

S.F. No. 1311 – Education Policy Omnibus (Second Engrossment)

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Article 1

Administrative Corrections, Accountability, and Transparency

Section 1. **Requirements for instructors.** Strikes the teacher competency exam as a relicensure requirement.

Section 2. **Required standard.** Adds the arts to the required statewide academic standards instead of a locally adopted academic standard.

Section 3. **Required academic standards.** Modifies requirements for the mathematics and the science academic standards. Requires statewide academic standards in the arts. Adds media arts to the arts academic standards for the elementary and middle school levels.

Section 4. **Rulemaking.** Clarifies the commissioner’s authority to amend rules regarding academic standards.

Section 5. **Elective standards.** Clarifies that school districts must regularly review their career and technical education (CTE) standards. Requires the locally adopted standards to align with Minnesota CTE Frameworks, standards developed by national CTE organizations, or recognized industry standards.

Section 6. **Graduation requirements.** Clarifies mathematics and science graduation requirements. Adds civics, physical education, and personal finance graduation requirements. Students beginning

9th grade in the 2024-2025 school year and later must include credit for a course in government and citizenship or a rigorous course on government and citizenship in the social studies graduation requirements. Students beginning 9th grade in the 2023-2024 school year and later must complete a personal finance course during their senior year of high school.

Section 7. **Credit equivalencies.** Updates references to a school’s agricultural, food, and natural resources program for the economics credit equivalency.

Section 8. **Statewide testing.** Eliminates terminology used under the No Child Left Behind Act and adds language aligned with Every Student Succeeds Act.

Section 9. **Statewide and local assessments; results.** Strikes definitions related to adaptive assessments and above-grade level or below-grade level questions.

Section 10. **Limits on local testing.** Amends the date by which a district or charter school must publish their standardized assessment calendar.

Section 11. **State growth measures; other state measures.** Removes obsolete references to “state growth targets.” Sets the standard for progress toward English language proficiency that aligns with federal law and state practice.

Section 12. **Student progress and other data.** Removes obsolete references to “state growth targets.”

Section 13. **Publication.** Changes the timeline for a school district to publish a summary of the commissioner’s review and comment from at least 20 days before the election to at least 48 days before the election.

Section 14. **Board control.** Allows a school board and a nonpublic school to mutually agree to a written plan for the board to provide nonpublic pupil transportation. Requires a school district to report the number of nonpublic students transported and the nonpublic pupil transportation expenditures to the commissioner.

Section 15. **Nonresident district procedures.** Reduces the time families must notify the nonresident school district that they are accepting a spot at the district from 45 days to 10 business days.

Section 16. **Definitions.** Amends the definition of “eligible institution” to require a postsecondary institution participating in PSEO to be in compliance with relevant law and judicial decisions.

Section 17. **Financial arrangements.** Reduces the withdrawal and absence periods for PSEO students from first 14 to first ten business days of the postsecondary institution’s quarter or semester, accelerating the time that the department stops payments to a postsecondary institution when a student withdraws or stops attending a class.

Section 18. **Federal Child and Adult Care Food Program and federal Summer Food Service Program; criteria and notice.** Requires the commissioner to review an applicants’ financial

eligibility documents as part of the application for Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) sponsors.

Section 19. **Respectful treatment.** Clarifies that providing alternative meals not specifically related to dietary needs is prohibited under the respectful treatment requirements for school lunch program participants.

Section 20. **Summer food service program and child and adult care food program.**

Subdivision 1. **Summer food service program replacement aid.** Makes technical amendments.

Subd. 2. **Child and Adult Care Food Program and Summer Food Service Program sponsor organizations.** Limits how often legally distinct CACFP and SFSP sites can transfer sponsoring organizations to once a year.

Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program training.** Requires a nongovernmental organization to provide documentation to MDE verifying that staff members have completed program-specific training before applying to sponsor a CACFP and/or SFSP site.

Subd. 4. **Summer Food Service Program locations.** Prohibits MDE from approving a new SFSP open site that is within a half-mile of an existing SFSP site, unless the new program will not serve the same group of children for the same meal type.

Section 21. **Program established.** Eliminates the learning year program provision that permits a student to participate in the program and accelerate attainment of grade level or graduation requirements. This is no longer an option available in Minnesota schools under this statute.

Section 22. **Eligible programs.** Clarifies that eligibility to participate in Adult Basic Education courses begins when a student turns 17.

Section 23. **Commissioner authority to withhold revenue.** Shifts the responsibility from the commissioner to school districts for achievement and integration planning.

Section 24. **Annual expenditure report.** Clarifies the commissioner's reporting requirements for Basic Skills Revenue and Safe Schools Revenue.

Section 25. **Qualifications.** Strikes obsolete language regarding the first appointment of a School Trust Lands Director.

Section 26. **Duties; powers.** Clarifies the duties of the School Trust Lands Director as a fiduciary and temporary trustee of certain school trust lands.

Section 27. **Board.** Increases the number of board members of the Minnesota High School League by two members from 20 to 22 members.

Section 28. **Conditions for assignment.** Modifies the process for when a K-12 Education Credit Program certification is denied, corrects statutory citations for the appeal of the denial.

Section 29. **Expiration of report mandates.** Clarifies when report mandates expire.

