) costs associated with purchase, installation, or
3 purchase and installation of Internet filtering; and

4 (7) costs associated with digital content, including
5 on-line learning or distance learning programming, and
6 information databases.

7 Subd. 2. [E-RATES.] To be eligible for aid under this
8 section, a district or charter school is required to file an
9 e-rate application either separately or through its
10 telecommunications access cluster and have a current technology
11 plan on file with the department. Discounts received on
12 telecommunications expenditures shall be reflected in the costs
13 submitted to the department for aid under this section.

14 Subd. 3. [REIMBURSEMENT CRITERIA.] The commissioner shall
15 develop criteria for approving costs submitted by school
16 districts and charter schools under subdivision 1.

17 Subd. 4. [DISTRICT AID.] For fiscal year 2006, a district
18 or charter school's Internet access equity aid equals 90 percent
19 of the district or charter school's approved cost for the
20 previous fiscal year according to subdivision 1 exceeding \$15
21 times the district's adjusted marginal cost pupil units for the
22 previous fiscal year. For fiscal year 2007 and later, a
23 district or charter school's Internet access equity aid equals
24 90 percent of the district or charter school's approved cost for
25 the previous fiscal year according to subdivision 1 exceeding
26 \$18 times the district's adjusted pupil units for the previous
27 fiscal year, as adjusted under section 126C.05, subdivision 14.

28 Subd. 5. [TELECOMMUNICATIONS/INTERNET ACCESS SERVICES FOR
29 NONPUBLIC SCHOOLS.] (a) Districts shall provide each year upon
30 formal request by or on behalf of a nonpublic school, not
31 including home schools, located in that district or area,
32 ongoing or recurring telecommunications access services to the
33 nonpublic school either through existing district providers or
34 through separate providers.

35 (b) The amount of district aid for telecommunications
36 access services for each nonpublic school under this subdivision

1 equals the lesser of:

2 (1) 90 percent of the nonpublic school's approved cost for
3 the previous fiscal year according to subdivision 1 exceeding
4 \$10 for fiscal year 2006 and \$13 for fiscal year 2007 and later
5 times the number of weighted pupils enrolled at the nonpublic
6 school as of October 1 of the previous school year; or

7 (2) the product of the district's aid per pupil unit
8 according to subdivision 4 times the number of weighted pupils
9 enrolled at the nonpublic school as of October 1 of the previous
10 school year.

11 (c) For purposes of this subdivision, nonpublic school
12 pupils shall be weighted by grade level using the weighting
13 factors defined in section 126C.05, subdivision 1.

14 (d) Each year, a district providing services under
15 paragraph (a) may claim up to five percent of the aid determined
16 in paragraph (b) for costs of administering this subdivision.
17 No district may expend an amount for these telecommunications
18 access services which exceeds the amount allocated under this
19 subdivision. The nonpublic school is responsible for the
20 Internet access costs not covered by this section.

21 (e) At the request of a nonpublic school, districts may
22 allocate the amount determined in paragraph (b) directly to the
23 nonpublic school to pay for or offset the nonpublic school's
24 costs for telecommunications access services, however, the
25 amount allocated directly to the nonpublic school may not exceed
26 the actual amount of the school's ongoing or recurring
27 telecommunications access costs.

28 Subd. 6. [SEVERABILITY.] If any portion of this section is
29 found by a court to be unconstitutional, the remaining portions
30 of the section shall remain in effect.

31 [EFFECTIVE DATE.] This section is effective for revenue for
32 fiscal year 2006.

33 Sec. 6. [SCHOOLS INTEROPERABILITY FRAMEWORK.]

34 By July 1, 2007, schools, school districts, and the
35 Department of Education must comply with the schools
36 interoperability framework specifications to provide for

1 efficient student data sharing.

2 Sec. 7. [SCHOOL DATA SHARING WORKING GROUP.]

3 Subdivision 1. [MEMBERSHIP.] The commissioner of
4 administration shall convene a working group consisting of
5 representatives of the following:

6 (1) several school districts that are diverse in size and
7 location;

8 (2) charter schools;

9 (3) alternative learning centers;

10 (4) the Department of Education; and

11 (5) up to three citizens with expertise in information
12 technology.

13 The working group must develop a uniform data model that is
14 usable for schools, school districts, and the Department of
15 Education and enables effective data sharing between schools,
16 school districts, and the Department of Education.

17 Subd. 2. [REPORT TO LEGISLATURE.] The working group must
18 report to the legislature by January 15, 2006. The report must
19 include a recommendation of any legislative changes needed to
20 streamline reports for schools and school districts. In
21 addition, the report must include a recommendation on the
22 feasibility of expanding the purchasing of data processing
23 products and services by the state on behalf of school districts.

24 Sec. 8. [TESTING BASED ON A GROWTH MODEL.]

25 (a) For the purposes of the No Child Left Behind Act,
26 Public Law 107-110, and the statewide testing and reporting
27 system under Minnesota Statutes, section 120B.30, the
28 commissioner of education must select computer-based adaptive
29 assessments that accurately measure student achievement and
30 student growth across time. The selected assessments must be
31 aligned with Minnesota standards, use a common scale score over
32 multiple grades or ages, have been used by Minnesota school
33 districts educating at least five percent of Minnesota
34 kindergarten through grade 12 students, and be capable of being
35 used for source data for a growth or value-added model of school
36 evaluation. An assessment selected under this section

1 administered at the high school level must be aligned with
2 college entrance requirements. In addition to reporting
3 requirements in Minnesota Statutes, section 120B.30, the
4 commissioner must report assessment result data in a way that
5 shows the growth trends over time for students in four groups:

- 6 (1) performing above grade level;
7 (2) performing at grade level;
8 (3) approaching grade-level performance; and
9 (4) performing significantly below grade level.

10 If the federal Department of Education does not approve the use
11 of the computer-adaptive assessments selected under this
12 section, the commissioner must notify the federal Department of
13 Education that Minnesota is opting out of the provisions of the
14 No Child Left Behind Act.

15 (b) The Department of Education must assist school
16 districts that are eligible to receive Microsoft settlement cy
17 pres program vouchers in using the vouchers to acquire equipment
18 and software necessary to administer the assessment selected
19 under this section.

20 Sec. 9. [STUDENT PORTFOLIO DEMONSTRATION PROJECT.]

21 Subdivision 1. [ASSESSMENT.] The commissioner of education
22 shall select up to three school districts to participate in a
23 student portfolio demonstration project. Demonstration project
24 participants must use a portfolio assessment that has
25 demonstrated content validity with respect to the required
26 academic standards under Minnesota Statutes, section 120B.021,
27 and are aligned with appropriate benchmarks established under
28 Minnesota Statutes, section 120B.023. Districts that are part
29 of the demonstration project may use the student portfolio to
30 comply with the assessment portion of the No Child Left Behind
31 Act.

32 Subd. 2. [APPLICATION.] A school district must submit an
33 application in the form and manner prescribed by the
34 commissioner in order to participate in the demonstration
35 project. A school district's application must include a plan
36 indicating the grade level and content area in which student

1 portfolios will be used.

2 Subd. 3. [COMMISSIONER.] (a) The commissioner shall
3 determine the technical soundness of the portfolio assessment
4 selected by a school district. In addition, the commissioner
5 shall determine comparability of the chosen assessment to the
6 state-administered tests used in other grade levels.

7 (b) The commissioner shall submit a request to the federal
8 Department of Education to use a local assessment model that
9 uses student portfolios for compliance with the assessment
10 portion of the No Child Left Behind Act.

11 Sec. 10. [REPEALER.]

12 Minnesota Statutes 2004, section 124D.095, subdivision 9,
13 is repealed.

14 [EFFECTIVE DATE.] This section is effective for revenue for
15 fiscal year 2006."

16 Delete the title and insert:

17 "A bill for an act relating to education; education
18 excellence; special programs; technology, facilities, and
19 nutrition; appropriating money; amending Minnesota Statutes
20 2004, sections 13.321, by adding a subdivision; 120B.02;
21 120B.021, subdivision 1; 120B.024; 120B.11, subdivisions 1, 2,
22 3, 4, 5, 8; 120B.13, subdivisions 1, 3; 120B.30, subdivisions 1,
23 1a; 121A.06, subdivisions 2, 3; 121A.53; 121A.66, subdivision 5,
24 by adding subdivisions; 121A.67; 122A.06, subdivision 4;
25 122A.09, subdivision 4; 122A.18; subdivision 2a; 122A.41,
26 subdivision 14; 122A.413; 123A.24, subdivision 2; 123B.71,
27 subdivision 9; 123B.92, subdivision 1; 124D.095, subdivisions 2,
28 8, 8, by adding a subdivision; 124D.10, subdivision 3; 124D.11,
29 subdivisions 1, 6; 124D.66, subdivision 3; 124D.74, subdivision
30 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.05;
31 125A.24; 125A.28; 125A.51; 126C.10, subdivision 1, by adding a
32 subdivision; 126C.457; 134.31, by adding a subdivision;
33 136A.101, subdivision 4; proposing coding for new law in
34 Minnesota Statutes, chapters 120B; 121A; 122A; 123A; 124D; 125B;
35 127A; 129C; repealing Minnesota Statutes 2004, sections
36 122A.414; 122A.415; 124D.095, subdivision 9."

1 Senator moves to amend S. F. No. 1148, as
2 amended by the delete everything amendment (SCS1148A-4), as
3 follows:

4 Page 29, after line 21, insert:

5 "Sec. 30. Minnesota Statutes 2004, section 123B.04,
6 subdivision 1, is amended to read:

7 Subdivision 1. [DEFINITION.] "Education site" means a
8 separate facility. A program within a facility or within a
9 district is an education site if the school board recognizes it
10 as a site.

11 Sec. 31. Minnesota Statutes 2004, section 123B.04,
12 subdivision 2, is amended to read:

13 Subd. 2. [AGREEMENT.] (a) ~~Either-the-school-board-or-the~~
14 ~~school-site-decision-making-team-may-request-that-the-school~~
15 ~~board-enter-into-an-agreement-with-a-school-site-decision-making~~
16 ~~team-concerning~~ Upon the request of 60 percent of the licensed
17 employees of a site or a school site decision-making team, the
18 school board shall enter into an agreement concerning the
19 governance, management, or control of the school. A school site
20 decision-making team may include the school principal, teachers
21 in the school or their designee, other employees in the school,
22 parents of pupils in the school, representatives of pupils in
23 the school, or other members in the community. For purposes of
24 formation of a new site, a school site decision-making team may
25 be a team of teachers that is recognized by the board as a
26 site. The school site decision-making team shall include the
27 school principal or other person having general control and
28 supervision of the school. The site decision-making team must
29 reflect the diversity of the education site. ~~No-more-than~~ At
30 least one-half of the members shall be employees of the
31 district, unless an employee is the parent of a student enrolled
32 in the school site, in which case the employee may elect to
33 serve as a parent member of the site team.

