

## STATE OF MINNESOTA

## NINETY-SECOND SESSION — 2022

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 EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 28, 2022

The House of Representatives convened at 3:30 p.m. and was called to order by Dan Wolgamott, Speaker pro tempore.

Prayer was offered by Bishop Richard D. Howell, Shiloh Temple International Ministries, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Acomb	Davids	Hamilton	Koznick	Murphy	Robbins
Agbaje	Davnie	Hansen, R.	Kresha	Nash	Sandell
Akland	Demuth	Hanson, J.	Lee	Nelson, M.	Sandstede
Albright	Dettmer	Hassan	Liebling	Nelson, N.	Schomacker
Anderson	Ecklund	Hausman	Lillie	Noor	Schultz
Backer	Edelson	Heinrich	Lippert	Novotny	Scott
Bahner	Elkins	Heintzeman	Lislegard	O'Driscoll	Stephenson
Bahr	Erickson	Her	Long	Olson, B.	Sundin
Baker	Feist	Hertaus	Lucero	Olson, L.	Swedzinski
Becker-Finn	Fischer	Hollins	Lueck	O'Neill	Theis
Bennett	Franke	Hornstein	Mariani	Pelowski	Thompson
Berg	Franson	Howard	Marquart	Petersburg	Torkelson
Bernardy	Frazier	Huot	Masin	Pfarr	Urdahl
Bierman	Frederick	Igo	McDonald	Pierson	Vang
Bliss	Freiberg	Johnson	Mekeland	Pinto	Wazlawik
Boe	Garofalo	Jordan	Miller	Poston	West
Boldon	Gomez	Jurgens	Moller	Pryor	Winkler
Burkel	Green	Keeler	Moran	Quam	Wolgamott
Carlson	Greenman	Kiel	Morrison	Raleigh	Xiong, J.
Christensen	Grossell	Klevorn	Mortensen	Rasmusson	Xiong, T.
Daniels	Gruenhagen	Koegel	Mueller	Reyer	Youakim
Daudt	Haley	Kotzya-Witthuhn	Munson	Richardson	Spk. Hortman

A quorum was present.

Drazkowski and Neu Brindley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## REPORTS OF CHIEF CLERK

S. F. No. 2736 and H. F. No. 2671, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Feist moved that S. F. No. 2736 be substituted for H. F. No. 2671 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 24, 2022

The Honorable Melissa Hortman  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Hortman:

Please be advised I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3035, relating to transit; requiring the legislative auditor to conduct a special review or program evaluation of the Southwest light rail transit project; appropriating money.

H. F. No. 2875, relating to energy; modifying the Prairie Island Net Zero project; establishing a grant; appropriating money.

Sincerely,

TIM WALZ  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Melissa Hortman  
Speaker of the House of Representatives

The Honorable David J. Osmeck  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2022 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2022</i>	<i>Date Filed 2022</i>
	3035	39	4:07 p.m. March 24	March 24
2876		40	4:07 p.m. March 24	March 24
	2875	41	4:07 p.m. March 24	March 24

Sincerely,

STEVE SIMON  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 28, 2022

The Honorable Melissa Hortman  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Hortman:

I respectfully request the opportunity to address a joint meeting of the 92nd State Legislature on Sunday, April 24, 2022 at 6:00 p.m. in the House Chamber at the Capitol for the purpose of presenting my State of the State message.

Thank you.

Sincerely,

TIM WALZ  
Governor

Winkler moved that an invitation be extended to the Governor to address a Joint Convention of the House of Representatives and the Senate to be held in the House Chamber at 6:00 p.m., Sunday, April 24, 2022; that the Chief Clerk be instructed to invite the Senate by message to meet in Joint Convention to convene at 5:45 p.m.; that the Governor be advised accordingly; and that the Speaker appoint a committee of five members of the House of Representatives to act with a similar committee to be appointed by the Senate to escort the Governor to the Joint Convention. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1152, A bill for an act relating to public safety; establishing the Clean Slate Act; providing for an automatic expungement process for certain offenders; amending Minnesota Statutes 2020, sections 13.871, subdivision 14; 152.18, subdivision 1; 299C.10, subdivision 1; 299C.111; 299C.17; 609A.01; 609A.03, subdivisions 5, 9; 611A.03, subdivision 1; Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a; proposing coding for new law in Minnesota Statutes, chapters 299C; 609A.

Reported the same back with the following amendments:

Page 2, line 1, after "adjudication" insert "for an offense that is not a felony"

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 1888, A bill for an act relating to health; authorizing unlicensed individuals to perform certain functions related to mortuary science; amending Minnesota Statutes 2020, sections 149A.01, subdivision 3; 149A.20, subdivision 1; 149A.90, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 149A.01, subdivision 2, is amended to read:

Subd. 2. **Scope.** In Minnesota no person shall, without being licensed or registered by the commissioner of health:

- (1) take charge of or remove from the place of death a dead human body;
- (2) prepare a dead human body for final disposition, in any manner; or
- (3) arrange, direct, or supervise a funeral, memorial service, or graveside service.

Sec. 2. Minnesota Statutes 2020, section 149A.01, subdivision 3, is amended to read:

Subd. 3. **Exceptions to licensure.** (a) Except as otherwise provided in this chapter, nothing in this chapter shall in any way interfere with the duties of:

- (1) an anatomical bequest program located within an accredited school of medicine or an accredited college of mortuary science;
- (2) a person engaged in the performance of duties prescribed by law relating to the conditions under which unclaimed dead human bodies are held subject to anatomical study;

- (3) authorized personnel from a licensed ambulance service in the performance of their duties;
- (4) licensed medical personnel in the performance of their duties; or
- (5) the coroner or medical examiner in the performance of the duties of their offices.

(b) This chapter does not apply to or interfere with the recognized customs or rites of any culture or recognized religion in the ceremonial washing, dressing, casketing, and public transportation of their dead, to the extent that all other provisions of this chapter are complied with.

(c) Noncompensated persons with the right to control the dead human body, under section 149A.80, subdivision 2, may remove a body from the place of death; transport the body; prepare the body for disposition, except embalming; or arrange for final disposition of the body, provided that all actions are in compliance with this chapter.

(d) Persons serving internships pursuant to section 149A.20, subdivision 6, ~~or~~ students officially registered for a practicum or clinical through a program of mortuary science accredited by the American Board of Funeral Service Education, or transfer care specialists registered pursuant to section 149A.47 are not required to be licensed, provided that the persons or students are registered with the commissioner and act under the direct and exclusive supervision of a person holding a current license to practice mortuary science in Minnesota.

(e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit an institution or entity from establishing, implementing, or enforcing a policy that permits only persons licensed by the commissioner to remove or cause to be removed a dead body or body part from the institution or entity.

(f) An unlicensed person may arrange for and direct or supervise a memorial service if that person or that person's employer does not have charge of the dead human body. An unlicensed person may not take charge of the dead human body, unless that person has the right to control the dead human body under section 149A.80, subdivision 2, or is that person's noncompensated designee.

Sec. 3. Minnesota Statutes 2020, section 149A.02, is amended by adding a subdivision to read:

Subd. 12c. **Dead human body or body.** "Dead human body" or "body" includes an identifiable human body part that is detached from a human body.

Sec. 4. Minnesota Statutes 2020, section 149A.02, subdivision 13a, is amended to read:

Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance of an individual. For the purpose of a clinical, practicum, ~~or~~ internship, or registration, direct supervision means that the supervisor is available to observe and correct, as needed, the performance of the trainee or registrant. The mortician supervisor is accountable for the actions of the clinical student, practicum student, ~~or~~ intern, or registrant throughout the course of the training. The supervising mortician is accountable for any violations of law or rule, in the performance of their duties, by the clinical student, practicum student, ~~or~~ intern, or registrant.

Sec. 5. Minnesota Statutes 2020, section 149A.02, is amended by adding a subdivision to read:

Subd. 37d. **Registrant.** "Registrant" means any person who is registered as a transfer care specialist under section 149A.47.

Sec. 6. Minnesota Statutes 2020, section 149A.02, is amended by adding a subdivision to read:

Subd. 37e. **Transfer care specialist.** "Transfer care specialist" means an individual who is registered with the commissioner in accordance with section 149A.47 and is authorized to perform the removal of a dead human body from the place of death under the direct supervision of a licensed mortician.