Section 30. **Revisor instruction.** Instructs the revisor to replace “free lunch,” “reduced price lunch,” “reduced priced lunch,” “reduced-price lunch,” and “free or reduced price lunch” terms in statute with “free meals,” “reduced-price meals,” and “free or reduced-price meals.”

Section 31. **Revisor instruction.** Instructs the revisor to renumber statutory provisions relating to statewide assessments and reporting requirements.

Section 32. **Repealer.** Repeals section 120B.02, subdivision 3 (civics test) and section 120B.35, subdivision 5 (improving graduation rates for students with emotional or behavioral disorders).

Article 2 Education Excellence

Section 1. **Ethnic studies.** Defines “ethnic studies” as the interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States.

Section 2. **Gifted and talented student programs and services.** Requires “services” in addition to programs for gifted and talented students.

Section 3. **Malicious and sadistic conduct.** Defines “malicious and sadistic conduct” as creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another or engaging in extreme or excessive cruelty or delighting in cruelty. Requires a school board to adopt a written policy to address malicious and sadistic conduct. Requires the policy to apply to students, independent contractors, teachers, administrators, and other school personnel. Requires the policy to be posted in a conspicuous place in each school building, distributed to employees and independent contractors, and included in student handbooks.

Section 4. **Student Safe at Home.**

Subdivision 1. **Definitions.** (a) Defines the following terms for the purposes of this section.

(b) Defines “active shooter drill” as an emergency preparedness drill designed to teach students, teachers, school personnel, and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school.

(c) Defines “active shooter simulation” as an emergency exercise including full-scale or functional exercises designed to teach adult school personnel and staff how to respond in the event of an armed intruder on campus or an armed assailant in the immediate vicinity of the school.

(d) Defines “evidence-based” as a program or practice that demonstrates any of the following:
(1) a statistically significant effect on relevant outcomes based on any of the following:

- i strong evidence from one or more well designed and well implemented experimental studies;
 - ii moderate evidence from one or more well designed and well implemented quasi-experimental studies; or
 - iii promising evidence from one or more well designed and well implemented correlational studies with statistical controls for selection bias; or
- (2) a rationale based on high-quality research findings or positive evaluations that the program or practice is likely to improve relevant outcomes.

(e) Defines “full-scale exercise” as an operations-based exercise that is typically the most complex and resource-intensive of the exercise types and often involves multiple agencies, jurisdictions, organizations, and real-time movement of resources.

(f) Defines “functional exercises” as an operations-based exercise designed to assess and evaluate capabilities and functions while in a realistic, real-time environment.

Subd. 2. **Criteria.** Requires an active shooter drill conducted with students in early childhood through grade 12 to be:

- (1) accessible;
- (2) developmentally appropriate and age appropriate;
- (3) culturally aware;
- (4) trauma-informed; and
- (5) inclusive of accommodations for students.

Subd. 3. **Student mental health and wellness.** Requires active shooter drill protocols to include a reasonable amount of time immediately following the drill for teachers to debrief with their students before regular classroom activity may resume. Prohibits an active shooter drill from being combined or conducted consecutively with any other type of emergency preparedness drill. Requires an announcement to be made before conducting an active shooter drill.

Subd. 4. **Notice.** (a) Requires a school district or charter school to provide 24-hour notice of a pending active shooter drill to parents before conducting an active shooter drill and inform parents of their right to opt their student out of participating.

(b) Prohibits negative consequences for students opting out of participating in an active shooter drill.

(c) Requires the commissioner to ensure the availability of alternative safety education for students who opt out of participating or exempted from an active shooter drill.

Subd. 5. **Participation in active shooter drills.** Prohibits a student from participating in an active shooter drill that does not meet the requirements of subdivision 2.

Subd. 6. **Active shooter simulations.** Prohibits a student from participating in an active shooter simulation. Requires students in grades 9 through 12 to have the opportunity to participate in an active shooter simulation.

Subd. 7. **Violence prevention.** (a) Requires a school conducting an active shooter drill to provide students in middle and high school at least one hour, or one standard class period, of violence prevention training annually.

(b) Requires the violence prevention training to be evidence-based. Requires the training to, at a minimum, teach students the following:

- (1) how to identify observable warning signs and signals of an individual who may be at risk of harming themselves or others;
- (2) the importance of taking threats seriously and seeking help; and
- (3) the steps to report dangerous, violent, threatening, harmful, or potentially harmful activity.

(c) Directs the commissioner of public safety and education to jointly develop a list of evidence-based trainings that a school district or charter school may use to fulfill the requirements of this section. The list must be posted publicly on the Minnesota School Safety Center's website and updated every two years.

(d) Requires a school district or charter school to ensure that students can contribute to their school's safety and violence prevention planning.

Subd. 8. **Board meeting.** Requires a school board that has conducted an active shooter drill to consider, at a regularly scheduled meeting, the effect of the active shooter drills on the safety of students and staff; and the effect of active shooter drills on the mental health and wellness of students and staff.

Section 5. **Suicide prevention information; identification cards.** Requires a school district or charter school that issues identification cards to students in middle school, junior high school, or high school to provide 988 Suicide and Crisis Lifeline, Crisis Text Line, and county mobile crisis services contact information on the cards. Encourages nonpublic schools to provide the same information consistent with this section.

Section 6. **Online Instruction Act.** Replaces the Online Learning Act with the Online Instruction Act.