34 (b) School site decision-making agreements must delegate
35 powers, duties, and broad management responsibilities to site
36 teams and involve staff members, students as appropriate, and
37 parents in decision making.

1 (c) An agreement shall include a statement of powers,
2 duties, responsibilities, and authority to be delegated to and
3 within the site.

4 (d) An agreement ~~may~~ must include:

5 (1) an achievement contract according to subdivision 4;

6 (2) a mechanism to allow principals, a site leadership
7 team, or other persons having general control and supervision of
8 the school, to make decisions regarding how financial and
9 personnel resources are best allocated at the site and from whom
10 goods or services are purchased;

11 (3) a mechanism to implement parental involvement programs
12 under section 124D.895 and to provide for effective parental
13 communication and feedback on this involvement at the site
14 level;

15 (4) a provision that would allow the team to determine who
16 is hired into licensed and nonlicensed positions;

17 (5) a provision that would allow teachers to choose the
18 principal or other person having general control;

19 (6) an amount of revenue allocated to the site under
20 subdivision 3; and

21 (7) any other powers and duties determined appropriate by
22 the board.

23 The school board of the district remains the legal employer
24 under clauses (4) and (5).

25 (e) Any powers or duties not delegated to the school site
26 management team in the school site management agreement shall
27 remain with the school board.

28 (f) Approved agreements shall be filed with the
29 commissioner. If a school board denies a request or the school
30 site and school board fail to reach an agreement to enter into a
31 school site management agreement, ~~it~~ the school board shall
32 provide a copy of the request and the reasons for its denial to
33 the commissioner.

34 Sec. 32. Minnesota Statutes 2004, section 123B.04,
35 subdivision 5, is amended to read:

36 Subd. 5. [COMMISSIONER'S ROLE.] The commissioner of

1 education, in consultation with appropriate educational
2 organizations, shall:

3 (1) upon request, provide technical support for districts
4 and sites with agreements under this section;

5 (2) conduct and compile research on the effectiveness of
6 site decision making; and

7 (3) ~~periodically-report-on-and-evaluate-the-effectiveness~~
8 ~~of-site-management-agreements-on-a-statewide-basis~~ report
9 annually by March 1 to the house of representatives and senate
10 committees having jurisdiction over education on the progress of
11 the programs, including at least improvement in student
12 achievement and the effect of innovative personnel decision
13 making on closing the achievement gap."

14 Page 42, after line 3, insert:

15 "Subd. 8. [SCHOOL SITE DECISION-MAKING PROGRAM
16 GRANTS.] For grants to ten school sites and school boards that
17 plan to enter into site decision-making agreements under
18 Minnesota Statutes, section 123B.04:

19 \$, , , , , 2006

20 \$, , , , , 2007

21 These appropriations must be used for the planning and
22 implementation of the agreement. One-half of the grant is for
23 the school site and school board to develop a plan and enter
24 into an agreement under Minnesota Statutes, section 123B.04,
25 subdivision 2. One-half of the grant is for the site to
26 implement the agreement. For purposes of the grant program, an
27 agreement under Minnesota Statutes, section 123B.04, subdivision
28 2, must include the allocation of all revenue under Minnesota
29 Statutes, section 123B.04, subdivision 3, to the school site.
30 The commissioner shall establish the form and manner of
31 application for a grant."

32 Renumber the sections in sequence and correct the internal
33 references

34 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 40, after line 22, insert:

4 "Sec. 44. [COLLEGE PREPARATION STANDARDS.]

5 (a) The Higher Education Advisory Council must convene a
6 working group to develop standards describing the skills and
7 knowledge a high school graduate must have at entry into
8 postsecondary education in order to successfully graduate from
9 college. The standards must, to the extent possible, be
10 applicable for all postsecondary education but may describe
11 differences in the skills and knowledge necessary for success in
12 different higher education institutions and programs. The
13 standards need not be comprehensive but must, at a minimum, be
14 the essential skills and knowledge that will enable a student to
15 succeed in college. The Higher Education Services Office must
16 provide staff for the working group.

17 (b) The Higher Education Advisory Council must submit the
18 standards to the commissioner of education no later than January
19 15, 2006. No later than March 15, 2006, the commissioner of
20 education must report, to the chairs of the legislative
21 committees with jurisdiction over kindergarten through grade 12
22 education policy and finance and higher education policy and
23 finance, its recommendations regarding the changes, if any, that
24 must be made in Minnesota's academic standards in order to
25 ensure that Minnesota high school graduates meet the college
26 readiness standards established by the Higher Education Advisory
27 Council.

28 (c) The Higher Education Advisory Council must invite the
29 University of Minnesota, Minnesota State Colleges and
30 Universities, representatives of private colleges, and other
31 private postsecondary institutions, to participate in the
32 working group and may invite other individuals or entities to
33 participate. The Higher Education Advisory Council and its
34 working group may collaborate with the Minnesota P-16 Education
35 Partnership in developing the college readiness standards."

36 Renumber the sections in sequence and correct the internal

1 references

2 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 77, line 12, delete "section" and insert "sections"
4 and delete the third comma and insert "; and 123B.749, are"

5 Page 77, line 13, delete "is"

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 41, after line 2, insert:

4 "Sec. 47. [EVALUATING THE EDUCATIONAL IMPACT OF FEDERAL
5 AND STATE TESTS ON KINDERGARTEN THROUGH GRADE 12 STUDENTS.]

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

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

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

17 (3) the impact of testing requirements on the statewide
18 accountability system, teacher training and employment, and
19 curriculum development; and

20 (4) the relationship between the testing requirements,
21 postsecondary entrance requirements and the expectations of the
22 business community regarding the educational preparation of new
23 high school graduates seeking employment.

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

26 (b) In preparing this evaluation, the Office of Educational
27 Accountability must select a sample of school districts to
28 explore in depth the areas listed in paragraph (a). The school
29 districts must be of varying sizes and geographical locations,
30 and must include some districts with schools designated by the
31 state Department of Education as "needing improvement" under the
32 No Child Left Behind Act. The Office of Educational
33 Accountability must contact school officials, employees of
34 postsecondary institutions, and representatives of business
35 communities from throughout the state to collect information and
36 perceptions related to the evaluation. State and local entities

1 must cooperate with and assist the Office of Educational
2 Accountability with this evaluation at the request of the Office
3 of Educational Accountability.

4 (c) The Office of Educational Accountability must submit
5 the evaluation in writing to the chairs of the legislative
6 committees in the house and senate charged with oversight of
7 kindergarten through grade 12 education policy and finance by
8 February 15, 2006.

9 **[EFFECTIVE DATE.]** This section is effective the day
10 following final enactment."

11 Renumber the sections in sequence and correct the internal
12 references

13 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 18, after line 35, insert:

4 "Sec. 20. [121A.0695] [SCHOOL BOARD POLICY; PROHIBITING
5 INTIMIDATION AND BULLYING.]

6 Subdivision 1. [INTIMIDATION OR BULLYING
7 DEFINED.] "Intimidation or bullying" means an intentional
8 gesture or a written, oral, or physical act or threat that a
9 reasonable person under the circumstances knows or should know
10 has the effect of:

- 11 (1) harming a student;
- 12 (2) damaging a student's property;
- 13 (3) placing a student in reasonable fear of harm to the
14 student's person;
- 15 (4) placing a student in reasonable fear of damage to the
16 student's property; or
- 17 (5) creating a severe or persistent environment of
18 intimidation or abuse.

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

23 Subd. 3. [SCHOOL BOARD POLICY.] Each school board shall
24 adopt a written policy prohibiting intimidation and bullying of
25 any student, including, but not limited to, the acts defined in
26 subdivision 1. The policy must describe the behavior expected
27 of each student and state the consequences for and the
28 appropriate remedial action to be taken against the person
29 acting to intimidate or bully. The policy must include
30 reporting procedures, including, at a minimum, requiring school
31 personnel to report student intimidation or bullying incidents
32 and allowing persons to report incidents anonymously. Each
33 district must integrate into its violence prevention program
34 under section 120B.22, if applicable, behavior and expectations
35 established under this section. Each school must include the
36 policy in the student handbook on school policies.

1 [EFFECTIVE DATE.] This section is effective for the
2 2005-2006 school year and later."

3 Page 41, after line 2, insert:

4 "Sec. 48. [MODEL POLICY; INTIMIDATION AND BULLYING.]

5 The commissioner of education shall work with the Minnesota
6 School Boards Association to develop a model policy that
7 prohibits intimidating and bullying as required in Minnesota
8 Statutes, section 121A.0695, subdivision 2."

9 Renumber the sections in sequence and correct the internal
10 references

11 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 19, after line 10, insert:

4 "Sec. 21. [121A.231] [COMPREHENSIVE FAMILY LIFE AND
5 SEXUALITY EDUCATION PROGRAMS.]

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

9 (1) respects community values and encourages family
10 communication;

11 (2) develops skills in communication, decision making, and
12 conflict resolution;

13 (3) contributes to healthy relations;

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

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

20 (6) promotes individual responsibility.

21 (b) "Age appropriate" refers to topics, messages, and
22 teaching methods suitable to particular ages or age groups of
23 children and adolescents, based on developing cognitive,
24 emotional, and behavioral capacity typical for the age or age
25 group.

26 (c) "Medically accurate" means verified or supported by
27 research conducted in compliance with scientific methods and
28 published in peer-reviewed journals, where appropriate, and
29 recognized as accurate and objective by professional
30 organizations and agencies in the relevant field, such as the
31 federal Centers for Disease Control and Prevention, the American
32 Public Health Association, the American Academy of Pediatrics,
33 or the American College of Obstetricians and Gynecologists.

34 Subd. 2. [CURRICULUM REQUIREMENTS.] (a) A school district
35 may offer and may independently establish policies, procedures,
36 curriculum, and services for providing comprehensive family life

1 and sexuality education that is age appropriate and medically
2 accurate for kindergarten through grade 6.