Sec. 7. Minnesota Statutes 2020, section 149A.03, is amended to read:

**149A.03 DUTIES OF COMMISSIONER.**

The commissioner shall:

- (1) enforce all laws and adopt and enforce rules relating to the:
  - (i) removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies;
  - (ii) licensure, registration, and professional conduct of funeral directors, morticians, interns, transfer care specialists, practicum students, and clinical students;
  - (iii) licensing and operation of a funeral establishment;
  - (iv) licensing and operation of an alkaline hydrolysis facility; and
  - (v) licensing and operation of a crematory;
- (2) provide copies of the requirements for licensure, registration, and permits to all applicants;
- (3) administer examinations and issue licenses, registrations, and permits to qualified persons and other legal entities;
- (4) maintain a record of the name and location of all current licensees, registrants, and interns;
- (5) perform periodic compliance reviews and premise inspections of licensees;
- (6) accept and investigate complaints relating to conduct governed by this chapter;
- (7) maintain a record of all current preneed arrangement trust accounts;
- (8) maintain a schedule of application, examination, permit, registration, and licensure fees, initial and renewal, sufficient to cover all necessary operating expenses;
- (9) educate the public about the existence and content of the laws and rules for mortuary science licensing and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies to enable consumers to file complaints against licensees and others who may have violated those laws or rules;
- (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science in order to refine the standards for licensing and to improve the regulatory and enforcement methods used; and

(11) initiate proceedings to address and remedy deficiencies and inconsistencies in the laws, rules, or procedures governing the practice of mortuary science and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies.

Sec. 8. Minnesota Statutes 2020, section 149A.09, is amended to read:

**149A.09 DENIAL; REFUSAL TO REISSUE; REVOCATION; SUSPENSION; LIMITATION OF LICENSE, REGISTRATION, OR PERMIT.**

Subdivision 1. **Denial; refusal to renew; revocation; and suspension.** The regulatory agency may deny, refuse to renew, revoke, or suspend any license, registration, or permit applied for or issued pursuant to this chapter when the person subject to regulation under this chapter:

(1) does not meet or fails to maintain the minimum qualification for holding a license, registration, or permit under this chapter;

(2) submits false or misleading material information to the regulatory agency in connection with a license, registration, or permit issued by the regulatory agency or the application for a license, registration, or permit;

(3) violates any law, rule, order, stipulation agreement, settlement, compliance agreement, license, registration, or permit that regulates the removal, preparation, transportation, arrangements for disposition, or final disposition of dead human bodies in Minnesota or any other state in the United States;

(4) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea in any court in Minnesota or any other jurisdiction in the United States. "Conviction," as used in this subdivision, includes a conviction for an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned, but the adjudication of guilt is either withheld or not entered;

(5) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea in any court in Minnesota or any other jurisdiction in the United States that the regulatory agency determines is reasonably related to the removal, preparation, transportation, arrangements for disposition or final disposition of dead human bodies, or the practice of mortuary science;

(6) is adjudicated as mentally incompetent, mentally ill, developmentally disabled, or mentally ill and dangerous to the public;

(7) has a conservator or guardian appointed;

(8) fails to comply with an order issued by the regulatory agency or fails to pay an administrative penalty imposed by the regulatory agency;

(9) owes uncontested delinquent taxes in the amount of \$500 or more to the Minnesota Department of Revenue, or any other governmental agency authorized to collect taxes anywhere in the United States;

(10) is in arrears on any court ordered family or child support obligations; or

(11) engages in any conduct that, in the determination of the regulatory agency, is unprofessional as prescribed in section 149A.70, subdivision 7, or renders the person unfit to practice mortuary science or to operate a funeral establishment or crematory.

Subd. 2. **Hearings related to refusal to renew, suspension, or revocation of license, registration, or permit.** If the regulatory agency proposes to deny renewal, suspend, or revoke a license, registration, or permit issued under this chapter, the regulatory agency must first notify, in writing, the person against whom the action is proposed to be taken and provide an opportunity to request a hearing under the contested case provisions of sections 14.57 to 14.62. If the subject of the proposed action does not request a hearing by notifying the regulatory agency, by mail, within 20 calendar days after the receipt of the notice of proposed action, the regulatory agency may proceed with the action without a hearing and the action will be the final order of the regulatory agency.

Subd. 3. **Review of final order.** A judicial review of the final order issued by the regulatory agency may be requested in the manner prescribed in sections 14.63 to 14.69. Failure to request a hearing pursuant to subdivision 2 shall constitute a waiver of the right to further agency or judicial review of the final order.

Subd. 4. **Limitations or qualifications placed on license, registration, or permit.** The regulatory agency may, where the facts support such action, place reasonable limitations or qualifications on the right to practice mortuary science ~~or~~ to operate a funeral establishment or crematory, or to conduct activities or actions permitted under this chapter.

Subd. 5. **Restoring license, registration, or permit.** The regulatory agency may, where there is sufficient reason, restore a license, registration, or permit that has been revoked, reduce a period of suspension, or remove limitations or qualifications.

Sec. 9. Minnesota Statutes 2020, section 149A.11, is amended to read:

#### **149A.11 PUBLICATION OF DISCIPLINARY ACTIONS.**

The regulatory agencies shall report all disciplinary measures or actions taken to the commissioner. At least annually, the commissioner shall publish and make available to the public a description of all disciplinary measures or actions taken by the regulatory agencies. The publication shall include, for each disciplinary measure or action taken, the name and business address of the licensee, registrant, or intern; the nature of the misconduct; and the measure or action taken by the regulatory agency.

#### Sec. 10. **[149A.47] TRANSFER CARE SPECIALIST.**

Subdivision 1. **General.** A transfer care specialist may remove a dead human body from the place of death under the direct supervision of a licensed mortician if the transfer care specialist is registered with the commissioner in accordance with this section. A transfer care specialist is not licensed to engage in the practice of mortuary science and shall not engage in the practice of mortuary science except as provided in this section.

Subd. 2. **Registration.** To be eligible for registration as a transfer care specialist, an applicant must submit to the commissioner:

(1) a complete application on a form provided by the commissioner that includes at a minimum:

(i) the applicant's name, home address and telephone number, business name, and business address and telephone number; and

(ii) the name, license number, business name, and business address and telephone number of the supervising licensed mortician;

(2) proof of completion of a training program that meets the requirements specified in subdivision 4; and



(3) the appropriate fees specified in section 149A.65.

Subd. 3. **Duties.** A transfer care specialist registered under this section is authorized to perform the removal of a dead human body from the place of death in accordance with this chapter to a licensed funeral establishment. The transfer care specialist must work under the direct supervision of a licensed mortician. The supervising mortician is responsible for the work performed by the transfer care specialist. A licensed mortician may supervise up to six transfer care specialists at any one time.

Subd. 4. **Training program.** (a) Each transfer care specialist must complete a training program that has been approved by the commissioner. To be approved, a training program must be at least seven hours long and must cover, at a minimum, the following:

(1) ethical care and transportation procedures for a deceased person;

(2) health and safety concerns to the public and the individual performing the transfer of the deceased person; and

(3) all relevant state and federal laws and regulations related to the transfer and transportation of deceased persons.

(b) A transfer care specialist must complete a training program every five years.

Subd. 5. **Registration renewal.** (a) A registration issued under this section expires one year after the date of issuance and must be renewed to remain valid.

(b) To renew a registration, the transfer care specialist must submit a completed renewal application as provided by the commissioner and the appropriate fees specified in section 149A.65. Every five years, the renewal application must include proof of completion of a training program that meets the requirements in subdivision 4.

Sec. 11. Minnesota Statutes 2020, section 149A.60, is amended to read:

#### **149A.60 PROHIBITED CONDUCT.**

The regulatory agency may impose disciplinary measures or take disciplinary action against a person whose conduct is subject to regulation under this chapter for failure to comply with any provision of this chapter or laws, rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, and permits adopted, or issued for the regulation of the removal, preparation, transportation, arrangements for disposition or final disposition of dead human bodies, or for the regulation of the practice of mortuary science.