Subdivision 1. **Definitions.** (a) Defines the following terms.

(b) Defines "blended instruction" as a form of digital instruction that occurs when a student learns part-time in a supervised physical setting and part-time through online instruction.

(c) Defines "digital instruction" as instruction facilitated by technology that offers students an element of control over the time, place, path, or pace of learning.

(d) Defines "enrolling district" as the school district or charter school in which a student is enrolled.

(e) Defines "online course syllabus" as a written document that identifies the state academic standards taught and assessed.

(f) Defines “online instruction” as a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.

(g) Defines “online instructional site” as a site that offers courses using online instruction and may enroll students receiving online instruction.

(h) Defines “online teacher” as an employee of the enrolling district or the supplemental online course provider who holds the appropriate licensure and is trained to provide online instruction.

(i) Defines “student” as a Minnesota resident enrolled in a school in kindergarten through grade 12 up to age 21.

(j) Defines “supplemental online course” as online learning course taken in place of a course provided by the student’s enrolling district.

(k) Defines “supplemental online course provider” as a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a Minnesota charter school authorized by the commissioner to provide supplemental online courses.

Subd. 2. Digital instruction. (a) Allows an enrolling district to provide digital instruction to the district’s own enrolled students. Allows for agreements with other districts to provide digital instruction to students enrolled in cooperating districts.

(b) Requires an online teacher as the teacher of record for online instruction. Limits the number of students an online teacher may instruct to no more than 40 students.

(c) Requires students receiving online instruction full time to be reported as enrolled in an online instructional site.

(d) Requires curriculum used for digital instruction to be aligned with Minnesota’s current academic standards and benchmarks.

(e) Requires digital instruction to be accessible to students under section 504 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.

(f) Requires an enrolling district providing digital instruction and a supplemental online course provider to assist an enrolled student whose family qualifies for the education tax credit to acquire computer hardware and educational software to participate in digital instruction.

(g) Requires an enrolling district providing digital instruction to establish and document procedures for determining attendance for membership and keep accurate records of daily attendance.

Subd. 3. Supplemental online courses. (a) Procedures for applying to take a supplemental online course other than those offered by the students enrolling district are provided for in this subdivision.

(b) Allows for any kindergarten through grade 12 student to apply to take a supplemental online course. Allows a student to:

- (1) apply to take an online course from a supplemental online course provider that meets or exceeds the academic standards of the course in the enrolling district they are replacing;
- (2) apply to take supplemental online courses for up to 50 percent of the student's scheduled course load; and
- (3) apply to take supplemental online courses no later than 15 school days after the student's enrolling district's term has begun. Allows an enrolling district to waive the 50 percent course enrollment limit or the 15-day time limit.

(c) Requires a student taking a supplemental online course to have the same access to the computer hardware and education software available in a school as all other students in the enrolling district.

(d) Requires a supplemental online course provider to have a current, approved application to be listed by the Department of Education as an approved provider. A supplemental online course provider must:

- (1) use an application form specified by the Department of Education;
- (2) notify the student and enrolling district of the accepted application to take a supplemental online course within 10 days of receiving the completed application;
- (3) notify the enrolling district of the course title, credits to be awarded, and the start date of the online course;
- (4) request applicable academic support information for the student; and
- (5) track student attendance and monitor academic progress and communicate with the students and the enrolling district's designated online learning liaison.

(e) Allows a supplemental online course provider to limit enrollment if the provider's school board or board of directors adopts a resolution of specific standards for accepting and rejecting students' applications.

(f) Allows a supplemental online course provider to request that the Department of Education review an enrolling district's written decision to not accept a student's supplemental online course application.

(g) Requires a supplemental online course provider to participate in continuous improvement cycles with the department.

Subd. 4. **Enrolling district.** (a) Prohibits an enrolling district from restricting or preventing a student from applying to take a supplemental online course.

(b) Allows an enrolling district to request an online course syllabus to review whether the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district.

(c) Requires an enrolling district to notify the supplemental online course provider whether the student, the student's parent, and the enrolling district agree that the standards in the online course

meet or exceed the academic standards in the course it would replace at the enrolling district. If the enrolling district does not agree, then:

- (1) the enrolling district must provide a written explanation of the district's decision to the student and the supplemental online course provider; and
- (2) the online course provider must provide a response to the enrolling district explaining how the course or program meets the graduation requirements of the enrolling district.

(d) Allows an enrolling district to reduce the course schedule of a student taking supplemental online courses in proportion to the number of supplemental online learning courses the student takes.

(e) Requires the enrolling district to appoint an online learning liaison who:

- (1) provides information to students about supplemental online courses;
- (2) provides academic support information to supplemental online providers; and
- (3) monitors attendance and academic progress, and communicates with supplemental online learning providers, students, families, and enrolling district staff.

(f) Requires an enrolling district to continue to provide support services to students taking supplemental online courses.

(g) Requires an online learning student to receive academic credit for completing the requirements of a supplemental online learning course.

(h) Requires secondary credits granted to a supplemental online learning student to count towards the graduation and credit requirements of the enrolling district.

(i) Requires an enrolling district to provide access to extracurricular activities for students taking supplemental online courses on the same basis as any other enrolled student.

Subd. 5. **Reporting.** Requires school districts to report courses that include blended instruction and online instruction to the commissioner.