3 (b) A school district must offer and may independently
4 establish policies, procedures, curriculum, and services for
5 providing comprehensive family life and sexuality education that
6 is age appropriate and medically accurate for grades 7 through
7 12.

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

13 (b) Parents or guardians may excuse their children from all
14 or part of a comprehensive family life and sexuality education
15 program.

16 (c) A school district must establish policies and
17 procedures for providing parents or guardians reasonable notice
18 with the following information:

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

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

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

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

31 (d) A school district must establish policies and
32 procedures for reasonably restricting the availability of
33 written and audio/visual educational materials from public view
34 of students who have been excused from all or part of a
35 comprehensive family life and sexuality education program at the
36 request of a parent or guardian.

1 Subd. 4. [ASSISTANCE TO SCHOOL DISTRICTS.] (a) The
2 Department of Education may offer services to school districts
3 to help them implement effective comprehensive family life and
4 sexuality education programs. In providing these services, the
5 department may contract with a school district, or a school
6 district in partnership with a local health agency or a
7 nonprofit organization, to establish up to eight regional
8 training sites, taking into account geographical balance, to
9 provide:

10 (1) training for teachers, parents, and community members
11 in the development of comprehensive family life and sexuality
12 education curriculum or services and in planning for monitoring
13 and evaluation activities;

14 (2) resource staff persons to provide expert training,
15 curriculum development and implementation, and evaluation
16 services;

17 (3) technical assistance to promote and coordinate
18 community, parent, and youth forums in communities identified as
19 having high needs for comprehensive family life and sexuality
20 education;

21 (4) technical assistance for issue management and policy
22 development training for school boards, superintendents,
23 principals, and administrators across the state; and

24 (5) funding for grants to school-based comprehensive family
25 life and sexuality education programs to promote innovation and
26 to recognize outstanding performance and promote replication of
27 demonstrably effective strategies.

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

30 (1) promote instruction and use of materials that are age
31 appropriate;

32 (2) provide information that is medically accurate and
33 objective;

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

36 (4) provide instruction and promote use of materials that

1 are appropriate for use with pupils and family experiences based
2 on race, gender, sexual orientation, ethnic and cultural
3 background, and appropriately accommodate alternative learning
4 based on language or disability;

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

8 (6) provide instruction and promote use of age-appropriate
9 materials that teach abstinence from sexual intercourse as the
10 only certain way to prevent unintended pregnancy or sexually
11 transmitted infections, including HIV, and provide information
12 about the role and value of abstinence while also providing
13 medically accurate information on other methods of preventing
14 and reducing risk for unintended pregnancy and sexually
15 transmitted infections;

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

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

24 (9) provide instruction and promote use of age-appropriate
25 materials that provide information about the effectiveness and
26 safety of all FDA-approved methods for preventing and reducing
27 risk for unintended pregnancy and sexually transmitted
28 infections, including HIV;

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

32 (11) provide instruction and promote use of age-appropriate
33 materials that provide instruction in skills for making and
34 implementing responsible decisions about finding and using
35 health services; and

36 (12) provide instruction and promote use of age-appropriate

1 materials that do not teach or promote religious doctrine nor
2 reflect or promote bias against any person on the basis of any
3 category protected under the Minnesota Human Rights Act, chapter
4 363A."

5 Page 42, line 5, after "sections" insert "121A.23;"

6 Renumber the sections in sequence and correct the internal
7 references

8 Amend the title accordingly

Adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 23, after line 30, insert:

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

6 Subd. 5. [PROBATIONARY PERIOD.] (a) The first three
7 consecutive years of a teacher's first teaching experience in
8 Minnesota in a single district is deemed to be a probationary
9 period of employment, and after completion thereof, the
10 probationary period in each district in which the teacher is
11 thereafter employed shall be one year. The school board must
12 adopt a plan for written evaluation of teachers during the
13 probationary period. Evaluation must occur at least three times
14 each year for a teacher performing services on 120 or more
15 school days, at least two times each year for a teacher
16 performing services on 60 to 119 school days, and at least one
17 time each year for a teacher performing services on fewer than
18 60 school days. Days devoted to parent-teacher conferences,
19 teachers' workshops, and other staff development opportunities
20 and days on which a teacher is absent from school must not be
21 included in determining the number of school days on which a
22 teacher performs services. Except as otherwise provided in
23 paragraph (b), during the probationary period any annual
24 contract with any teacher may or may not be renewed as the
25 school board shall see fit. However, the board must give any
26 such teacher whose contract it declines to renew for the
27 following school year written notice to that effect before July
28 1. If the teacher requests reasons for any nonrenewal of a
29 teaching contract, the board must give the teacher its reason in
30 writing, including a statement that appropriate supervision was
31 furnished describing the nature and the extent of such
32 supervision furnished the teacher during the employment by the
33 board, within ten days after receiving such request. The school
34 board may, after a hearing held upon due notice, discharge a
35 teacher during the probationary period for cause, effective
36 immediately, under section 122A.44.

1 (b) A board must discharge a probationary teacher,
2 effective immediately, upon receipt of notice under section
3 122A.20, subdivision 1, paragraph (b), that the teacher's
4 license has been revoked due to a conviction for child abuse or
5 sexual abuse.

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

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

13 Sec. 26. Minnesota Statutes 2004, section 122A.41,
14 subdivision 2, is amended to read:

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

1 during such probationary period, discharge or demote a teacher
2 for any of the causes as specified in this code. A written
3 statement of the cause of such discharge or demotion shall be
4 given to the teacher by the school board at least 30 days before
5 such removal or demotion shall become effective, and the teacher
6 so notified shall have no right of appeal therefrom.

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

13 **[EFFECTIVE DATE.]** This section is effective July 1, 2005."

14 Page 39, after line 3, insert:

15 "Sec. 45. Minnesota Statutes 2004, section 179A.03,
16 subdivision 14, is amended to read:

17 Subd. 14. [PUBLIC EMPLOYEE OR EMPLOYEE.] "Public employee"
18 or "employee" means any person appointed or employed by a public
19 employer except:

20 (a) elected public officials;

21 (b) election officers;

22 (c) commissioned or enlisted personnel of the Minnesota
23 National Guard;

24 (d) emergency employees who are employed for emergency work
25 caused by natural disaster;

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

29 (f) employees whose positions are basically temporary or
30 seasonal in character and: (1) are not for more than 67 working
31 days in any calendar year; or (2) are not for more than 100
32 working days in any calendar year and the employees are under
33 the age of 22, are full-time students enrolled in a nonprofit or
34 public educational institution prior to being hired by the
35 employer, and have indicated, either in an application for
36 employment or by being enrolled at an educational institution

1 for the next academic year or term, an intention to continue as
2 students during or after their temporary employment;

3 (g) employees providing services for not more than two
4 consecutive quarters to the Board of Trustees of the Minnesota
5 State Colleges and Universities under the terms of a
6 professional or technical services contract as defined in
7 section 16C.08, subdivision 1;

8 (h) employees of charitable hospitals as defined by section
9 179.35, subdivision 3;

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

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

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

20 (l) with respect to court employees:

21 (1) personal secretaries to judges;

22 (2) law clerks;

23 (3) managerial employees;

24 (4) confidential employees; and

25 (5) supervisory employees.

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

28 (i) an employee hired by a school district or the Board of
29 Trustees of the Minnesota State Colleges and Universities except
30 at the university established in section 136F.13 or for
31 community services or community education instruction offered on
32 a noncredit basis: (A) to replace an absent teacher or faculty
33 member who is a public employee, where the replacement employee
34 is employed more than 30 working days as a replacement for that
35 teacher or faculty member; or (B) to take a teaching position
36 created due to increased enrollment, curriculum expansion,

1 courses which are a part of the curriculum whether offered
2 annually or not, or other appropriate reasons; and

3 (ii) an employee hired for a position under clause (f)(1)
4 if that same position has already been filled under clause
5 (f)(1) in the same calendar year and the cumulative number of
6 days worked in that same position by all employees exceeds 67
7 calendar days in that year. For the purpose of this paragraph,
8 "same position" includes a substantially equivalent position if
9 it is not the same position solely due to a change in the
10 classification or title of the position; and

11 (iii) an early childhood family education teacher employed
12 by a school district.

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

14 Renumber the sections in sequence and correct the internal
15 references

16 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 23, after line 8, insert:

adopted

4 "(p) The board, in consultation with the Department of
5 Education and Minnesota Quality Teaching Coalition, must adopt
6 rules to license teachers of interdisciplinary teaching and
7 facilitating learning in innovative schools and programs."

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 14, after line 28, insert:

4 "Sec. 16. Minnesota Statutes 2004, section 120B.30, is
5 amended by adding a subdivision to read:

6 Subd. 4. [ACCESS TO TESTS.] The commissioner must adopt
7 and publish a policy to provide public and parental access for
8 review of basic skills tests, Minnesota comprehensive
9 assessments, or any other such statewide test and assessment.
10 Upon receiving a written request, the commissioner must make
11 available to parents or guardians a copy of their student's
12 actual answer sheet to the test questions."

13 Renumber the sections in sequence and correct the internal
14 references

15 Amend the title accordingly

Adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 1, after line 11, insert:

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

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

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

28 [EFFECTIVE DATE.] This section is effective for the
29 2005-2006 school year and later."

30 Renumber the sections in sequence and correct the internal
31 references

32 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 23, after line 30, insert:

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

6 Subd. 5. [PROBATIONARY PERIOD.] (a) The first three
7 consecutive years of a teacher's first teaching experience in
8 Minnesota in a single district is deemed to be a probationary
9 period of employment, and after completion thereof, the
10 probationary period in each district in which the teacher is
11 thereafter employed shall be one year. The school board must
12 adopt a plan for written evaluation of teachers during the
13 probationary period. Evaluation must occur at least three times
14 each year for a teacher performing services on 120 or more
15 school days, at least two times each year for a teacher
16 performing services on 60 to 119 school days, and at least one
17 time each year for a teacher performing services on fewer than
18 60 school days. Days devoted to parent-teacher conferences,
19 teachers' workshops, and other staff development opportunities
20 and days on which a teacher is absent from school must not be
21 included in determining the number of school days on which a
22 teacher performs services. Except as otherwise provided in
23 paragraph (b), during the probationary period any annual
24 contract with any teacher may or may not be renewed as the
25 school board shall see fit. However, the board must give any
26 such teacher whose contract it declines to renew for the
27 following school year written notice to that effect before July
28 1. If the teacher requests reasons for any nonrenewal of a
29 teaching contract, the board must give the teacher its reason in
30 writing, including a statement that appropriate supervision was
31 furnished describing the nature and the extent of such
32 supervision furnished the teacher during the employment by the
33 board, within ten days after receiving such request. The school
34 board may, after a hearing held upon due notice, discharge a
35 teacher during the probationary period for cause, effective
36 immediately, under section 122A.44.