Sec. 12. Minnesota Statutes 2020, section 149A.61, subdivision 4, is amended to read:

Subd. 4. **Licensees, registrants, and interns.** A licensee, registrant, or intern regulated under this chapter may report to the commissioner any conduct that the licensee, registrant, or intern has personal knowledge of, and reasonably believes constitutes grounds for, disciplinary action under this chapter.

Sec. 13. Minnesota Statutes 2020, section 149A.61, subdivision 5, is amended to read:

Subd. 5. **Courts.** The court administrator of district court or any court of competent jurisdiction shall report to the commissioner any judgment or other determination of the court that adjudges or includes a finding that a licensee, registrant, or intern is a person who is mentally ill, mentally incompetent, guilty of a felony or gross misdemeanor, guilty of violations of federal or state narcotics laws or controlled substances acts; appoints a guardian or conservator for the licensee, registrant, or intern; or commits a licensee, registrant, or intern.

Sec. 14. Minnesota Statutes 2020, section 149A.62, is amended to read:

**149A.62 IMMUNITY; REPORTING.**

Any person, private agency, organization, society, association, licensee, registrant, or intern who, in good faith, submits information to a regulatory agency under section 149A.61 or otherwise reports violations or alleged violations of this chapter, is immune from civil liability or criminal prosecution. This section does not prohibit disciplinary action taken by the commissioner against any licensee, registrant, or intern pursuant to a self report of a violation.

Sec. 15. Minnesota Statutes 2020, section 149A.63, is amended to read:

**149A.63 PROFESSIONAL COOPERATION.**

A licensee, clinical student, practicum student, registrant, intern, or applicant for licensure under this chapter that is the subject of or part of an inspection or investigation by the commissioner or the commissioner's designee shall cooperate fully with the inspection or investigation. Failure to cooperate constitutes grounds for disciplinary action under this chapter.

Sec. 16. Minnesota Statutes 2020, section 149A.65, subdivision 2, is amended to read:

Subd. 2. **Mortuary science fees.** Fees for mortuary science are:

- (1) \$75 for the initial and renewal registration of a mortuary science intern;
- (2) \$125 for the mortuary science examination;
- (3) \$200 for issuance of initial and renewal mortuary science licenses;
- (4) \$100 late fee charge for a license renewal; ~~and~~
- (5) \$250 for issuing a mortuary science license by endorsement; and
- (6) \$..... for the initial and renewal registration of a transfer care specialist.

Sec. 17. Minnesota Statutes 2020, section 149A.70, subdivision 3, is amended to read:

Subd. 3. **Advertising.** No licensee, registrant, clinical student, practicum student, or intern shall publish or disseminate false, misleading, or deceptive advertising. False, misleading, or deceptive advertising includes, but is not limited to:

- (1) identifying, by using the names or pictures of, persons who are not licensed to practice mortuary science in a way that leads the public to believe that those persons will provide mortuary science services;
- (2) using any name other than the names under which the funeral establishment, alkaline hydrolysis facility, or crematory is known to or licensed by the commissioner;
- (3) using a surname not directly, actively, or presently associated with a licensed funeral establishment, alkaline hydrolysis facility, or crematory, unless the surname had been previously and continuously used by the licensed funeral establishment, alkaline hydrolysis facility, or crematory; and

(4) using a founding or establishing date or total years of service not directly or continuously related to a name under which the funeral establishment, alkaline hydrolysis facility, or crematory is currently or was previously licensed.

Any advertising or other printed material that contains the names or pictures of persons affiliated with a funeral establishment, alkaline hydrolysis facility, or crematory shall state the position held by the persons and shall identify each person who is licensed or unlicensed under this chapter.

Sec. 18. Minnesota Statutes 2020, section 149A.70, subdivision 4, is amended to read:

Subd. 4. **Solicitation of business.** No licensee shall directly or indirectly pay or cause to be paid any sum of money or other valuable consideration for the securing of business or for obtaining the authority to dispose of any dead human body.

For purposes of this subdivision, licensee includes a registered intern or transfer care specialist or any agent, representative, employee, or person acting on behalf of the licensee.

Sec. 19. Minnesota Statutes 2020, section 149A.70, subdivision 5, is amended to read:

Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student, ~~or intern,~~ or transfer care specialist shall offer, solicit, or accept a commission, fee, bonus, rebate, or other reimbursement in consideration for recommending or causing a dead human body to be disposed of by a specific body donation program, funeral establishment, alkaline hydrolysis facility, crematory, mausoleum, or cemetery.

Sec. 20. Minnesota Statutes 2020, section 149A.70, subdivision 7, is amended to read:

Subd. 7. **Unprofessional conduct.** No licensee, registrant, or intern shall engage in or permit others under the licensee's, registrant's, or intern's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(1) harassing, abusing, or intimidating a customer, employee, or any other person encountered while within the scope of practice, employment, or business;

(2) using profane, indecent, or obscene language within the immediate hearing of the family or relatives of the deceased;

(3) failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business;

(4) the habitual overindulgence in the use of or dependence on intoxicating liquors, prescription drugs, over-the-counter drugs, illegal drugs, or any other mood altering substances that substantially impair a person's work-related judgment or performance;

(5) revealing personally identifiable facts, data, or information about a decedent, customer, member of the decedent's family, or employee acquired in the practice or business without the prior consent of the individual, except as authorized by law;

(6) intentionally misleading or deceiving any customer in the sale of any goods or services provided by the licensee;

(7) knowingly making a false statement in the procuring, preparation, or filing of any required permit or document; or

(8) knowingly making a false statement on a record of death.

Sec. 21. Minnesota Statutes 2020, section 149A.90, subdivision 2, is amended to read:

Subd. 2. **Removal from place of death.** No person subject to regulation under this chapter shall remove or cause to be removed any dead human body from the place of death without being licensed or registered by the commissioner. Every dead human body shall be removed from the place of death by a licensed mortician or funeral director, except as provided in section 149A.01, subdivision 3, or 149A.47.

Sec. 22. Minnesota Statutes 2020, section 149A.90, subdivision 4, is amended to read:

Subd. 4. **Certificate of removal.** No dead human body shall be removed from the place of death by a mortician ~~or~~ funeral director, or transfer care specialist or by a noncompensated person with the right to control the dead human body without the completion of a certificate of removal and, where possible, presentation of a copy of that certificate to the person or a representative of the legal entity with physical or legal custody of the body at the death site. The certificate of removal shall be in the format provided by the commissioner that contains, at least, the following information:

(1) the name of the deceased, if known;

(2) the date and time of removal;

(3) a brief listing of the type and condition of any personal property removed with the body;

(4) the location to which the body is being taken;

(5) the name, business address, and license number of the individual making the removal; and

(6) the signatures of the individual making the removal and, where possible, the individual or representative of the legal entity with physical or legal custody of the body at the death site.

Sec. 23. Minnesota Statutes 2020, section 149A.90, subdivision 5, is amended to read:

Subd. 5. **Retention of certificate of removal.** A copy of the certificate of removal shall be given, where possible, to the person or representative of the legal entity having physical or legal custody of the body at the death site. The original certificate of removal shall be retained by the individual making the removal and shall be kept on file, at the funeral establishment to which the body was taken, for a period of three calendar years following the date of the removal. If the removal was performed by a transfer care specialist not employed by the funeral establishment to which the body was taken, the transfer care specialist shall retain a copy of the certificate on file at the transfer care specialist's business address as registered with the commissioner for a period of three calendar years following the date of removal. Following this period, and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 24. Minnesota Statutes 2020, section 149A.94, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) Every dead human body lying within the state, except unclaimed bodies delivered for dissection by the medical examiner, those delivered for anatomical study pursuant to section 149A.81, subdivision 2, or lawfully carried through the state for the purpose of disposition elsewhere; and the remains of any dead human body after dissection or anatomical study, shall be decently buried or entombed in a public or private cemetery, alkaline hydrolyzed, or cremated within a reasonable time after death. Where final disposition of a body will not be accomplished within 72 hours following death or release of the body by a competent authority with jurisdiction over the body, the body must be properly embalmed, refrigerated, or packed with dry ice. A body may not be ~~kept in refrigeration for a period exceeding six calendar days, or packed in dry ice for a period that exceeds four calendar days, from the time of death or release of the body from the coroner or medical examiner.~~ A body may be kept in refrigeration for up to 30 calendar days from the time of death or release of the body from the coroner or medical examiner, provided the dignity of the body is maintained and the funeral establishment complies with paragraph (b) if applicable. A body may be kept in refrigeration for more than 30 calendar days from the time of death or release of the body from the coroner or medical examiner in accordance with paragraphs (c) and (d).