Subd. 6. **Department of Education.** (a) Requires the commissioner to establish quality standards to be used for applications and continuous improvement of supplemental online course providers and by enrolling districts using digital instruction.

(b) Requires the commissioner to support the enrolling district's development of high-quality digital instruction and monitor implementation.

(c) Requires the commissioner to review supplemental online course provider applications using quality standards.

(d) Allows the department to collect a fee for reviewing applications by supplemental online course providers.

(e) Requires the department to develop, publish, and maintain a list of supplemental online course providers that the department has reviewed and approved.

(f) Allows the department to review a complaint about an enrolling district providing digital instruction, or a complaint about a supplemental online course provider based on the provider's response to notice of a violation. If a violation is found, the department may:

- (1) create a compliance plan for the provider; or
- (2) withhold funds from the provider.

Subd. 7. Financial arrangements. (a) Requires the department to calculate average daily membership and make payments according to this subdivision, for students enrolled in an online supplemental course.

(b) Provides a calculation for the initial online supplemental average daily membership and the adjusted online learning average daily membership.

(c) Prohibits online supplemental average daily membership if the student:

- (1) does not complete the online learning course; or
- (2) is enrolled in an online course provided by the enrolling district.

(d) Limits online course daily average members for a student currently enrolled in a Minnesota public school to be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2) (online learning students pupil units), and for computing online course aid according to section 124D.096.

Section 7. English learning; limited or interrupted formal education. Amends the definition of students who qualify as English learners with limited or interrupted formal education (SLIFE students) based on the amount of formal education they have when they enter school in the United States.

Section 8. School libraries and media centers. Requires a school library or school library media center to ensure every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged; has a collection development plan that includes materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement; is housed in a central location that provides an environment for expanded learning and supports a variety of student interests; has technology and internet access; and is served by a licensed school library media specialist or licensed school librarian.

Section 9. Library service. Substitutes “resident” for “citizen” regarding the responsibility of the state to provide library services.

Section 10. Services to people with visual and physical disabilities. Makes technical change to the name of the National Library Service for the Blind and Print Disabled to align with federal change.

Section 11. **Special project grants.** Substitutes “multilingual learners” for “Spanish-speaking” in list of examples of innovative and experimental library programs.

Section 12. **Local support levels.** Requires regional library basic system support aid recipients to comply with reduced maintenance of effort requirements.

Section 13. **Repealer.** Repeals section 124D.095, subdivisions 1 to 8 (Online Learning Option Act).

Article 3 American Indian Education

Section 1. **Private data; when disclosure is permitted.** Allows educational data to be disclosed to Tribal Nations about tribally enrolled or descendant students.

Section 2. **Standards development.** Requires the commissioner to consider advice from representatives from the Tribal Nations Education Committee (TNEC) and Minnesota’s Tribal Nations for academic standards revision and development.

Section 3. **Revisions and review required.** Requires Indigenous education standards that include the contributions of American Indian Tribes and communities to be embedded into the state’s academic standards and graduation requirements. Lays out expectations for Indigenous Education for All. Delays physical education standards review to 2026-27. Requires the commissioner to embed ethnic studies into state academic standards.

Section 4. **Indigenous education for all students.** Establishes requirements for the commissioner’s development and implementation of Indigenous Education for All.

Section 5. **American Indian mascots prohibited.** Prohibits a school district or charter school from adopting a name, symbol, or image of an American Indian Tribe, custom, or tradition as a mascot, nickname, logo, letterhead, or team name for the district or school. Allows a district or school to seek an exemption from the prohibition through a written request to all eleven Tribal Nations and TNEC. If any of the Tribal Nations or TNEC opposes the exemption, it will be denied. Allows for an exception to the prohibition for a school district that can demonstrate the following:

- (1) the district has a documented, historic, and supportive connection between the school and an American Indian Tribe leader or Tribe concerning the school’s mascot;
- (2) the district or school logo was designed by an Indigenous artist and is trademarked by the school’s American Indian Parent Advisory Committee;
- (3) the district uses the proceeds from the sale of items displaying the school logo for programs benefiting Indigenous youth; and
- (4) the district has received endorsement of its school name, symbol, and image from the National Coalition Against Racism in Sports Media.

Section 6. **American Indian student.** Defines “American Indian student” for the purposes of the American Indian Education Act to mean a student who identifies as American Indian or Alaska Native, as defined by the state, instead of the federal definition.

Section 7. **Program described.** Clarifies that American Indian education programs are designed to support American Indian students.

Section 8. **Enrollment of other children; shared time enrollment.** Limits enrollment in American Indian education programs on a shared time basis to American Indian children.

Section 9. **Location of programs.** Modifies the settings where American Indian education programs may be offered daily.

Section 10. **American Indian culture and language classes.** Requires a district or Tribal contract school that conducts American Indian education programs under the American Indian Education Act and serves 100 or more state-identified American Indian students enrolled in the district to provide American Indian culture and language classes.

Section 11. **American Indian education program coordinators, paraprofessionals.** Requires districts receiving American Indian Education Aid and Tribal contract schools to employ a dedicated American Indian education program coordinator, rather than community coordinators or Indian home/school liaisons.