1 (b) A board must discharge a probationary teacher,
2 effective immediately, upon receipt of notice under section
3 122A.20, subdivision 1, paragraph (b), that the teacher's
4 license has been revoked due to a conviction for child abuse or
5 sexual abuse.

6 (c) A teacher whose probationary period of employment is
7 interrupted for active military service and who resumes teaching
8 at a later date shall be considered to have a consecutive
9 teaching experience for purposes of this subdivision.

10 **[EFFECTIVE DATE.]** This section is effective retroactively
11 from September 10, 2001."

12 Renumber the sections in sequence and correct the internal
13 references

14 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 29, after line 21, insert:

4 "Sec. 30. Minnesota Statutes 2004, section 123B.02, is
5 amended by adding a subdivision to read:

6 Subd. 14a. [EMPLOYEE RECOGNITION.] A school board may
7 establish and operate an employee recognition program for
8 district employees, including teachers, and may expend funds as
9 necessary to achieve the objectives of the program."

10 Renumber the sections in sequence and correct the internal
11 references

12 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 29, after line 21, insert:

4 "Sec. 30. Minnesota Statutes 2004, section 123B.02, is
5 amended by adding a subdivision to read:

6 Subd. 22. [REWARDS.] A school board may offer a reward to
7 persons who provide accurate and reliable information that leads
8 to the apprehension and arrest of a person who has committed a
9 crime against school district property, students, employees or
10 volunteers, or school board members.

11 [EFFECTIVE DATE.] This section is effective the day
12 following final enactment."

13 Renumber the sections in sequence and correct the internal
14 references

15 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 67, after line 7, insert:

4 "Section 1. Minnesota Statutes 2004, section 123B.492, is
5 amended to read:

6 123B.492 [SUPERVISED COMPETITIVE HIGH SCHOOL DIVING.]

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

20 Renumber the sections in sequence and correct the internal
21 references

22 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 74, after line 32, insert:

4 "Sec. 6. Minnesota Statutes 2004, section 128C.12,
5 subdivision 1, is amended to read:

6 Subdivision 1. [DUES AND EVENTS REVENUE.] (a) The state
7 auditor annually must examine the accounts of, and audit all
8 money paid to, the State High School League by its members. The
9 audit must include financial and compliance issues. The state
10 ~~auditer~~ audit must also ~~audit~~ include all money derived from any
11 event sponsored by the league. ~~League-audits-must-include~~
12 ~~audits-of-administrative-regions-of-the-league--The-league-and~~
13 ~~its-administrative-regions-may-not-contract-with-private~~
14 ~~auditors---The-scope-of-the-state-auditor's-examinations-of-the~~
15 ~~league-must-be-agreed-upon-by-the-board-and-the-state-auditor,~~
16 ~~provided-that-all-requirements-of-this-section-must-be-met-~~

17 (b) The administrative regions of the league may contract
18 with the state auditor or with a private certified public
19 accountant for the audit required by this section. If the audit
20 is performed by a private certified public accountant, the state
21 auditor may require additional information from the private
22 certified public accountant as the state auditor deems in the
23 public interest. The state auditor may accept the audit or make
24 additional examinations as the state auditor deems to be in the
25 public interest.

26 Sec. 7. Minnesota Statutes 2004, section 128C.12,
27 subdivision 3, is amended to read:

28 Subd. 3. [COPIES.] The ~~state-auditer~~ board must file
29 copies of the ~~financial-and-compliance~~ audit report with the
30 commissioner of education and the director of the Legislative
31 Reference Library."

32 Page 77, line 12, delete "section" and insert "sections"
33 and delete the third comma and insert "; and 128C.12,
34 subdivision 4,"

5 Page 77, line 13, delete "is" and insert "are"
36 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 41, after line 2, insert:

"Sec. 47. [LICENSED STUDENT SUPPORT SERVICES.]

5 Subdivision 1. [ACCESS TO SERVICES.] School districts and
6 the Department of Education shall work to provide for students'
7 educational achievement, to provide for student safety, and to
8 enhance student physical, emotional, and social well-being by
9 providing access to licensed student support services, such as
10 licensed school nurses, licensed school counselors, licensed
11 school social workers, and licensed school psychologists.

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

18 Subd. 3. [IMPROVING ACCESS.] Districts and the department
19 must consider nationally recommended licensed staff-to-student
20 ratios, work loads, and best practices when working to improve
21 student access to needed licensed student support services."

22 Renumber the sections in sequence and correct the internal
23 references

24 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 45, line 11, delete "(a)"

4 Page 45, line 12, delete "one of the following" and insert "
5 at least three districts"

6 Page 45, line 13, delete the colon and insert a period

7 Page 45, delete lines 14 to 31

8 Page 46, line 12, delete "not more than ten days" and after
9 "after" insert "the publication of"

10 Page 46, line 13, delete "at least 30 days"

11 Page 49, line 15, delete everything after the period

12 Page 49, delete line 16

13 Page 49, line 17, delete everything before "A"

pretabled

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 8, line 13, after "educator" insert "assigned by a
4 public school"

5 Page 18, line 27, delete "public"

6 Page 18, line 29, after "reports" insert "by public schools"

revised

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 6, line 34, delete everything after the comma

4 Page 6, line 35, after "report" insert "must be" and after "
5 available" insert "to the public"

6 Page 15, line 35, after "principal" insert "or the person
7 having general control"

8 Page 28, line 30, delete "in" and insert "for the sole
9 purpose of entering"

10 Page 28, line 31, delete "order to enter"

11 Page 59, line 15, delete everything after the period and
12 insert "The council must include at least one"

13 Page 59, line 16, delete "members must be" and insert
"member who is"

15 Page 59, line 17, after "school" insert "if a nonpublic
16 school is located in the district"

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Pages 29 to 31, delete section 31

4 Page 69, line 9, after "instruction" insert "from a teacher"

5 Page 69, after line 26, insert:

6 Sec. 3. Minnesota Statutes 2004, section 124D.095,
7 subdivision 4, is amended to read:

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

27 (b) An online learning student may:

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

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

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

36 (c) A student with a disability may enroll in an online

1 learning course or program if the student's IEP team determines
2 that online learning is appropriate education for the student.

3 (d) An online learning student has the same access to the
4 computer hardware and education software available in a school
5 as all other students in the enrolling district. An online
6 learning provider must assist an online learning student whose
7 family qualifies for the education tax credit under section
8 290.0674 to acquire computer hardware and educational software
9 for online learning purposes.

10 (e) An enrolling district may offer online learning to its
11 enrolled students. Such online learning does not generate
12 online learning funds under this section. An enrolling district
13 that offers online learning only to its enrolled students is not
14 subject to the reporting requirements or review criteria under
15 subdivision 7. A teacher with a Minnesota license must assemble
16 and deliver instruction to enrolled students receiving online
17 learning from an enrolling district. The delivery of
18 instruction occurs when the student interacts with the computer
19 or the teacher. The instruction may include curriculum
20 developed by persons other than a teacher with a Minnesota
21 license.

22 (f) An online learning provider that is not the enrolling
23 district is subject to the reporting requirements and review
24 criteria under subdivision 7. A teacher with a Minnesota
25 license must assemble and deliver instruction to online learning
26 students. The delivery of instruction occurs when the student
27 interacts with the computer or the teacher. The instruction may
28 include curriculum developed by persons other than a teacher
29 with a Minnesota license. Unless the commissioner grants a
30 waiver, a teacher providing online learning instruction must not
31 instruct more than 40 students in any one online learning course
32 or program."

33 Page 70, line 5, reinstate the stricken "and"

34 Page 70, line 8, before the comma insert "the student is
35 enrolled in an instructional program in which at least 40
36 percent of the total instructional time takes place in the

1 school's facilities"

2 Page 70, line 11, before the period, insert "For
3 students enrolled in on-line learning according to clause (2),
4 the department shall calculate average daily membership
5 according to section 126C.05, subdivision 8"

6 Renumber the sections in sequence and correct the internal
7 references

8 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 3, after line 31, insert:

4 "Sec. 4. Minnesota Statutes 2004, section 120B.021, is
5 amended by adding a subdivision to read:

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

14 (1) is participating in a course of study including an
15 advanced placement or international baccalaureate course or
16 program, a learning opportunity outside the curriculum of the
17 district, area learning center or charter school, or an approved
18 preparatory program for employment or postsecondary education
19 that is equally or more rigorous than the corresponding state or
20 local academic standard required by the district, area learning
21 center or charter school;

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

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

29 Consistent with the requirements of this section, the local
30 school board, the school board of the school district in which
31 the area learning center is located, or the charter school board
32 of directors also may formally determine other circumstances in
33 which to declare that a student meets or exceeds a specific
34 academic standard that the site requires for graduation under
35 this section.

36 (b) A student who satisfactorily completes a postsecondary

1 enrollment options course or program under section 124D.09 is
2 not required to complete other requirements of the academic
3 standards corresponding to that specific rigorous course of
4 study."

5 Renumber the sections in sequence and correct the internal
6 references

7 Amend the title accordingly

prevalent

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Pages 9 to 11, delete sections 13 and insert:

4 "Sec. 13. [120B.15] [GIFTED AND TALENTED STUDENTS
5 PROGRAMS.]

6 Subdivision 1. [GIFTED AND TALENTED STUDENTS.] School
7 districts must adopt guidelines for assessing and identifying
8 students for participation in gifted and talented programs. The
9 guidelines should include the use of:

10 (1) multiple and objective criteria; and

11 (2) using assessments and procedures that are valid and
12 reliable, fair, and based on current theory and research.

13 Subd. 2. [STUDENT ACCESS; PROGRAM CONTENT AND
14 DEVELOPMENT.]

15 (a) Gifted and talented programs may include:

16 (1) curriculum aligned with the cognitive, affective,
17 developmental, physical, and ethical needs of gifted and
18 talented students;

19 (2) articulated prekindergarten through grade 12 learning
20 experiences;

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

23 (4) rigorous content consistent with students' abilities
24 and social and emotional development;

25 (5) challenging learning experiences focused on problem
26 solving and advanced reasoning; and

27 (6) differentiated guidance services to nurture students'
28 social and emotional development.