(b) For a body to be kept in refrigeration for between 15 and 30 calendar days, no later than the 14th day of keeping the body in refrigeration the funeral establishment must notify the person with the right to control final disposition that the body will be kept in refrigeration for more than 14 days and that the person with the right to control final disposition has the right to seek other arrangements.

(c) For a body to be kept in refrigeration for more than 30 calendar days, the funeral establishment must:

(1) report at least the following to the commissioner on a form and in a manner prescribed by the commissioner: body identification details determined by the commissioner, the funeral establishment's plan to achieve final disposition of the body within the permitted time frame, and other information required by the commissioner; and

(2) store each refrigerated body in a manner that maintains the dignity of the body.

(d) Each report filed with the commissioner under paragraph (c) authorizes a funeral establishment to keep a body in refrigeration for an additional 30 calendar days.

(e) Failure to submit a report required by paragraph (c) subjects a funeral establishment to enforcement under this chapter."

Delete the title and insert:

"A bill for an act relating to health; providing for registration of transfer care specialists; authorizing a transfer care specialist to remove a dead human body from the place of death; providing for refrigeration of dead human bodies for certain time periods; amending Minnesota Statutes 2020, sections 149A.01, subdivisions 2, 3; 149A.02, subdivision 13a, by adding subdivisions; 149A.03; 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 149A.94, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 149A."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Stephenson from the Committee on Commerce Finance and Policy to which was referred:

H. F. No. 2711, A bill for an act relating to common interest communities; amending and adding provisions related to dispute resolution for common interest communities; amending Minnesota Statutes 2020, sections 515B.3-102; 515B.3-115; 515B.3-1151; proposing coding for new law in Minnesota Statutes, chapter 515B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 515B.3-102, is amended to read:

**515B.3-102 POWERS OF UNIT OWNERS' ASSOCIATION.**

(a) Except as provided in subsections (b), (c), (d), ~~and~~ (e), (f), (g), and (h) and subject to the provisions of the declaration or bylaws, the association shall have the power to:

(1) adopt, amend and revoke rules and regulations not inconsistent with the articles of incorporation, bylaws and declaration, as follows: (i) regulating the use of the common elements; (ii) regulating the use of the units, and conduct of unit occupants, which may jeopardize the health, safety or welfare of other occupants, which involves noise or other disturbing activity, or which may damage the common elements or other units; (iii) regulating or prohibiting animals; (iv) regulating changes in the appearance of the common elements and conduct which may damage the common interest community; (v) regulating the exterior appearance of the common interest community, including, for example, balconies and patios, window treatments, and signs and other displays, regardless of whether inside a unit; (vi) implementing the articles of incorporation, declaration and bylaws, and exercising the powers granted by this section; and (vii) otherwise facilitating the operation of the common interest community;

(2) adopt and amend budgets for revenues, expenditures and reserves, and levy and collect assessments for common expenses from unit owners;

(3) hire and discharge managing agents and other employees, agents, and independent contractors;

(4) institute, defend, or intervene in litigation or administrative proceedings (i) in its own name on behalf of itself or two or more unit owners on matters affecting the common elements or other matters affecting the common interest community or, (ii) with the consent of the owners of the affected units on matters affecting only those units;

(5) make contracts and incur liabilities;

(6) regulate the use, maintenance, repair, replacement, and modification of the common elements and the units;

(7) cause improvements to be made as a part of the common elements, and, in the case of a cooperative, the units;

(8) acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but (i) common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to section 515B.3-112, or (ii) part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to section 515B.3-112;

(9) grant or amend easements for public utilities, public rights-of-way or other public purposes, and cable television or other communications, through, over or under the common elements; grant or amend easements, leases, or licenses to unit owners for purposes authorized by the declaration; and, subject to approval by a vote of unit owners other than declarant or its affiliates, grant or amend other easements, leases, and licenses through, over or under the common elements;

(10) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements, and for services provided to unit owners;

(11) impose interest and late charges for late payment of assessments and, after notice and an opportunity to be heard before the board or a committee appointed by it, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association;

(12) impose reasonable charges for the review, preparation and recordation of amendments to the declaration, resale certificates required by section 515B.4-107, statements of unpaid assessments, or furnishing copies of association records;

(13) provide for the indemnification of its officers and directors, and maintain directors' and officers' liability insurance;

(14) provide for reasonable procedures governing the conduct of meetings and election of directors;

(15) exercise any other powers conferred by law, or by the declaration, articles of incorporation or bylaws; and

(16) exercise any other powers necessary and proper for the governance and operation of the association.

(b) Notwithstanding subsection (a) the declaration or bylaws may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

(c) No less than 15 days before levying a fine pursuant to subsection (a)(11), levying a limited assessment, or initiating a foreclosure, an association must provide written notice to a unit owner that:

(1) indicates the amount, date, and reason for the levy or foreclosure;

(2) identifies the violation for which a fine is being levied and the specific section of the declaration, bylaws, or rules and regulations allegedly violated;

(3) states that all unpaid fines and assessments are liens which, if not satisfied, could lead to foreclosure of the unit;

(4) describes the right of the unit owner to be heard by the board or a committee appointed by the board;

(5) states that if the assessment, fees, charges, or fine is not paid, the amount owed may increase as a result of the imposition of attorney fees and other costs of collection; and

(6) informs the unit owner that foreclosure prevention and other homeownership assistance is available from, and includes the contact information for, the Minnesota Homeownership Center.

(d) No attorney fees are chargeable on the unit owner for the 15-day period and, if applicable, any period up to and including the time a decision is rendered by the board, or a committee appointed by the board, after a hearing.

(e) For the purposes of this section "limited assessment" means an assessment for an expense other than common expenses or special assessments that is limited to a particular unit owner.

~~(e)~~ (f) Notwithstanding subsection (a), powers exercised under this section must comply with section 500.215.

~~(d)~~ (g) Notwithstanding subsection (a)(4) or any other provision of this chapter, the association, before instituting litigation or arbitration involving construction defect claims against a development party, shall:

(1) mail or deliver written notice of the anticipated commencement of the action to each unit owner at the addresses, if any, established for notices to owners in the declaration and, if the declaration does not state how notices are to be given to owners, to the owner's last known address. The notice shall specify the nature of the construction defect claims to be alleged, the relief sought, and the manner in which the association proposes to fund the cost of pursuing the construction defect claims; and

(2) obtain the approval of owners of units to which a majority of the total votes in the association are allocated. Votes allocated to units owned by the declarant, an affiliate of the declarant, or a mortgagee who obtained ownership of the unit through a foreclosure sale are excluded. The association may obtain the required approval by a vote at an annual or special meeting of the members or, if authorized by the statute under which the association is created and taken in compliance with that statute, by a vote of the members taken by electronic means or mailed ballots. If the association holds a meeting and voting by electronic means or mailed ballots is authorized by that statute, the association shall also provide for voting by those methods. Section 515B.3-110(c) applies to votes taken by electronic means or mailed ballots, except that the votes must be used in combination with the vote taken at a meeting and are not in lieu of holding a meeting, if a meeting is held, and are considered for purposes of determining whether a quorum was present. Proxies may not be used for a vote taken under this paragraph unless the unit owner executes the proxy after receipt of the notice required under subsection ~~(d)~~ (g) (1) and the proxy expressly references this notice.