Section 12. **Parent and community participation.** Clarifies requirements and qualifications for American Indian Parent Advisory Committees (AIPAC). Includes districts, charter schools, and Tribal contract schools in requirements relating to parent committees. Modifies requirements relating to American Indian parent advisory committee's vote of concurrence or nonconcurrence with offerings extended to American Indian students. Modifies eligibility for membership in American Indian parent advisory committee to be limited to parents or guardians of American Indian children. Adds the state definition of American Indian to AIPAC statute.

Section 13. **Technical assistance.** Directs the commissioner to use an annual report of American Indian student data that uses the state count when providing technical assistance.

Section 14. **Duties; powers.** Modifies the duties of the American Indian Education director at MDE and directs them to work collaboratively and in conjunction with the Tribal Liaison, TNEC, the 11 Tribal Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council.

Section 15. **Graduation ceremonies; Tribal regalia and objects of cultural significance.** Requires a district or charter school to allow an American Indian student to wear American Indian regalia, Tribal regalia, or objects of cultural significance at graduation ceremonies.

Section 16. **Procedures.** Requires the state count to be used to determine whether a district, charter school, or Tribal contract school is eligible for American Indian aid.

Section 17. **Records.** Strikes "pilot" from description of American Indian education programs.

Section 18. **Tobacco products prohibited in public schools.** Allows an American Indian student to carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.

Article 4 Charter Schools

Section 1. **Definitions.** Defines “charter management organization” (CMO) as a nonprofit or for-profit entity that contracts with a charter school board to manage or oversee the school’s education program or administrative functions. Defines “educational management organization” (EMO) as a nonprofit or for-profit entity that provides, manages, or oversees the education program or the school’s administrative functions. Defines “market need and demand study.”

Section 2. **Certain federal, state, and local requirements.** Requires charter schools to comply with statute on alternatives to suspension.

Section 3. **English learners.** Requires charter schools to comply with the Education for English Learners Act.

Section 4. **Application content.** Clarifies that the length of a charter authorizer’s term is until they formally withdraw, or the commissioner revokes the organization’s ability to authorize charter schools.

Section 5. **Withdrawal.** Clarifies authorizer withdrawal requirements.

Section 6. **Individuals eligible to organize.** Requires a charter school developer’s application to the authorizer for approval to establish a charter school to include a market need and demand study.

Section 7. **Authorizer’s affidavit; approval process.** Requires an authorizer’s affidavit filed with the commissioner to include a market need and demand study.

Section 8. **Adding grades or sites.** Requires an authorizer approving a school’s application to add grades or primary enrollment sites to include a market need and demand study in the supplemental affidavit filed with the commissioner.

Section 9. **Contents.** Requires a charter school to include a statement of the specific school’s admission policies and procedures in the charter school contract.

Section 10. **Admission requirements and enrollment.** Requires charter school admission to be free to a state resident and give enrollment preference to Minnesota residents over out-of-state residents. Requires students enrolled in a charter school’s prekindergarten program to apply for entry into kindergarten without receiving an enrollment preference. Clarifies an inconsistency between section 124E.11, paragraphs (c) and (g), and the Pupil Fair Dismissal Act regarding enrollment preference for prekindergarten students in charter schools. Allows a charter school servicing at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing to give enrollment preference to

students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing.

Section 11. **Teachers.** Corrects the definition of teacher to indicate that a teacher is either directly employed by the school or under contract with a cooperative.

Section 12. **Leased space.** Requires a charter school to lease space from the owner of the space instead of subleasing the space.

Section 13. **Affiliated nonprofit building corporation.** Prohibits an affiliated building corporation from supporting more than one charter school.

Section 14. **Reports.**

Subdivision 1. **Audit report.** Requires a charter school to include in its annual audit report a copy of a new management agreement or an amendment to a current agreement with a CMO or EMO.

Subd. 3. **Public accounting and reporting CMO and EMO agreements.** (a) Requires a charter school that enters an agreement with a CMO or an EMO to:

- (1) publish on the charter school website the proposed final agreement for public review and comment;
- (2) annually publish on the school website a statement of assurance that no member of the school board, staff, or any agent of the schools has been promised or received compensation or gifts from the CMO or EMO; and
- (3) conduct an independent review and evaluation of the services provided by the CMO or EMO.

(b) Requires the management agreement to contain the following:

- (1) the term of the contract, not to exceed five years;
- (2) the total dollar value of the contract;
- (3) a description and terms of the services to be provided;
- (4) notice that a charter school closure during the term of the contract results in the balance of the contract becoming null and void;
- (5) an annual statement of assurance to the charter school board that the CMO or EMO provided no compensation or gifts to any charter school board member, staff member, or agent of the charter school;
- (6) an annual statement of assurance that no charter school board member, employee, contractor, or agent of the CMO or EMO is a board member of the charter school or any other charter school;
- (7) the policies and protocols that meet federal and state laws regarding student and personnel data collection, usage, access, retention, disclosure and destruction, and indemnification and warranty provisions in case of data breaches; and
- (8) an annual assurance that all assets purchased on behalf of the charter school using public funds remain assets of the school.

(c) Requires the CMO or EMO to annually provide the charter school board with a financial report that accounts for income and expenditures for the previous fiscal year.