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

32 [EFFECTIVE DATE.] This section is effective for the
33 2005-2006 school year and later."

prevailed

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 3, delete lines 25 to 31 and insert "Before a revision
4 of the local health and physical education standards, a school
5 district must consult the grade-specific benchmarks developed by
6 the Department of Education's health and physical education
7 quality teaching network for the six national physical education
8 standards and the seven national health standards."

9 Page 4, delete line 16 and insert:

10 "(6) one-half credit in physical education and one-half
11 credit in"

12 Page 4, line 18, delete "five" and insert "six"

13 Page 40, line 28, delete "CURRICULUM" and insert
14 "BENCHMARKS"

15 Page 40, line 29, delete "develop"

16 Page 40, line 30, delete "and"

17 Page 40, line 31, delete "curriculum" and insert
18 "benchmarks developed by the department's health and physical
19 education quality teaching network"

adopted

1 Senator moves to amend the SCS1148A13 amendment to
2 S.F. No. 1148 as follows:

3 Page 1, line 12, before the period, insert "to be reviewed
4 by the parent and the student's teacher at the school site"

Withdrawn

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 39, after line 3, insert:

4 "Sec. 43. Laws 2003, First Special Session chapter 9,
5 article 1, section 51, is amended to read:

6 Sec. 51. [STAFF DEVELOPMENT RESERVED REVENUE; FISCAL YEARS
7 2004 ~~AND~~, 2005, 2006, and 2007.]

8 Notwithstanding Minnesota Statutes, section 122A.61,
9 subdivision 1, for fiscal years 2004 ~~and~~, 2005, 2006, and 2007
10 only, a school district must reserve an amount equal to at least
11 zero percent of the basic revenue under Minnesota Statutes,
12 section 126C.10, subdivision 2. A district may waive this
13 requirement by a majority vote of the licensed teachers in the
14 district and a majority vote of the school board. A district in
15 statutory operating debt is exempt from this requirement."

16 Renumber the sections in sequence and correct the internal
17 references

18 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 39, after line 3, insert:

4 "Sec. 43. Minnesota Statutes 2004, section 260C.201,
5 subdivision 1, is amended to read:

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

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

15 (i) the court may order the child into the home of a parent
16 who does not otherwise have legal custody of the child, however,
17 an order under this section does not confer legal custody on
18 that parent;

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

24 (iii) the court may order the child into the home of a
25 noncustodial parent with conditions and may also order both the
26 noncustodial and the custodial parent to comply with the
27 requirements of a case plan under subdivision 2; or

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

29 (i) a child-placing agency; or

30 (ii) the responsible social services agency. In placing a
31 child whose custody has been transferred under this paragraph,
32 the agencies shall make an individualized determination of how
33 the placement is in the child's best interests using the
34 consideration for relatives and the best interest factors in
35 section 260C.212, subdivision 2, paragraph (b); or

36 (3) if the child has been adjudicated as a child in need of

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

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

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

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

35 (2) place the child under the supervision of a probation
36 officer or other suitable person in the child's own home under

1 conditions prescribed by the court, including reasonable rules
2 for the child's conduct and the conduct of the parents,
3 guardian, or custodian, designed for the physical, mental, and
4 moral well-being and behavior of the child; or with the consent
5 of the commissioner of corrections, place the child in a group
6 foster care facility which is under the commissioner's
7 management and supervision;

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

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

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

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

20 (5) require the child to participate in a community service
21 project;

22 (6) order the child to undergo a chemical dependency
23 evaluation and, if warranted by the evaluation, order
24 participation by the child in a drug awareness program or an
25 inpatient or outpatient chemical dependency treatment program;

26 (7) if the court believes that it is in the best interests
27 of the child and or of public safety that the child's driver's
28 license or instruction permit be canceled, the court may order
29 the commissioner of public safety to cancel the child's license
30 or permit for any period up to the child's 18th birthday. If
31 the child does not have a driver's license or permit, the court
32 may order a denial of driving privileges for any period up to
33 the child's 18th birthday. The court shall forward an order
34 issued under this clause to the commissioner, who shall cancel
35 the license or permit or deny driving privileges without a
36 hearing for the period specified by the court. At any time

1 before the expiration of the period of cancellation or denial,
2 the court may, for good cause, order the commissioner of public
3 safety to allow the child to apply for a license or permit, and
4 the commissioner shall so authorize;

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

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

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

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

29 (d) In the case of a child adjudicated in need of
30 protection or services because the child has committed domestic
31 abuse and been ordered excluded from the child's parent's home,
32 the court shall dismiss jurisdiction if the court, at any time,
33 finds the parent is able or willing to provide an alternative
34 safe living arrangement for the child, as defined in Laws 1997,
35 chapter 239, article 10, section 2.

36 (e) When a parent has complied with a case plan ordered

1 under subdivision 6 and the child is in the care of the parent,
2 the court may order the responsible social services agency to
3 monitor the parent's continued ability to maintain the child
4 safely in the home under such terms and conditions as the court
5 determines appropriate under the circumstances."

6 Renumber the sections in sequence and correct the internal
7 references

8 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 44, after line 32, insert:

4 "Sec. 6. Minnesota Statutes 2004, section 122A.15, is
5 amended by adding a subdivision to read:

6 Subd. 3. [STUDENT SUPPORT SERVICES ADVISORY COMMITTEE;
7 DISTRICT PLAN.] (a) A student support services advisory
8 committee composed of ten members selected by the commissioner
9 is established under section 15.059. The commissioner must
10 select one committee member from each of the following
11 organizations:

- 12 (1) the Minnesota Department of Education;
13 (2) the Minnesota School Boards Association;
14 (3) the Minnesota Association of School Administrators;
15 (4) the Minnesota School Social Work Association;
16 (5) the School Nurse Organization of Minnesota;
17 (6) the Minnesota School Psychologists Association;
18 (7) the Minnesota School Counselors Association;
19 (8) the Minnesota Association of Resources for Recovery and
20 Chemical Health;
21 (9) the Minnesota Administrators for Special Education; and
22 (10) the Minnesota Parent Teachers Association.

23 (b) The committee must:

- 24 (1) establish a method for identifying student needs that
25 are barriers to learning;
26 (2) identify alternatives for integrating student support
27 services into public schools;
28 (3) recommend support staff to student ratios and best
29 practices for providing student support services premised on
30 evidence-based practice;
31 (4) identify the substance and extent of the work that
32 student support services staff are trained and licensed to
33 provide and the characteristics of the student populations they
34 serve;
35 (5) recommend how school districts can most appropriately
36 integrate student support services into the education program;

1 and

2 (6) recommend public and nonpublic revenue sources that
3 school districts can use to fund student support services
4 including, among other sources, medical assistance
5 reimbursements, private health insurance, local collaborative
6 time study funds, federal funds, public health funds, and
7 specifically designated funds such as school safety levies and
8 district general funds, among other funds.

9 (c) The committee must consider the oral and written
10 testimony of school district personnel and parents and students
11 in complying with paragraph (b). The committee must submit
12 periodic recommendations about student support services to the
13 commissioner and to the committees of the legislature having
14 jurisdiction over birth to age 21 education policy and budget
15 issues. The commissioner must consider the committee's
16 recommendations in deciding whether to develop and maintain a
17 model district plan for student support services. If the
18 commissioner develops and maintains a model plan, the
19 commissioner also must decide whether to transmit the plan to
20 school districts, whether to require the districts to adopt and
21 maintain a district plan for providing student support services
22 that meets the criteria recommended by the advisory committee,
23 and whether to require the districts to submit the plan for
24 biennial review.

25 (d) Notwithstanding section 15.059, subdivision 5, the
26 committee expires on June 30, 2016.

27 [EFFECTIVE DATE.] This section is effective the day
28 following final enactment and applies to the 2006-2007 school
29 year and later."

30 Renumber the sections in sequence and correct the internal
31 references

32 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 66, after line 31, insert:

4 "Sec. 22. [TASK FORCE ON DELIVERY OF SPECIAL EDUCATION TO
5 NONPUBLIC SCHOOL STUDENTS BY PUBLIC SCHOOL DISTRICTS.]

6 Subdivision 1. [PURPOSE; ESTABLISHMENT.] With the
7 congressional reauthorization of the federal Individuals with
8 Disabilities Education Act, a task force on the delivery of
9 special education services to nonpublic school students by
10 public school districts shall be established to compare and
11 evaluate how the individual needs of each child are being met,
12 if services are provided in the least restrictive environment,
13 and whether best practices and program efficiencies are being
14 used in the specific areas of transportation, location of
15 services, and shared time aid.

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

18 (1) two members from the Department of Education, one
19 representing special education programs and policy and one
20 representing district finances;

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

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

25 (4) two members with one from each of two special education
26 advocacy organizations;

27 (5) two parents of children receiving special education
28 services with one member from a public school and one member
29 from a nonpublic school;

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

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

34 (8) two school business officials with one from a public
35 school and one from a nonpublic school; and

36 (9) two school board officials with one from a public

1 school and one from a nonpublic school.

2 The task force may select additional members to work on the
3 task force. The commissioner of education shall provide
4 necessary materials and assistance.

5 Subd. 3. [REPORT.] The task force shall submit a report by
6 January 15, 2006, to the house of representatives and senate
7 committees having jurisdiction over education on the delivery of
8 special education services to nonpublic school students by
9 public school districts, to compare and evaluate how the
10 individual needs of each child are being met in the least
11 restrictive environment, and whether best practices and program
12 efficiencies are being used.

13 Subd. 4. [EXPIRATION.] This section expires January 31,
14 2006.

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment."