~~(e)~~ (h) The association may intervene in a litigation or arbitration involving a construction defect claim or assert a construction defect claim as a counterclaim, crossclaim, or third-party claim before complying with subsections ~~(d)~~ (g) (1) and ~~(d)~~ (g) (2) but the association's complaint in an intervention, counterclaim, crossclaim, or third-party claim shall be dismissed without prejudice unless the association has complied with the requirements of subsection ~~(d)~~ (g) within 90 days of the association's commencement of the complaint in an intervention or the assertion of the counterclaim, crossclaim, or third-party claim."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "establishing procedures for levying a fine or limited assessment or initiating a foreclosure"

Page 1, line 3, delete everything before the semicolon

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 2743, A bill for an act relating to health occupations; modifying supervision requirements for psychologists, licensed professional clinical counselors, marriage and family therapists, and social workers; amending Minnesota Statutes 2020, sections 148.925, subdivision 5; 148B.33, by adding a subdivision; 148E.100, subdivision 3; 148E.105, subdivision 3; 148E.106, subdivision 3; 148E.110, subdivision 7; Minnesota Statutes 2021 Supplement, section 148B.5301, subdivision 2.



Reported the same back with the following amendments:

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 3 and insert "marriage and family therapists, licensed professional clinical counselors,"

Page 1, line 4, delete "therapists,"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 2768, A bill for an act relating to health occupations; allowing pharmacists to administer drugs through intramuscular and subcutaneous administration; allowing pharmacists to place drug monitoring devices; amending Minnesota Statutes 2020, section 151.01, subdivision 27.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Sundin from the Committee on Agriculture Finance and Policy to which was referred:

H. F. No. 3218, A bill for an act relating to agriculture; amending agricultural microloan program provisions; amending Minnesota Statutes 2020, section 41B.056.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 3273, A bill for an act relating to animal health; modifying requirements for certain owners of farmed Cervidae; prohibiting new registrations for farmed white-tailed deer; amending Minnesota Statutes 2020, sections 13.643, subdivision 6; 35.155, subdivisions 1, 10; Minnesota Statutes 2021 Supplement, section 35.155, subdivision 11.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 3368, A bill for an act relating to human services; providing funding for a community restorative antiviolence program; appropriating money.

Reported the same back with the following amendments:

Page 1, line 7, delete "human services" and insert "public safety"

Amend the title as follows:

Page 1, line 2, delete "human services" and insert "public safety"

With the recommendation that when so amended the bill be re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 3398, A bill for an act relating to public safety; modifying the no-knock search warrant process; amending Minnesota Statutes 2021 Supplement, section 626.14; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2021 Supplement, section 626.14, subdivision 2, is amended to read:

Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first loudly knocking and loudly and understandably announcing the officer's presence or purpose and waiting no less than 30 seconds thereafter prior to entering the premises to allow compliance by the subject. No-knock search warrants may also be referred to as dynamic entry warrants.

Sec. 2. Minnesota Statutes 2021 Supplement, section 626.14, is amended by adding a subdivision to read:

Subd. 2a. **No-knock search warrants prohibited.** A court may not issue or approve a no-knock search warrant.

Sec. 3. **REPEALER.**

Minnesota Statutes 2021 Supplement, section 626.14, subdivisions 3 and 4, are repealed."

Delete the title and insert:

"A bill for an act relating to public safety; prohibiting no-knock search warrants; amending Minnesota Statutes 2021 Supplement, section 626.14, subdivision 2, by adding a subdivision; repealing Minnesota Statutes 2021 Supplement, section 626.14, subdivisions 3, 4."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Richardson from the Committee on Education Policy to which was referred:

H. F. No. 3401, A bill for an act relating to education; modifying provisions for prekindergarten through grade 12 including general education, education excellence, inclusive and welcoming schools, health and wellness, teachers, charter schools, nutrition and libraries, early childhood, career and technical education, postsecondary enrollment options, and graduation; making administrative updates and technical corrections; requiring reports; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.22, subdivisions 7, 9; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.11, subdivisions 1, 2, 9; 120B.12, subdivision 2; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.31, subdivision 4; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6; 121A.17, subdivision 3; 121A.41, subdivision 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.181, subdivision 5; 122A.185, subdivision 1; 122A.40, subdivision 8; 122A.41, subdivision 5; 123A.09; 123B.04, subdivision 1; 123B.147, subdivision 3; 124D.09, subdivisions 3, 13; 124D.095, subdivisions 2, 3, 4, 7, by adding a subdivision; 124D.119; 124D.128, subdivision 1; 124D.13, subdivisions 2, 3; 124D.141, subdivision 2; 124D.15, subdivision 15; 124D.151, subdivisions 2, 5; 124D.16, subdivision 2; 124D.165, subdivisions 2, 3; 124D.231, subdivision 2; 124D.59, subdivision 2a; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 2a, 5, by adding a subdivision; 124D.861, subdivisions 2, 3, 4; 124D.8957, subdivision 19; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.11; 124E.12, subdivision 1; 124E.13, subdivisions 1, 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.094; 125A.0942, subdivisions 1, 2, 3, 4; 125A.15; 125A.51; 125A.515, subdivision 3; 125A.76, subdivision 2a; 126C.05, subdivision 16; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 136A.055; 136A.861, subdivision 2; 144.4165; 256.962, subdivision 3; 256L.05, subdivision 1; Minnesota Statutes 2021 Supplement, sections 124E.05, subdivision 6; 126C.05, subdivision 3; Laws 2017, First Special Session chapter 5, article 8, section 9, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing Minnesota Statutes 2020, section 120B.35, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
GENERAL EDUCATION

Section 1. Minnesota Statutes 2020, section 120A.42, is amended to read:

**120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

(a) The governing body of any district may contract with any of the teachers of the district for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Martin Luther King's birthday, Lincoln's and Washington's birthdays, ~~Columbus~~

~~Day~~ Indigenous Peoples' Day, and Veterans' Day. On Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program must be devoted to a patriotic observance of the day. On Indigenous Peoples' Day, at least one hour of the school program must be devoted to observance of the day. As part of its observance of Indigenous Peoples' Day, a district may provide professional development to teachers and staff, or instruction to students, on the following topics:

- (1) the history of treaties between the United States and Indigenous peoples;
- (2) the history of federal boarding schools for Indigenous children;
- (3) Indigenous languages;
- (4) Indigenous traditional medicines and cultural or spiritual practices;
- (5) the sovereignty of Tribal Nations;
- (6) the contributions of Indigenous people to American culture, literature, and society; and
- (7) current issues affecting Indigenous communities.

(b) A district may conduct a school program to honor Constitution Day and Citizenship Day by providing opportunities for students to learn about the principles of American democracy, the American system of government, American citizens' rights and responsibilities, American history, and American geography, symbols, and holidays. Among other activities under this paragraph, districts may administer to students the test questions United States Citizenship and Immigration Services officers pose to applicants for naturalization.

Sec. 2. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

Subdivision 1. **Definition.** "Education site" means a separate facility.—~~A~~ or program within a facility or within a district ~~is an education site~~ if the school board recognizes it as a site.

Sec. 3. Minnesota Statutes 2020, section 123B.195, is amended to read:

**123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

Notwithstanding section 471.88, subdivision 5, a school board member may be newly employed or may continue to be employed by a school district as an employee only if there is a reasonable expectation at the beginning of the fiscal year or at the time the contract is entered into or extended that the amount to be earned by that officer under that contract or employment relationship will not exceed ~~\$8,000~~ \$20,000 in that fiscal year. Notwithstanding section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval to be initially employed or to continue in employment at a meeting at which all board members are present, that employment is immediately terminated and that officer has no further rights to employment while serving as a school board member in the district.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 4. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Digital learning" is learning facilitated by technology that offers students an element of control over the time, place, path, or pace of their learning ~~and includes blended and online learning.~~

(b) "Blended learning" is a form of digital learning that occurs when a student learns part time in a supervised physical setting and part time through digital delivery of instruction, or a student learns in a supervised physical setting where technology is used as a primary method to deliver instruction.

(c) "Online learning" is a form of digital learning ~~delivered by an approved online learning provider under paragraph (d)~~ that occurs when a student learns primarily through digital delivery of instruction in a location other than a school building.

(d) "Supplemental online learning" means an online learning course taken in place of a course period at a local district school provided by a supplemental online learning provider.

~~(d)~~ (e) "Supplemental online learning provider" is a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning courses or programs to students other than their own enrolled students and is approved by the department to provide supplemental online learning courses.

~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22, subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section 124D.83, in kindergarten through grade 12.

~~(f)~~ (g) "Supplemental online learning student" is a student enrolled in ~~an~~ a supplemental online learning course or program delivered by ~~an~~ a supplemental online learning provider under paragraph ~~(d)~~ (e).