- (d) Nullifies an agreement with a CMO or EMO if it contains any of the following:
- (1) restrictions on the charter school’s ability to operate a school upon termination of the agreement;
 - (2) restrictions on the annual or total amount of the school’s operating surplus or fund balance;
 - (3) authorization to allow a CMO or EMO to withdraw funds from a charter school account;
or
 - (4) authorization to allow a CMO or EMO to loan funds to the charter school.

(e) Prohibits a CMO or EMO, its employees, agents, or affiliates from contracting with, being employed by, or serving on the board of a charter school authorizer. Prohibits an authorizer, its affiliates, employees, or agents from contracting with, being employed by, serving as a paid consultant for, or serving as a board member of a CMO or EMO.

Section 15. **School closures; payments.** Strikes an obsolete reference.

Article 5 Discipline, Restrictive Procedures, and Reporting Reform

Section 1. **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** Defines “nonexclusionary disciplinary policies and practices” as policies and practices that are alternatives to dismissing a pupil from school. Requires school officials to use nonexclusionary disciplinary policies and practices before beginning dismissal proceedings.

Section 2. **Pupil withdrawal agreement.** Defines “pupil withdrawal agreement” as a verbal or written agreement between a school or district administrator and a pupil’s parent to withdraw a student from a school district to avoid expulsion or exclusion dismissal proceedings. Limits a pupil withdrawal agreement to 12 months.

Section 3. **Full and equitable participation in preschool and early learning.** Prohibits dismissal of a student in kindergarten through grade 3 unless nonexclusionary discipline options have been exhausted and there is an ongoing serious safety threat. Allows for dismissal where the pupil creates an immediate and substantial danger to themselves or surrounding persons or property.

Section 4. **Provision of alternative programs.** Requires a school to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements unless there is an immediate and substantial danger.

Section 5. **Provision of alternative education services; suspension pending expulsion or exclusion hearing.** Requires alternative education services be provided to a pupil who is suspended for more than five consecutive days.

Section 6. **Minimum education services.** Requires school administration to allow a suspended pupil the opportunity to complete all schoolwork assigned during the pupil’s suspension period and to receive full credit for completing assignments satisfactorily.

Section 7. **Written notice.** Requires written notice of intent to impose an expulsion that describes the nonexclusionary disciplinary practices used on the pupil to avoid expulsion. Requires a district to advise a pupil’s parent or guardian that free or low-cost legal assistance may be available and that resources are posted on the Department of Education’s website.

Section 8. **Admission or readmission plan.** Requires an admission or readmission plan for any pupil who is excluded or expelled from school to include measures to improve the pupil’s behavior, and lists some of the measures that may be included in the plan. Requires the plan to include parental involvement in the admission or readmission process.

Section 9. **Exclusions and expulsions; student withdrawals; physical assaults.** Requires a school board to report to the department each pupil withdrawal agreement within 30 days of the effective date of the pupil’s withdrawal. Requires the report to include a nonexclusionary disciplinary practices statement.

Section 10. **Policies to be established.** Requires a school board to adopt written policies and rules for dismissal that include nonexclusionary disciplinary policies and practices. Requires a district to ensure that a pupil undergoing expulsion and exclusion dismissal, or a pupil withdrawal agreement be on track for readmission with the pupil’s peers, continue to be eligible for school-based or school-linked mental health services in the district, and provide the parent or guardian information on accessing mental health services.

Section 11. **Corporal punishment; prone restraint; and certain physical holds.** Defines “prone restraint” as placing a child in a face-down position. Prohibits any district employee, a school resource office, or any contract employee from using prone restraint. Prohibits any form of physical holding that restricts or impairs a pupil’s ability to breathe.

Section 12. **Required policy.** Requires a districtwide school discipline policy to include the discipline complaint procedure that any member of the school community may use to file a complaint and seek corrective action.

Section 13. **Policy components.** Requires each districtwide school discipline policy include any procedures determined appropriate for ensuring victims of bullying who respond with behavior not allowed under the school’s behavior policies have access to a remedial response, a prohibition on the use of exclusionary practices for early learners, and a prohibition on the use of exclusionary practices to address attendance and truancy issues.

Section 14. **Discipline complaint procedure.** Requires the discipline policy to contain procedures to file a complaint and seek corrective action when the requirements of sections 121A.40 to 121A.61 are not being implemented appropriately or are being discriminately applied. Requires the district and school policy to, at a minimum:

- (1) provide procedures for communicating the policy;
- (2) provide an opportunity for involved parties to submit additional information related to the complaint;
- (3) provide a procedure to begin an investigation within three school days of receipt;
- (4) provide procedures for issuing a written determination to the complainant;
- (5) if the investigation finds that state requirements or local policies were not implemented appropriately, contain procedures that require a corrective action plan to correct a student’s record; and

- (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint.

Section 15. **School supports.** Strongly encourages a school board to adopt a policy around understanding when a student lacks the skills to respond appropriately to a situation.

Section 16. **Recess and other breaks.** (a) Defines “recess detention” as excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior.

(b) Encourages school districts and charter schools to ensure student access to structured breaks.

(c) Prohibits a school district or charter school from using recess detention unless:

- (1) a student causes serious physical harm to other students or staff;
- (2) the students’ parents specifically consent to the use of recess detention; or
- (3) the student’s IEP team has determined that withholding recess is appropriate for the student.

(d) Prohibits recess detention for incomplete homework.

(e) Requires staff to make a reasonable effort to notify a parent within 24 hours of using recess detention.