17 Renumber the sections in sequence and correct the internal
18 references

19 Amend the title accordingly

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 74, line 35, after "with" insert "the phase one
4 implementation requirements of" and delete "schools"

5 Page 74, line 36, delete "interoperability framework" and
6 insert "Schools Interoperability Framework"

7 Page 75, line 3, after the headnote, insert "(a)"

8 Page 75, line 4, after "administration" insert "and the
9 chief information officer"

10 Page 75, line 13, delete "The working group must" and
11 insert:

12 "(b) The working group must:

13 (1)"

14 Page 75, line 15, delete "between" and insert "among"

15 Page 75, line 16, before the period, insert "; and

16 (2) evaluate the feasibility, costs, and benefits of
17 consolidating the provision of data processing, storage, and
18 exchange services currently performed by districts with a single
19 provider for all student-related data reported through the
20 Minnesota Automated Reporting Student System; and

21 (3) define the responsibilities of state agencies, regional
22 management information centers, school districts, and schools in
23 implementing data interoperability, and determine any
24 state-specific requirements for school data interoperability"

25 Page 75, line 18, after the first "report" insert "on the
26 work performed under subdivision 1"

27 Page 75, line 20, after "streamline" insert "exchange of
28 data among districts and" and delete "In"

29 Page 75, line 21, delete "addition,"

30 Page 75, line 22, delete "expanding the purchasing" and
31 insert "consolidating the provision" and before "data" insert
32 "student"

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Pages 42 to 44, delete sections 1 to 5 and insert:

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

6 Subd. 5. [EMERGENCY.] "Emergency" means a situation in
7 which immediate intervention is necessary to protect a pupil or
8 other individual from physical injury or to prevent serious
9 property damage.

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

12 Subd. 6. [POSITIVE BEHAVIORAL INTERVENTIONS AND
13 SUPPORTS.] "Positive behavioral interventions and supports"
14 means those strategies used to improve the school environment
15 and teach pupils skills likely to increase their ability to
16 exhibit appropriate behaviors.

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

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

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

25 (2) an exclusionary time-out, which is not a regulated
26 intervention, and involves instructing the pupil to leave the
27 school activity during the school day and not participate in or
28 observe the classroom activity, but to go to another area from
29 which the pupil may leave; or

30 (3) a locked time-out, which is a regulated intervention,
31 and involves involuntarily removing the pupil from the school
32 activity during the school day and placing the pupil in a
33 specially designed and continuously supervised isolation room
34 that the pupil is prevented from leaving.

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

1 121A.67 [AVERSIVE AND DEPRIVATION PROCEDURES.]

2 Subdivision 1. [RULES.] The commissioner, after
3 consultation with interested parent organizations and advocacy
4 groups, the Minnesota Administrators for Special Education, the
5 Minnesota Association of School Administrators, Education
6 Minnesota, the Minnesota School Boards Association, the
7 Minnesota Police Officers Association, a representative of a
8 bargaining unit that represents paraprofessionals, and the
9 Elementary School Principals Association and the Secondary
10 School Principals Association, must ~~adopt~~ amend rules governing
11 the use of aversive and deprivation procedures by school
12 district employees or persons under contract with a school
13 district. The rules must:

14 (1) promote the use of positive ~~approaches~~ behavioral
15 interventions and supports and must not encourage or require the
16 use of aversive or deprivation procedures;

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

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

28 (4) establish health and safety standards for the use of
29 locked time-out procedures that require a safe environment,
30 continuous monitoring of the child, ventilation, and adequate
31 space, a locking mechanism that disengages automatically when
32 not continuously engaged by school personnel, and full
33 compliance with state and local fire and building codes,
34 including state rules on time-out rooms; and

35 (5) contain a list of prohibited procedures;

36 (6) consolidate and clarify provisions related to behavior

1 intervention plans;

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

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

8 (i) part of the comprehensive behavior intervention plan
9 that is included in or maintained with the student's individual
10 education plan, and the plan uses positive behavioral
11 interventions and supports, and data support its continued use;
12 or

13 (ii) used in an emergency for the duration of the emergency
14 only; and

15 (9) require a providing school district or cooperative to
16 establish an oversight committee composed of at least one member
17 with training in behavioral analysis and other appropriate
18 education personnel to annually review aggregate data regarding
19 the use of aversive and deprivation procedures.

20 Subd. 2. [REMOVAL BY PEACE OFFICER.] If a pupil who has an
21 individual education plan is restrained or removed from a
22 classroom, school building, or school grounds by a peace officer
23 at the request of a school administrator or a school staff
24 person during the school day twice in a 30-day period, the
25 pupil's individual education program team must meet to determine
26 if the pupil's individual education plan is adequate or if
27 additional evaluation is needed.

28 [EFFECTIVE DATE.] Subdivision 1 of this section is
29 effective the day following final enactment."

30 Renumber the sections in sequence and correct the internal
31 references

printed

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 22, delete lines 32 to 36

4 Page 23, delete lines 1 to 8

adopted

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 37, after line 18, insert:

4 "Sec. 41. [127A.095] [IMPLEMENTATION OF NO CHILD LEFT
5 BEHIND ACT.]

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

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

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

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

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

32 (3) the Department of Education has developed a plan and
33 model legislation to ensure that if an adequate yearly progress
34 determination was made in error, that the error will not
35 adversely affect the school's or school district's sanction
36 status in subsequent years. The Department of Education must

1 have a policy in place to correct errors to accountability
2 reports;

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

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

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

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

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

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

33 (10) the Department of Education has received approval from
34 the federal Department of Education to limit the score of a
35 student within multiple subgroups to the one subgroup that is
36 the smallest subgroup in which that student is a part of when

1 calculating adequate yearly progress;

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

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

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

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

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

32 Subd. 4. [ANNUAL CONTINGENT APPROPRIATION.] For fiscal
33 year 2007 and thereafter, an amount equal to the federal revenue
34 withheld in the same fiscal year as a result of the state's
35 discontinued implementation of the No Child Left Behind Act, as
36 certified by the commissioner of finance under subdivision 3, is

1 appropriated from the general fund to the commissioner of
2 education. The commissioner of education shall allocate the
3 appropriation under this section according to the report from
4 the commissioner of finance in subdivision 3.

5 [EFFECTIVE DATE.] This section is effective the day
6 following final enactment."

7 Renumber the sections in sequence and correct the internal
8 references

9 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 23, after line 30, insert:

4 "Sec. 25. Minnesota Statutes 2004, section 122A.41,
5 subdivision 5a, is amended to read:

6 Subd. 5a. [PROBATIONARY PERIOD FOR PRINCIPALS HIRED
7 INTERNALLY.] A board and the exclusive representative of the
8 school principals in the district may negotiate a plan for a
9 probationary period of up to two school years for licensed
10 teachers employed by the board who are subsequently employed by
11 the board as a licensed school principal or assistant principal
12 and an additional probationary period of up to two years for
13 licensed assistant principals employed by the board who are
subsequently employed by the board as a licensed school
14 principal.

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

17 Renumber the sections in sequence and correct the internal
18 references

19 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 23, after line 30, insert:

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

6 Subd. 5. [PROBATIONARY PERIOD.] (a) The first three
7 consecutive years of a teacher's first teaching experience in
8 Minnesota in a single district is deemed to be a probationary
9 period of employment, and after completion thereof, the
10 probationary period in each district in which the teacher is
11 thereafter employed shall be one year. The school board must
12 adopt a plan for written evaluation of teachers during the
13 probationary period. Evaluation must occur at least three times
14 each year for a teacher performing services on 120 or more
15 school days, at least two times each year for a teacher
16 performing services on 60 to 119 school days, and at least one
17 time each year for a teacher performing services on fewer than
18 60 school days. Days devoted to parent-teacher conferences,
19 teachers' workshops, and other staff development opportunities
20 and days on which a teacher is absent from school must not be
21 included in determining the number of school days on which a
22 teacher performs services. Except as otherwise provided in
23 paragraph (b), during the probationary period any annual
24 contract with any teacher may or may not be renewed as the
25 school board shall see fit. However, the board must give any
26 such teacher whose contract it declines to renew for the
27 following school year written notice to that effect before July
28 1. If the teacher requests reasons for any nonrenewal of a
29 teaching contract, the board must give the teacher its reason in
30 writing, including a statement that appropriate supervision was
31 furnished describing the nature and the extent of such
32 supervision furnished the teacher during the employment by the
33 board, within ten days after receiving such request. The school
34 board may, after a hearing held upon due notice, discharge a
35 teacher during the probationary period for cause, effective
36 immediately, under section 122A.44.

1 (b) A board must discharge a probationary teacher,
2 effective immediately, upon receipt of notice under section
3 122A.20, subdivision 1, paragraph (b), that the teacher's
4 license has been revoked due to a conviction for child abuse or
5 sexual abuse.

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

13 [EFFECTIVE DATE.] This section is retroactively effective
14 to September 10, 2001, and applies to those probationary
15 teachers absent for active military service beginning on
16 September 10, 2001, or later.

17 Sec. 26. Minnesota Statutes 2004, section 122A.41,
18 subdivision 2, is amended to read:

19 Subd. 2. [PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.] All
20 teachers in the public schools in cities of the first class
21 during the first three years of consecutive employment shall be
22 deemed to be in a probationary period of employment during which
23 period any annual contract with any teacher may, or may not, be
24 renewed as the school board, after consulting with the peer
25 review committee charged with evaluating the probationary
26 teachers under subdivision 3, shall see fit. The school site
27 management team or the school board if there is no school site
28 management team, shall adopt a plan for a written evaluation of
29 teachers during the probationary period according to subdivision
30 3. Evaluation by the peer review committee charged with
31 evaluating probationary teachers under subdivision 3 shall occur
32 at least three times each year for a teacher performing services
33 on 120 or more school days, at least two times each year for a
34 teacher performing services on 60 to 119 school days, and at
35 least one time each year for a teacher performing services on
36 fewer than 60 school days. Days devoted to parent-teacher

1 conferences, teachers' workshops, and other staff development
2 opportunities and days on which a teacher is absent from school
3 shall not be included in determining the number of school days
4 on which a teacher performs services. The school board may,
5 during such probationary period, discharge or demote a teacher
6 for any of the causes as specified in this code. A written
7 statement of the cause of such discharge or demotion shall be
8 given to the teacher by the school board at least 30 days before
9 such removal or demotion shall become effective, and the teacher
10 so notified shall have no right of appeal therefrom.

11 (b) A probationary teacher whose first three years of
12 consecutive employment is interrupted for active military
13 service and who promptly resumes teaching consistent with
14 federal reemployment timelines for uniformed service personnel
15 under United States Code, title 38, section 4312(e), is
16 considered to have a consecutive teaching experience for
17 purposes of paragraph (a).

18 [EFFECTIVE DATE.] This section is retroactively effective
19 to September 10, 2001, and applies to those probationary
20 teachers absent for active military service beginning on
21 September 10, 2001, or later."