(h) "Teacher" is a public employee as defined in section 179A.03, subdivision 18, employed by a charter school or district providing online instruction. The contract of a teacher employed by a charter school or district must meet the requirements of section 122A.40 or 122A.41 and a charter school must employ or contract with a licensed teacher as defined in section 122A.06, subdivision 2. A teacher must perform all duties described in Minnesota Rules, part 8710.0310, defining teacher of record.

~~(g)~~ (i) "Enrolling district" means the school district ~~or~~, charter school, American Indian-controlled Tribal contract or grant school, or nonpublic school in which a student is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

~~(h)~~ "Supplemental online learning" means an online learning course taken in place of a course period at a local district school.

~~(i)~~ "Full time online learning provider" means an enrolling school authorized by the department to deliver comprehensive public education at any or all of the elementary, middle, or high school levels.

(j) "Online learning course syllabus" is a written document that ~~an~~ a supplemental online learning provider transmits to the enrolling district using a format prescribed by the commissioner to identify the state academic standards embedded in an online course, the course content outline, required course assessments, expectations for actual teacher contact time and other student-to-teacher communications, and the academic support available to the online learning student.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 5. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district may offer digital learning, blended learning, or online learning as instructional modalities to enrolled students. Digital learning, blended learning, or online learning do not generate online learning funds under this section. An enrolling district that offers digital learning, blended learning, or online learning only to its enrolled students is not subject to the reporting

requirements or review criteria under subdivision 7, unless the enrolling district is a supplemental online learning provider. A teacher providing instruction via digital learning, blended learning, or online learning must hold the appropriate Minnesota license as defined in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and online learning courses must be reported and identified in the Minnesota Common Course Catalog.

~~(a) A~~ (b) Any student may apply for ~~full-time~~ supplemental online enrollment in an approved supplemental online learning program ~~under section 124D.03 or 124D.08 or chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures for enrolling in supplemental online learning are as provided in this subdivision.~~ A student age 17 or younger must have the written consent of a parent or guardian to apply. ~~No school district or charter school may prohibit a student from applying to enroll in online learning.~~ In order to enroll in online learning, the student and the student's parents must submit an application to the supplemental online learning provider ~~and identify the student's reason for enrolling.~~ ~~A~~ A supplemental online learning provider that accepts a student under this section must notify the student and the enrolling district in writing within ten days if the enrolling district is not the supplemental online learning provider. The student and the student's parent must notify the supplemental online learning provider of the student's intent to enroll in online learning within ten days of being accepted, at which time the student and the student's parent must sign a statement indicating that they have reviewed the online course or program and understand the expectations of enrolling in online learning. The supplemental online learning provider must use a form provided by the department to notify the enrolling district of the student's application to enroll in online learning.

~~(b) (c)~~ (c) The supplemental online learning notice to the enrolling district when a student applies to the supplemental online learning provider ~~will~~ must include the courses or program, credits to be awarded, and the start date of the online course or program. ~~A~~ A supplemental online learning provider must make available the supplemental online course syllabus to the enrolling district. ~~Within 15 days after the online learning provider makes information in this paragraph available to the enrolling district, the enrolling district must notify the online provider whether the student, the student's parent, and the enrolling district agree or disagree that the course meets the enrolling district's graduation requirements.~~ A supplemental online learning provider that accepts a student under this section must notify the student and the enrolling district in writing within ten days if the enrolling district is not the supplemental online learning provider. A student may enroll in a supplemental online learning course up to the midpoint of the enrolling district's term. The enrolling district may waive this requirement for special circumstances and with the agreement of the online provider. ~~An online learning course or program that meets or exceeds a graduation standard or the grade progression requirement of the enrolling district as described in the provider's online course syllabus meets the corresponding graduation requirements applicable to the student in the enrolling district. If the enrolling district does not agree that the course or program meets its graduation requirements, then:~~

~~(1) the enrolling district must make available an explanation of its decision to the student, the student's parent, and the online provider; and~~

~~(2) the online provider may make available a response to the enrolling district, showing how the course or program meets the graduation requirements of the enrolling district.~~

~~(c) An online learning provider must notify the commissioner that it is delivering online learning and report the number of online learning students it accepts and the online learning courses and programs it delivers.~~

~~(d) An online learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.~~

~~(e) An enrolling district may reduce an online learning student's regular classroom instructional membership in proportion to the student's membership in online learning courses.~~

~~(f) The online provider must report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a manner specified by the commissioner unless the enrolling district and the online provider agree to a different form of notice and notify the commissioner. The enrolling district must designate a contact person to help facilitate and monitor the student's academic progress and accumulated credits towards graduation.~~

(d) A school district or charter school must allow an enrolled student to apply to enroll in supplemental online learning. A supplemental online learning provider must notify the enrolling district that the student has been accepted into the supplemental online learning program. Within 15 days of receiving the notification from the supplemental online learning program, the enrolling district must notify the supplemental online provider whether the student, the student's parent, and the enrolling district agree or disagree that the proposed course meets the enrolling district's graduation requirements.

(e) The enrolling district must communicate a student's individualized education program to the supplemental online provider upon accepting the enrollment and must coordinate services for students with disabilities unless a written agreement exists between the enrolling district and the supplemental online provider.

(f) An online learning course or program that meets or exceeds a graduation standard or the grade progression requirement of the enrolling district as described in the supplemental online provider's online course syllabus meets the corresponding graduation requirements applicable to the student in the enrolling district. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. If the enrolling district does not agree that the course or program meets its graduation requirements, then:

(1) the enrolling district must make available (1) an explanation of its decision to the student, the student's parent, and the supplemental online provider; and

(2) the supplemental online provider may make available a response to the enrolling district showing how the course or program meets the graduation requirements of the enrolling district.

(g) An enrolling district may reduce a supplemental online learning student's regular classroom instructional enrollment in proportion to the student's enrollment in online learning courses.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 6. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

Subd. 4. **Online learning parameters.** (a) ~~An~~ A supplemental online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an a supplemental online learning student count toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. If a student completes an online learning course or program that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met. ~~The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.~~

(b) ~~An~~ A supplemental online learning student may:

(1) enroll in supplemental online learning courses equal to a maximum of 50 percent of the student's full schedule of courses per term during a single school year and the student may exceed the supplemental online learning registration limit if the enrolling district permits supplemental online learning enrollment above the limit, or if the enrolling district and the supplemental online learning provider agree to the instructional services;

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

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

(c) An online learning student has the same access to ~~the~~ computer hardware and education software available in a school as all other students in the enrolling district. ~~An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.~~ Supplemental online learning students may use the enrolling district's computer hardware and educational software to access supplemental online courses. Supplemental online learning students may participate in supplemental online courses from a scheduled study hall or other suitable location in the district in which the student is enrolled if the enrolling district is able to provide a space and supervision.

~~(d) An enrolling district may offer digital learning to its enrolled students. Such digital learning does not generate online learning funds under this section. An enrolling district that offers digital learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a full time online learning provider. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license.~~

(d) A supplemental online learning provider must assist a supplemental online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes and must provide information about broadband connectivity options and programs.

(e) A supplemental online learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.

(f) A supplemental online learning provider must report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a manner specified by the commissioner unless the enrolling district and the supplemental online learning provider agree to a different form of reporting and notify the commissioner.

(g) An enrolling district must apply the same graduation requirements to all students, including supplemental online learning students, and must continue to provide nonacademic services to supplemental online learning students. An enrolling district must designate a contact person to help facilitate and monitor the academic progress and accumulated credits toward graduation for each supplemental online learning student enrolled in the district.

~~(e) Both full time and (h) Supplemental online learning providers are subject to the reporting requirements and review criteria under subdivision 7. A teacher holding a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license. A teacher providing instruction via supplemental online learning must use a curriculum aligned with standards as described in section 120B.021 and must hold the appropriate Minnesota license as defined in section 124D.095, subdivision 2, paragraph (h).~~



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

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

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 7. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

Subd. 7. **Department of Education.** (a) The department must review and approve or disapprove supplemental online learning providers applications within 90 calendar days of receiving ~~an~~ a supplemental online learning provider's completed application. The commissioner, using research-based standards of quality for online learning programs, must review all approved supplemental online learning providers on a cyclical three-year basis. Approved supplemental online learning providers annually must submit program data to, confirm statements of assurances for, and provide program updates including a current course list to the commissioner.