(f) Requires a school district or charter school to compile information on each recess detention and make the information available to the public upon request.

(g) Prohibits a school district or charter school from withholding or excessively delaying a student’s participation in scheduled mealtimes.

Section 17. **Standards for Restrictive Procedures.**

Subdivision 1. **Restrictive procedures plan.** Requires a convened oversight committee that takes a quarterly review of the restrictive procedures to include any disproportionate use of restrictive procedures based on race, gender, or disability status; the role of the school resource office or police in emergencies; and documentation to determine if the standards for using restrictive procedures are met.

Subd. 2. **Restrictive procedures.** Modifies the requirement for an IEP meeting after the use of a restrictive procedure if a student has a disability.

Subd. 3. **Physical holding or seclusion.** Requires a school that uses physical holding or seclusion during an emergency to include in the documents a brief description of the postuse debriefing that occurred as a result of the use of the physical hold or seclusion.

Subd. 4. **Prohibitions.** Prohibits the use of seclusion on children from birth through prekindergarten.

Subd. 5. **Training for staff.** Requires the commissioner develop and maintain a list of experts to help individualized family service plan teams reduce the use of restrictive procedures.

Subd. 6. **Behavior supports; reasonable force.** Requires that any reasonable force used that limits a child’s movement be reported to the Department of Education as a restrictive procedure.

Article 6

Supporting Teacher Recruitment, Retention, Professional Experience

Section 1. **Plan.** Requires a school board and the exclusive representative of teachers to meet and negotiate the district e-learning day plan.

Section 2. **Definitions.** (e) Defines “ethnic studies” having the meaning given in section 120B.025. Allows for ethnic studies curriculum to be integrated into existing curricular opportunities or provided through additional curricular opportunities.

(f) Defines “antiracist” as actively working to identify and eliminate racism in all forms.

(g) Defines “culturally sustaining” as integrating content and practices through schooling that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased.

(h) Defines “institutional racism” as the structures, policies, and practices within and across institutions that produce outcomes that disadvantage those who are Black, Indigenous, and People of Color.

Section 3. **Adopting plans and budgets.** Requires a school board’s world’s best workforce strategic plan to include integration of curriculum that is rigorous, accurate, antiracist, and culturally sustaining; a learning and work environment that supports and integrates cultural and community strengths for all students, families, and employees; and provide a collaborative professional culture that seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students.

Section 4. **District advisory committee.** Directs the district advisory committee to recommend to the school board strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally sustaining, and strategies to ensure curriculum and learning and work environments affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups.

Section 5. **Increasing percentage of teachers of color and American Indian teachers in Minnesota.**

Subdivision 1. **Purpose.** States the purpose of the section as setting short-term and long-term attainment goals for increasing the percentage of teachers of color and American Indian teachers in Minnesota and for ensuring all students have equitable access to effective and racially and ethnically diverse teachers who reflect the diversity of students.

Subd. 2. **Equitable access to racially and ethnically diverse teachers.** Establishes a goal of increasing the percentage of teachers of color or American Indian teacher in Minnesota by at least two percentage points every year and to ensure all students have equitable access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** Clarifies that attainment of the goal in subdivision 2, does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** Requires the Professional Educator Licensing and Standards Board to collaborate with the Department of Education and the Office of Higher Education to publish a biennial summary report of programs that have or include an explicit purpose of instreaming the racial and ethnic diversity of the state's teacher workforce to more reflect the diversity of the students. The report must include policy and funding recommendations related to programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers. The report must include recommendations for state policy and funding needed to achieve the goals of this section. The 2024 report must include a recommendation regarding a state advisory council should be established to address the shortage of racially and ethnically diverse teachers and what the composition and charge of such an advisory council would be, if established. The report must be submitted to the chairs and ranking minority members of the legislative committees having jurisdiction over education and higher education policy and finance.

Section 6. **Curriculum policy.** Prohibits a district or charter school from discriminating against or disciplining a teacher or principal on the basis of incorporating into the curriculum contributions of persons in a federally protected class or state protected class when the included contribution aligns with state academic standards and benchmarks.

Section 7. **State model policy.** Requires the commissioner to develop and maintain resources to assist a district or school in implementing strategies for creating a positive school climate and use evidence-based, social-emotional learning to prevent and reduce discrimination.

Section 8. **Limitations on license.** Removes the prohibition on Tier 1 teachers joining a collective bargaining unit.

Section 9. **Tests.** Strikes the requirement for a candidate to have a passing score on a board-adopted examination of skills in reading, writing, and mathematics to receive a Tier 4 teaching license. Exempts a Tier 3 or Tier 4 licensure candidate from passing an examination of general pedagogical knowledge and licensure-specific content if the candidate has completed a board-approved preparation program, or a state-approved teacher preparation program in another state and passed licensure examinations in that state.

Section 10. **Exceptions.** Modifies which licensed teachers are part of the collective bargaining unit to include community education teachers including adult basic education teachers.

Section 11. **Probationary period.** Decreases the number of days a probationary teacher must complete each year during the probationary period from 120 to 90 days.

Section 12. **Development, evaluation, and peer coaching for continuing contract teachers.** Requires the annual evaluation process for teachers to include a rubric of performance standards for teacher practice that is based on professional teaching standards established in rule, includes culturally responsive methodologies, and provides common descriptions of effectiveness using at least three levels of performance.