22 Renumber the sections in sequence and correct the internal
23 references

24 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 40, line 27, after the period, insert "For purposes of
4 state and local high school graduation requirements, the rules
5 must include criteria enabling school districts to:

6 (1) appropriately accommodate a student who fails but seeks
7 to pass the Minnesota Comprehensive Assessments Second Edition;
8 and

9 (2) exempt a disabled student, consistent with the
10 student's individualized education plan, or an English language
11 learner from the Minnesota Comprehensive Assessments Second
12 Edition or administer an alternative assessment either to a
13 disabled student, consistent with the student's individualized
14 education plan, or to an English language learner."

1 Senator moves to amend the SCS1148A10 amendment to
2 S.F. No. 1148 as follows:

3 Page 2, lines 16 and 31, delete "policies and"

- 1 Senator moves to amend the delete-everything
- 2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:
- 3 Page 56, delete lines 4 to 36
- 4 Page 57, delete lines 1 to 16
- 5 Page 57, line 17, delete "7" and insert "4"
- 6 Page 64, delete section 19
- 7 Renumber the sections in sequence and correct the internal
- 8 references
- 9 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 41, after line 2, insert:

4 "Sec. 47. [BOARD OF TEACHING REPORT.]

5 By January 16, 2006, the Board of Teaching, in consultation
6 with the Department of Education and other education
7 stakeholders, must prepare and submit to the education
8 committees of the legislature proposed licensure requirements
9 for teachers of interdisciplinary curriculum to facilitate
10 learning in state-approved innovative schools and programs."

11 Renumber the sections in sequence and correct the internal
12 references

13 Amend the title accordingly

1 Senator moves to amend S. F. No. 1148, as
2 amended by scs1148A-4, as follows:

3 Page 29, after line 21, insert:

4 "Sec. 30. Minnesota Statutes 2004, section 123B.04,
5 subdivision 1, is amended to read:

6 Subdivision 1. [DEFINITION.] "Education site" means a
7 separate facility. A program within a facility or within a
8 district is an education site if the school board recognizes it
9 as a site.

10 Sec. 31. Minnesota Statutes 2004, section 123B.04,
11 subdivision 2, is amended to read:

12 Subd. 2. [AGREEMENT.] (a) ~~Either the school board or the~~
13 ~~school site decision-making team may request that the school~~
14 ~~board enter into an agreement with a school site decision-making~~
15 ~~team concerning~~ Upon the request of 60 percent of the licensed
16 employees of a site or a school site decision-making team, the
17 school board shall enter into an agreement concerning the
18 governance, management, or control of the school. The school
19 board may initiate an agreement process with a site
20 decision-making team. A school site decision-making team may
21 include the school principal, teachers in the school or their
22 designee, other employees in the school, parents of pupils in
23 the school, representatives of pupils in the school, or other
24 members in the community. For purposes of formation of a new
25 site, a school site decision-making team may be a team of
26 teachers and other staff that is recognized by the board as a
27 site. The school site decision-making team shall include the
28 school principal or other person having general control and
29 supervision of the school. The site decision-making team must
30 reflect the diversity of the education site. ~~No more than~~ At
31 least one-half of the members shall be employees of the
32 district, unless an employee is the parent of a student enrolled
33 in the school site, in which case the employee may elect to
34 serve as a parent member of the site team.

35 (b) School site decision-making agreements must delegate
36 powers, duties, and broad management responsibilities to site

1 teams and involve staff members, students as appropriate, and
2 parents in decision making.

3 (c) An agreement shall include:

4 (1) a statement of powers, duties, responsibilities, and
5 authority to be delegated to and within the site;

6 ~~(d) An agreement may include:~~

7 ~~(1)~~ (2) an achievement contract according to subdivision 4;

8 ~~(2)~~ (3) a mechanism to allow statement of how principals,
9 a site leadership team, or other persons having general control
10 and supervision of the school, ~~to~~ may make decisions regarding
11 how the allocation of financial and personnel resources ~~are best~~
12 ~~allocated~~ at the site and from whom goods or services are
13 purchased subject to district collective bargaining
14 agreements; and

15 (4) an amount of revenue allocated to the site under
16 subdivision 3.

17 (d) An agreement may include:

18 ~~(3)~~ (1) a mechanism to implement parental involvement
19 programs under section 124D.895 and to provide for effective
20 parental communication and feedback on this involvement at the
21 site level;

22 ~~(4)~~ (2) a provision that would allow the team to determine
23 who is hired into licensed and nonlicensed positions;

24 ~~(5)~~ (3) a provision that would allow teachers to choose the
25 principal or other person having general control;

26 ~~(6) an amount of revenue allocated to the site under~~
27 ~~subdivision 3;~~ and

28 ~~(7)~~ (4) any other powers and duties determined appropriate
29 by the board.

30 The school board of the district remains the legal employer
31 under clauses ~~(4)~~ (2) and ~~(5)~~ (3).

32 (e) Any powers or duties not delegated to the school site
33 management team in the school site management agreement shall
34 remain with the school board.

35 (f) Approved agreements shall be filed with the
36 commissioner. If a school board denies a request or the school

1 site and school board fail to reach an agreement to enter into a
2 school site management agreement, ~~it~~ the school board shall
3 provide a copy of the request and the reasons for its denial to
4 the commissioner."

5 Page 42, after line 3, insert:

6 "Subd. 8. [SCHOOL SITE DECISION-MAKING PROGRAM
7 GRANTS.] For grants to ten school sites that have entered into
8 site decision-making agreements or initiated the process of
9 agreement under Minnesota Statutes, section 123B.04:

10 \$,.,.,.,. 2006

11 \$,.,.,.,. 2007

12 These appropriations must be used for the planning and
13 implementation of the school site. Up to one-half of the grant
14 amount may be available before an agreement is executed. To be
15 eligible, an agreement under Minnesota Statutes, section
16 123B.04, subdivision 2, must include the allocation of all
17 revenue under Minnesota Statutes, section 123B.04, subdivision
18 3, to the education site. The commissioner shall establish the
19 form and manner of application for a grant."

20 Renumber the sections in sequence and correct the internal
21 references

22 Amend the title accordingly

Senator Pappas introduced--

S.F. No. 1788: Referred to the Committee on Education.

1 A bill for an act

2 relating to higher education; changing the method for
3 recommending regent candidates to the legislature;
4 amending Minnesota Statutes 2004, section 137.0245,
5 subdivisions 1, 4; proposing coding for new law in
6 Minnesota Statutes, chapter 137.

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

8 Section 1. Minnesota Statutes 2004, section 137.0245,
9 subdivision 1, is amended to read:

10 Subdivision 1. [ESTABLISHMENT.] A Regent Candidate
11 Advisory Council is established to assist ~~the legislature~~ in
12 determining criteria for, and identifying and recruiting
13 qualified candidates for membership on the Board of Regents and
14 making recommendations to the governor.

15 Sec. 2. Minnesota Statutes 2004, section 137.0245,
16 subdivision 4, is amended to read:

17 Subd. 4. [RECOMMENDATIONS.] The advisory council shall
18 recommend at least two and not more than four candidates. By
19 ~~March-15~~ February 1 of each odd-numbered year, the advisory
20 council shall submit its recommendations to the ~~president-of-the~~
21 ~~senate-and-the-speaker-of-the-house-of-representatives---~~The
22 ~~legislature-shall-not-be-bound-by-these-recommendations~~ governor
23 who must nominate a slate of candidates and present it to the
24 legislature under section 137.0247.

25 Sec. 3. [137.0247] [LEGISLATIVE ELECTION OF REGENTS.]

26 Subdivision 1. [GOVERNOR NOMINATION.] Within 30 days of

1 receiving the recommendations of the Regent Candidate Advisory
2 Council, the governor must submit a slate of regent candidates
3 to the legislature that names one candidate for each vacancy.
4 The governor may name candidates from the recommendations of the
5 advisory council, or may select a candidate without regard to
6 the recommendations but according to sections 137.023 and
7 137.024.

8 Subd. 2. [ELECTION BY THE LEGISLATURE.] In each
9 odd-numbered year, the legislature must elect regents as
10 required under the Minnesota Constitution, article XII, section
11 3, from a slate of candidates submitted by the governor under
12 this section. If the legislature fails to fill one or more of
13 the open positions, the governor has 15 days from the date of
14 the joint convention to submit a new slate of candidates for the
15 open regent positions. The legislature must meet in joint
16 convention to act on the second slate of candidates. The
17 nomination and election process under this section continues
18 until regents have been elected for all positions scheduled for
19 the current election cycle.

1 Senator moves to amend S.F. No. 1788 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 137.0245,
4 subdivision 2, is amended to read:

5 Subd. 2. [MEMBERSHIP.] The Regent Candidate Advisory
6 Council shall consist of ~~24~~ 18 members. ~~Twelve~~ Six members
7 shall be appointed by the governor. Six members shall be
8 appointed by the Subcommittee on Committees of the Committee on
9 Rules and Administration of the senate. ~~Twelve~~ Two members
10 appointed by the subcommittee must be persons recommended by the
11 minority leader of the senate. Six members shall be appointed
12 by the speaker of the house of representatives. ~~Each-appointing~~
13 ~~authority~~ Two members appointed by the speaker must be persons
14 recommended by the house minority leader. The subcommittee and
15 the speaker must each appoint one member who is a student
16 enrolled in a degree program at the University of Minnesota at
17 the time of appointment. No more than one-third of the members
18 appointed by each appointing authority may be current or former
19 legislators. No more than two-thirds of the members appointed
20 by each appointing authority may belong to the same political
21 party; however, political activity or affiliation is not
22 required for the appointment of any member. Geographical and
23 gender representation must be taken into consideration when
4 making appointments. A person may not serve for more than one
25 term. Section 15.0575 shall govern the advisory council, except
26 that:

27 (1) the members shall be appointed to six-year terms with
28 one-third appointed each even-numbered year; and

29 (2) student members are appointed to two-year terms with
30 two students appointed each even-numbered year.

31 Sec. 2. Minnesota Statutes 2004, section 137.0245,
32 subdivision 3, is amended to read:

33 Subd. 3. [DUTIES.] (a) The advisory council shall:

34 (1) develop, in consultation with current and former
35 regents and the administration of the University of Minnesota, a
36 statement of the selection criteria to be applied and a

1 description of the responsibilities and duties of a regent, and
2 shall distribute this to potential candidates; and

3 (2) for each position on the board, identify and recruit
4 qualified candidates for the Board of Regents, based on the
5 background and experience of the candidates, and their potential
6 for discharging the responsibilities of a member of the Board of
7 Regents.