(b) A supplemental online learning provider must notify the commissioner that it is delivering online learning and must report the number of online learning students it accepts and the online learning courses and programs it delivers.

(c) An enrolling district that offers online learning under section 124D.095, subdivision 2, paragraph (c), must create an online site or sites that are classified as online learning sites and report student enrollments in the online school site or sites. Online and blended learning courses must be reported in the Minnesota Common Course Catalog.

~~(d)~~ (d) The online learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. The supplemental online learning provider, ~~other than a digital learning provider offering digital learning to its enrolled students only under subdivision 4, paragraph (d),~~ must give the commissioner written assurance that: (1) all courses meet state academic standards; and (2) the online learning curriculum, instruction, and assessment, expectations for actual teacher-contact time or other student-to-teacher communication, and academic support meet nationally recognized professional standards and are described as such in an online learning course syllabus that meets the commissioner's requirements. Once ~~an~~ a supplemental online learning provider is approved under this paragraph, all of its online learning course offerings are eligible for payment under this section unless a course is successfully challenged by an enrolling district or the department under paragraph ~~(e)~~ (e).

~~(e)~~ (e) An enrolling district may challenge the validity of a course offered by ~~an~~ a supplemental online learning provider. The department must review such challenges based on the approval procedures under paragraph ~~(b)~~ (d). The department may initiate its own review of the validity of an online learning course offered by ~~an~~ a supplemental online learning provider.

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

~~(g)~~ (g) The department must develop, publish, and maintain a list of supplemental online learning providers that it has reviewed and approved.

(h) The department may review a complaint about ~~an~~ a supplemental online learning provider, or a complaint about a provider based on the provider's response to notice of a violation. If the department determines that ~~an~~ a supplemental online learning provider violated a law or rule, the department may:

(1) create a compliance plan for the provider; or

(2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42. The department must notify ~~an~~ a supplemental online learning provider in writing about withholding funds and provide detailed calculations.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 8. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision to read:

**Subd. 11. Crisis online learning.** (a) "Crisis online learning" means online learning under this section as the primary mode of instruction for all students in a school building during a crisis learning period.

(b) "Crisis learning period" means a period of time that is the result of an unforeseeable incident or situation such as a natural disaster, pandemic, or other catastrophic event that creates an unsafe or untenable in-person learning environment as declared by a school district or charter school.

(c) "Crisis online learning plan" means a plan adopted by a school board or board of directors that describes the implementation of crisis online learning and how critical components of education are provided during the crisis learning period. Critical components of education include but are not limited to nutrition services in accordance with United States Department of Agriculture regulations, how teachers will be accessible online and by telephone during regular school hours each crisis online learning day to assist students, accommodations for students without Internet access or insufficient digital device access in a household, and accessible options for students with disabilities under chapter 125A and the Individuals with Disabilities Education Act. A crisis online learning plan may only be adopted by a school district after consulting with the exclusive representative of the teachers or by a charter school after consulting with its teachers, and may include up to one instructional day to prepare for crisis online learning and one instructional day upon the conclusion of the crisis online learning period, not to exceed four days per school year without approval from the commissioner. Students and families must be notified of the crisis online learning plan before the beginning of the school year. Consistent with applicable labor agreements, districts must utilize available staff who are able to work during the crisis online learning period.

(d) Upon declaring a crisis learning period and providing notice to students and families at least one day prior to the regular school start time, a school district or charter school may implement the crisis online learning plan.

**EFFECTIVE DATE.** This section is effective the day following final enactment. For school year 2021-2022 the student and family notification requirement in subdivision 11, paragraph (c), does not apply.

Sec. 9. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

**Subd. 2a. English learner; limited or interrupted formal education.** Consistent with subdivision 2, an English learner ~~includes with limited or interrupted formal education is~~ an English learner ~~with an interrupted formal education who meets three of the following five requirements:~~ defined by subdivision 2 who has at least two years less schooling than the English learner's peers when entering school in the United States.

~~(1) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;~~

- ~~(2) enters school in the United States after grade 6;~~
- ~~(3) has at least two years less schooling than the English learner's peers;~~
- ~~(4) functions at least two years below expected grade level in reading and mathematics; and~~
- ~~(5) may be preliterate in the English learner's native language.~~

Sec. 10. Minnesota Statutes 2020, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or is an English learner;

(11) has withdrawn from school or has been chronically truant; or

(12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) A pupil ~~otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a,~~ is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section: if the pupil otherwise qualifies under paragraph (a), is at least 21 years of age and not yet 22 years of age, and:

(1) is an English learner with a limited or interrupted formal education according to section 124D.59, subdivision 2a; or

(2) meets three of the following four requirements:

(i) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;

(ii) enters school in the United States after grade 6;

(iii) functions at least two years below expected grade level in reading and mathematics; and

(iv) may be preliterate in the English learner's native language.

Sec. 11. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision to read:

Subd. 5. **American Indian student.** "American Indian student" means a student who identifies as American Indian or Alaska Native, using the state definition in effect on October 1 of the previous school year.

Sec. 12. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance, including an annual report of American Indian student data using the state count, to districts, schools and postsecondary institutions for preservice and in-service training for teachers, American Indian education teachers and paraprofessionals specifically designed to implement culturally responsive teaching methods, culturally based curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Sec. 13. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** A school district, charter school, or American Indian-controlled tribal contract or grant school enrolling at least 20 American Indian students identified by the state count on October 1 of the previous school year and operating an American Indian education program according to section 124D.74 is eligible for American Indian education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

Sec. 14. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision to read:

Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to 124D.82, students who identify as American Indian or Alaska Native, as defined by the state of Minnesota on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for districts, charter schools, and Tribal contract schools for the subsequent school year.

Sec. 15. Minnesota Statutes 2020, section 125A.15, is amended to read:

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

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

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

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

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district. A district or charter school may utilize online learning under section 124D.095 to fulfill its educational program responsibility under this chapter if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. A district or charter school may utilize online learning under section 124D.095 to fulfill its educational program responsibility under this chapter if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

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

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

Sec. 16. Minnesota Statutes 2020, section 125A.51, is amended to read:

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

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

(a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

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

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

(d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence, through an online learning program under section 124D.095, provided by the pupil's resident district, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. A district or charter school may provide the instruction through an online learning program if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that form of instruction. The district of placement may contract with a facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.

(e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. A district or charter school may utilize online learning under section 124D.095 to fulfill its educational program responsibility under this chapter if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 120A.20, subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

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

Sec. 17. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's residential facility is located must provide education services, including special education if eligible, to all students placed in a facility. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is a state-approved online learning provider under section 124D.095, subdivision 2, paragraph (d), the district in which the children's residential facility is located may utilize that state-approved online learning program in fulfilling its education services responsibility under this section. A district or charter school may provide the instruction through an online learning program if the child or child's parent or guardian, for a child under the age of 18, agrees to that form of instruction.

(b) For education programs operated by the Department of Corrections, the providing district shall be the Department of Corrections. For students remanded to the commissioner of corrections, the providing and resident district shall be the Department of Corrections.

## ARTICLE 2 EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;



(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or

(r) with Tribal Nations about Tribally enrolled or descendant students so that the Tribal Nation and school district or charter school can support the educational attainment of the student.

Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent the inappropriate behavior from recurring. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

Subd. 9. **Knowledge and skills.** Instruction must be provided in at least the following subject areas:

- (1) basic communication skills including reading and writing, literature, and fine arts;
- (2) mathematics and science;
- (3) social studies including history, geography, economics, government, and citizenship; ~~and~~
- (4) health and physical education; and
- (5) ethnic studies.

Instruction, textbooks, and materials must be in the English language. Another language may be used pursuant to sections 124D.59 to 124D.61.

Sec. 4. Minnesota Statutes 2020, section 120B.018, subdivision 6, is amended to read:

Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, and the arts, or (2) a locally adopted expectation for student learning in health ~~or the arts.~~

Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship that includes civics consistent with section 120B.02, subdivision 3;
- (5) physical education;
- (6) health, for which locally developed academic standards apply; and
- (7) ~~the arts, for which statewide or locally developed academic standards apply, as determined by the school district.~~ Public elementary and middle schools must offer at least three and require at least two of the following ~~four~~ five arts areas: media arts, dance, music, theater, and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts, dance, music, theater, and visual arts.