Section 13. **Probationary period; discharge or demotion; first-class city school districts.** Allows the first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed the probationary period. The probationary period in each school district thereafter is one year. Decreases the number of days a probationary teacher must complete each year during the probationary period from 120 to 90 days.

Section 14. Development, evaluation, and peer coaching for continuing contract teachers.

Requires the annual evaluation process for teachers include a rubric of performance standards for teacher practice that is based on professional teaching standards established in rule, includes culturally responsive methodologies, and provides common descriptions of effectiveness using at least three levels of performance.

Section 15. Duties; evaluation. Amends the principal's evaluation to support and improve a principal's culturally responsive leadership practices that create inclusive and respectful teaching and learning environments.

Section 16. Plan implementation; components. Paragraphs (a) and (c) strike the Achievement and Integration plan components and restates them to include strategies to validate, affirm, embrace, and integrate cultural and community strengths of all students, families, and employees in the district's curriculum. Requires the plan to address issues of institutional racism in schools that create opportunity and achievement gaps for students, families, and staff who are of color or who are American Indian. Provides examples of institutional racism experience by students who are of color or who are American Indian.

Paragraph (d) directs school districts to use local data to develop plan components and strategies. District plans may include:

- (1) innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices;
- (2) family engagement initiatives that involve families in their students' academic life and success, and improve relations between home and school;
- (3) opportunities for students, families, staff, and community members who are of color or American Indian to share their experiences in the school setting with school staff and administration and to inform the development of specific proposals for making school environments more validating, affirming, embracing, and integrating of their cultural and community strengths;
- (4) professional development opportunities focused on improving the academic achievement of all students, including knowledge, skills, and dispositions needed to be antiracist and culturally sustaining, for students who are from racially and ethnically diverse backgrounds;
- (5) recruitment and retention of teachers, administrators, cultural and family liaisons, paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented in the student population to strengthen relationships with all students, families, and other members of the community;
- (6) collection, examination, and evaluation of academic and discipline data for institutional racism in structures, policies, and practices that result in the education disparities, in order to propose antiracist changes that increase access, meaningful participation, representation, and positive outcomes for students of color and American Indian students;
- (7) increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for students who are impacted by racial, gender, linguistic, and economic disparities, including students enrolled in area learning centers or alternative learning programs, state-approved alternative programs, and contract alternative programs;

(8) ethnic studies curriculum to provide all students with opportunities to learn about their own and others' cultures and historical experiences; or

(9) examination and revision of district curricula in all subjects to be inclusive of diverse racial and ethnic groups while meeting state academic standards and being culturally sustaining, ensuring content being studied about any group is accurate and based in knowledge from that group.

Article 7

Students with Disabilities, and Students in Need of Special Education Services

Section 1. **Screening program.** Requires an early childhood developmental screening to include developmental assessments, including virtual developmental screening for families who make the request based on their immunocompromised health status or health conditions.

Section 2. **Placement in another district; responsibility.** Allows the district of residence or nonresident district for a child with a disability temporarily placed in another district for care and treatment to utilize a state-approved online learning program in fulfilling its education program responsibility if agreed to by the child's parent or guardian.

Section 3. **Placement of children without disabilities; education and transportation.** Allows the district of residence or nonresident district for a child without a disability who has a short-term or temporary physical or emotional illness or disability and who is temporarily placed for care and treatment for that illness or disability to utilize a state-approved online learning program in fulfilling its education program responsibility if agreed to by the child's parent or guardian.

Section 4. **Responsibilities for providing education.** Allows the district of residence or nonresident district for a child in a residential facility to utilize a state-approved online learning program in fulfilling its education program responsibility if agreed to by the child's parent or guardian.

Section 5. **Commissioner of Education; Legislative Report on Definitions.** Requires the commissioner to define the following terms: gifted student; talented student; twice-exceptional student; print disabled student; and reading disabled student. Requires the commissioner to determine what qualifies a student in each category for special education services. Directs the commissioner to report the definitions to the legislature by February 15, 2024.

Article 8

Early Childhood and Early Learning

Section 1. **Lotteries.** Requires a district to give enrollment priority to students seeking enrollment into kindergarten who were open enrolled in voluntary prekindergarten or school readiness plus programs.

Section 2. **Termination of enrollment.** Allows a district to terminate the enrollment of a nonresident preschool student when the student meets age eligibility requirements for kindergarten or reaches age five by September 1.

Section 3. **Additional duties.** Strikes obsolete language related to the State Advisory Council on Early Childhood Education and Care. Requires the council to review and provide input on the recommendations and implementation timelines developed by the Great Start for All Minnesota Children Task Force.

Section 4. **Family eligibility.** Modifies the number of requirements a family needs before receiving an early learning scholarship. Adds having a child referred as in need of child protection services as an eligibility requirement for receiving an early learning scholarship.

Section 5. **Administration.** Modifies the priority list for early learning scholarships to children who are not yet four years of age, have been referred as in need of child protection service, or have an incarcerated parent. Modifies the time a family has before the scholarship cancels and the recipient must reapply from ten months to three months.

Section 6. **School of parents' choice.** Allows a parent of a student with a disability who is not yet enrolled in kindergarten and not open enrolled in a nonresident district to elect a school in the nonresident district.