8 (b) The guidelines developed under paragraph (a), clause
9 (1), must include a guide that regents represent diversity in
10 geography; gender; race; occupation, including business and
11 labor; and experience. The advisory council must submit its
12 candidate recommendations to the education policy committees and
13 to the budget divisions of the house of representatives and
14 senate with jurisdiction over higher education finance by
15 February 1 for vacancies to be filled during that year's
16 legislative session.

17 Sec. 3. [137.0246] [REGENT SELECTION; LEGISLATURE.]

18 (a) By March 7 of each odd-numbered year, or at a date
19 agreed to by concurrent resolution, a joint legislative
20 committee shall meet to recommend nominees for regent of the
21 University of Minnesota to be presented to a joint convention of
22 the legislature. The joint legislative committee consists of 30
23 legislator members. Twenty members shall be appointed by the
24 speaker of the house. Ten members shall be appointed by the
25 Subcommittee on Committees of the Committee on Rules and
26 Administration from the senate. An equal number of members from
27 the majority and minority party shall be appointed from each
28 house. The members appointed from the minority party must be
29 appointed from among those recommended by the minority leader.
30 The chairs of the education policy committees and of the higher
31 education budget divisions and the ranking minority member of
32 those committees and divisions must be appointed. A majority of
33 the members from each house is a quorum of the joint committee.

34 (b) The joint committee shall determine the number of
35 persons, and the person or persons to be recommended for each
36 open seat.

1 (c) Each person recommended by the Regent Candidate
2 Advisory Council is considered nominated. Other persons may be
3 nominated by a member of the committee at the meeting.
4 Nominations may be made by committee members only. Nominations
5 must be made for a specified congressional or student seat, or
6 for any at-large seat."

7 Amend the title accordingly

1 Senator moves to amend S.F. No. 1788 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [137.0245] [REGENT CANDIDATE ADVISORY
4 COUNCIL AND RECOMMENDATION PROCESS.]

5 Subdivision 1. [ESTABLISHMENT.] A Regent Candidate
6 Advisory Council is established to assist the legislature and
7 governor in determining criteria for, and identifying and
8 recruiting qualified candidates for membership on the Board of
9 Regents.

10 Subd. 2. [MEMBERSHIP.] The Regent Candidate Advisory
11 Council shall consist of 24 members. Twelve members shall be
12 appointed by the Subcommittee on Committees of the Committee on
13 Rules and Administration of the senate. Twelve members shall be
14 appointed by the speaker of the house of representatives. Each
15 appointing authority must appoint one member who is a student
16 enrolled in a degree program at the University of Minnesota at
17 the time of appointment. No more than one-third of the members
18 appointed by each appointing authority may be current or former
19 legislators. No more than two-thirds of the members appointed
20 by each appointing authority may belong to the same political
21 party; however, political activity or affiliation is not
22 required for the appointment of any member. Geographical and
23 gender representation must be taken into consideration when
24 making appointments. A person may not serve for more than one
25 term on the advisory council. Section 15.0575 shall govern the
26 advisory council, except that:

27 (1) the members shall be appointed to six-year terms with
28 one-third appointed each even-numbered year; and

29 (2) student members are appointed to two-year terms with
30 two students appointed each even-numbered year.

31 Subd. 2a. [GOVERNOR'S REGENTS NEED ASSESSMENTS.] By
32 September 1 preceding a year in which the advisory council is
33 required to make recommendations on regents candidates to the
34 legislature, the governor must make a report to the advisory
35 council on the membership needs of the board in terms of
36 individual skills and characteristics. Individual skills relate

1 to training and experience in fields such as finance, higher
2 education, labor, and management. Individual characteristics
3 relate to qualities such as gender, race, and geographic
4 location of residence.

5 Subd. 3. [DUTIES.] (a) The advisory council shall:

6 (1) develop, in consultation with current and former
7 regents and the administration of the University of Minnesota, a
8 statement of the selection criteria to be applied and a
9 description of the responsibilities and duties of a regent, and
10 shall distribute this to potential candidates; and

11 (2) for each position on the board, identify and recruit
12 qualified candidates for the Board of Regents, based on the
13 background and experience of the candidates, and their potential
14 for discharging the responsibilities of a member of the Board of
15 Regents, and the needs of the board identified by the governor
16 under subdivision 2a. The selection criteria must not include a
17 limitation on the number of terms an individual may serve on the
18 Board of Regents.

19 (b) The guidelines developed under paragraph (a), clause
20 (1), must include a guide that regents represent diversity in
21 geography; gender; race; occupation, including business and
22 labor; and experience. The advisory council must submit its
23 candidate recommendations to the governor by January 10 for
24 vacancies to be filled during that year's legislative session.
25 The governor is not bound by the recommendations, which shall
26 include at least two but not more than four candidates for each
27 position.

28 Subd. 4. [GOVERNOR'S RECOMMENDATIONS.] The advisory
29 ~~council~~ governor shall recommend ~~at least two and not more than~~
30 ~~four candidates.~~ one candidate for each vacancy by March 15
31 January 25 of each odd-numbered year, ~~the advisory council shall~~
32 ~~submit its recommendations~~ to the president of the senate and
33 the speaker of the house of representatives. The legislature
34 shall not be bound by ~~these~~ the governor's recommendations.

35 Subd. 5. [SUPPORT SERVICES.] The Legislative Coordinating
36 Commission shall provide administrative and support services for

1 the advisory council.

2 Sec. 2. [137.0246] [REGENT SELECTION; LEGISLATURE.]

3 (a) By February 15 of each odd-numbered year, or at a date
4 agreed to by concurrent resolution, a joint legislative
5 committee shall meet to recommend nominees for regent of the
6 University of Minnesota to be presented to a joint convention of
7 the legislature. The joint legislative committee consists of 20
8 legislator members. Ten members shall be appointed by the
9 speaker of the house. Ten members shall be appointed by the
10 Subcommittee on Committees of the Committee on Rules and
11 Administration from the senate. An equal number of members from
12 the majority and minority party shall be appointed from each
13 house. The members appointed from the minority party must be
14 appointed from among those recommended by the minority leader.
15 The chairs of the education policy committees and of the higher
16 education budget divisions and the ranking minority member of
17 those committees and divisions must be appointed. A majority of
18 the members from each house is a quorum of the joint committee.

19 (b) The joint committee shall determine the number of
20 persons, and the person or persons to be recommended for each
21 open seat.

22 (c) Each person recommended by the governor is considered
23 nominated and forwarded to the joint convention. Other persons
24 may be nominated by a member of the committee at the meeting.
25 Nominations may be made by committee members only. Nominations
26 must be made for a specified congressional or student seat, or
27 for any at-large seat.

28 (d) The joint convention must meet on or before March 7 of
29 that same odd-numbered year."

30 Amend the title accordingly

1 Senator moves to amend the delete-everything
2 amendment (SCS1148A-4) to S.F. No. 1148 as follows:

3 Page 29, after line 21, insert:

4 "Sec. 30. 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 Page 29, line 22, delete "COLLEGE IN THE SCHOOLS" and
22 insert "CONCURRENT ENROLLMENT"

23 Page 29, line 25, delete "course" and insert "program"

24 Page 29, line 30, after "a" insert "course that is part of
25 a program certified by the"

26 Page 29, line 31, delete "certified course"

27 Pages 38 and 39, delete section 42

28 Page 39, line 4, delete "COLLEGE IN THE SCHOOLS" and insert
29 "CONCURRENT ENROLLMENT"

30 Page 41, line 7, delete "COLLEGE IN THE SCHOOLS PROGRAM"
31 and insert "CONCURRENT ENROLLMENT PROGRAM AID" and delete
32 "college in" and insert "concurrent"

33 Page 41, line 8, delete "the schools" and insert
34 "enrollment"

35 Page 41, line 11, delete "COLLEGE IN THE SCHOOLS" and
36 insert "CONCURRENT ENROLLMENT"

4/12/05
 \$ 1788

Table I
Regent Candidate Advisory Council
Applications Received (1998-2004)

<u>Year</u>	<u>Number of Applications Per Open Seat</u> (In parenthesis: Congressional District, Student Status or At-Large Designation of Open Seat)				<u>TOTALS</u>
1998-99	8 (2)	20 (3)	18 (8)	32 (At Large)	78
2000-01	18 (5)	28 (Student)	← 97 (At Large)	→ (At Large)	143
2002-03	17 (1)	15 (4)	18 (6)	13 (7)	63
2004-05	8 (2)	22 (3)	6 (8)	22 (At Large)	58

Table II
Selected Application Characteristics
Regent Candidate Advisory Council
December, 2004

Mean Age (Estimated)

District 2	56
District 3	60
District 8	52
At-Large	58

Gender

	<u>Male</u>	<u>Female</u>
District 2	6	2
District 3	16	6
District 8	6	0
At-Large	<u>19</u>	<u>3</u>
<u>Total</u>	47	11
	(77%)	(23%)

Race and Ethnicity (Estimated)

	<u>Caucasian</u>	<u>African</u> <u>American</u>	<u>Latino</u>	<u>American</u> <u>Indian</u>	<u>Asian-</u> <u>American</u>	<u>Other</u>
District 2	6	--	--	2	--	--
District 3	21	--	--	--	1	--
District 8	6	--	--	--	--	--
At Large	<u>18</u>	<u>1</u>	<u>1</u>	<u>--</u>	<u>1</u>	<u>1</u>
<u>Total</u>	51	1	1	2	2	1
	(88%)	(2%)	(2%)	(3%)	(3%)	(2%)

Table III
Where Applicants Learned
About Regent Selection
December 2004

	<u>District</u> <u>2</u>	<u>District</u> <u>3</u>	<u>District</u> <u>8</u>	<u>At-Large</u>	<u>Total*</u>
Newspaper	6	13	6	10	35
Radio/TV				1	1
Newsletter				4	4
Employer		3		1	4
School	1	1	1	3	6
Organization				5	5
Friend		9	2	8	19
Website		3		3	6
Other		2	1	1	4
		"general knowledge", "spouse"	"long support"	"RCAC member"	
	<u>7</u>	<u>31</u>	<u>10</u>	<u>36</u>	<u>84</u>

* This question on the application form invited multiple checks, if the applicant had more than one significant source of information. There were 84 check marks distributed among 58 applicants.

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