(b) For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education program team has determined that the required academic standards are inappropriate. An individualized education program team that makes this determination must establish alternative standards.

(c) The department must adopt the most recent SHAPE America (Society of Health and Physical Educators) kindergarten through grade 12 standards and benchmarks for physical education as the required physical education academic standards. The department may modify and adapt the national standards to accommodate state interest. The modification and adaptations must maintain the purpose and integrity of the national standards. The department must make available sample assessments, which school districts may use as an alternative to local assessments, to assess students' mastery of the physical education standards beginning in the 2018-2019 school year.

(d) A school district may include child sexual abuse prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention instruction may include age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may provide instruction under this paragraph in a variety of ways, including at an annual assembly or classroom presentation. A school district may also provide parents information on the warning signs of child sexual abuse and available resources.

(e) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

Sec. 6. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

Subd. 2. **Standards development.** (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:

(1) parents of school-age children and members of the public throughout the state;

(2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;

(3) currently serving members of local school boards and charter school boards throughout the state;

(4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~

(5) representatives of the Minnesota business community;

(6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal Nations and communities, including both Anishinaabe and Dakota;

(7) youth currently enrolled in kindergarten through grade 12 school districts and charter schools in Minnesota; and

(8) other stakeholders that represent the ethnic, racial, and geographic diversity of Minnesota, including diversity of gender and sexual orientation, immigrant status, and religious and linguistic background.

(b) Academic standards must:

(1) be clear, concise, objective, measurable, and grade-level appropriate;

(2) not require a specific teaching methodology or curriculum; and

(3) be consistent with the Constitutions of the United States and the state of Minnesota.

Sec. 7. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section and section 120B.022, must adopt statewide rules under section 14.389 for implementing statewide rigorous core academic standards in language arts, mathematics, science, social studies, physical education, and the arts. After the rules authorized under this subdivision are initially adopted, the commissioner may not amend or repeal these rules nor adopt new rules on the same topic without specific legislative authorization unless done pursuant to subdivision 4.

Sec. 8. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must revise and ~~appropriately embed~~ Indigenous education standards that include the contributions of American Indian Tribes and communities into the state's academic standards and graduation requirements. These standards must be consistent with recommendations from the Tribal Nations Education Committee.

(b) The commissioner of education must revise and embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a ten-year cycle to review and, consistent with the review, revise state academic standards and related benchmarks, consistent with this subdivision. During each ten-year review and revision cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for career and college readiness and advanced work in the particular subject area.

~~(c) The commissioner must include the contributions of Minnesota American Indian tribes and communities as related to the~~ embed ethnic studies into the state's academic standards during the review and revision of the required academic standards.

~~(b)~~ (d) The commissioner must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b). The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2021-2022 school year and every ten years thereafter.

~~(e)~~ (e) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

~~(d)~~ (f) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

~~(e)~~ (g) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.

~~(f)~~ (h) The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.

~~(g)~~ (i) The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and every ten years thereafter.

~~(h)~~ (j) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, world languages, and career and technical education.

Sec. 9. Minnesota Statutes 2020, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. **Elective standards.** A district must establish and regularly review its own standards ~~in~~ for career and technical education programs. Standards must align with Minnesota career and technical education frameworks, standards developed by national career and technical education organizations, or recognized industry standards. A district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages. A school district must offer courses in all elective subject areas.

Sec. 10. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the 2011-2012 school year and later~~ must successfully complete the following high school level credits for graduation:

(1) four credits of language arts sufficient to satisfy all of the academic standards in English language arts;

(2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;

(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics;

(4) three credits of science, including at least one credit of biology, one credit of chemistry or physics, and one elective credit of science. The combination of credits under this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;

(5) three and one-half credits of social studies, including credit for a course in government and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2023-2024 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under section 120B.021, subdivision 1a, and a combination of other credits encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

(6) one credit of the arts sufficient to satisfy all of the ~~state or local~~ academic standards in the arts; and

(7) a minimum of seven elective credits.

(b) A school district is encouraged to offer a course for credit in government and citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year and later, that satisfies the government and citizenship requirement in paragraph (a), clause (5). A school district must offer the course starting in the 2023-2024 school year.

(c) A student beginning 9th grade in the 2023-2024 school year and later must successfully complete a personal finance course for credit during the student's senior year of high school. The course must include but is not limited to the following topics: creating a household budget; taking out loans and accruing debt, including how interest works; home mortgages; how to file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions. A district may provide a personal finance course through in-person instruction, distance instruction, or a combination of in-person and distance instruction.

Sec. 11. Minnesota Statutes 2020, section 120B.024, subdivision 2, is amended to read:

Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's ~~agriculture~~ agricultural, food, and natural resources education or business ~~department~~ education program may fulfill a one-half credit in social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the academic standards in economics.

(b) An agriculture science or career and technical education credit may fulfill the elective science credit required under subdivision 1, clause (4), if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic standards as approved by the district. A student must satisfy either all of the chemistry academic standards or all of the physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under subdivision 1, clause (4).

(c) A career and technical education credit may fulfill a mathematics or arts credit requirement under subdivision 1, clause (2) or (6).

(d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not required to meet the requirements of Minnesota Rules, part 3505.1150, subpart 4 2, item B, to meet the credit equivalency requirements of paragraph (b) above.

(e) A computer science credit may fulfill a mathematics credit requirement under subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

(f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in science or mathematics.

Sec. 12. **[120B.025] ETHNIC STUDIES CURRICULUM.**

"Ethnic studies curriculum" means the critical and 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. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the connections of race to the stratification of other groups, including stratification based on gender, class, sexual orientation, gender identity, disability, and legal status. The ethnic studies curriculum may be integrated into existing curricular opportunities or provided through additional curricular offerings.

Sec. 13. Minnesota Statutes 2020, section 120B.026, is amended to read:

**120B.026 PHYSICAL EDUCATION; ~~EXCLUSION~~ EXCUSAL FROM CLASS; ~~RECESS~~.**

A student may be excused from a physical education class if the student submits written information signed by a physician stating that physical activity will jeopardize the student's health. A student may be excused from a physical education class if being excused meets the child's unique and individualized needs according to the child's individualized education program, federal 504 plan, or individualized health plan. A student may be excused if a parent or guardian requests an exemption on religious grounds. A student with a disability must be provided with modifications or adaptations that allow physical education class to meet their needs. ~~Schools are strongly encouraged not to exclude students in kindergarten through grade 5 from recess due to punishment or disciplinary action.~~

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 14. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10, the following terms have the meanings given them.

(a) "Instruction" means methods of providing learning experiences that enable a student to meet state and district academic standards and graduation requirements including applied and experiential learning.

(b) "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge and skills and career and college readiness.

(c) "World's best workforce" means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

(d) "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.

(e) "Ethnic studies curriculum" means the critical and 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. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the connection of race to the stratification of other groups, including stratification based on gender, class, sexual orientation, gender identity, disability, and legal status. The ethnic studies curriculum may be integrated into existing curricular opportunities or provided through additional curricular offerings.

(f) "Antiracist" means actively working to identify and eliminate racism in all forms so that power and resources are redistributed and shared equitably among racial groups.

(g) "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through schooling.

(h) "Institutional racism" means structures, policies, and practices within and across institutions that produce outcomes that chronically favor white people and disadvantage those who are Black, Indigenous, and People of Color.

(i) "On track for graduation" means that at the end of grade 9, a student has earned at least five credits and has received no more than one failing grade in a term in a language arts, mathematics, science, or social studies course that fulfills a credit requirement under section 120B.024. A student is off track for graduation if the student fails to meet either of these criteria.

Sec. 15. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

Subd. 1a. **Performance measures.** (a) Measures to determine school district and school site progress in striving to create the world's best workforce must include at least:

(1) the size of the academic achievement gap, rigorous course taking under section 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and talented programming, and enrichment experiences by student subgroup;

(2) student performance on the Minnesota Comprehensive Assessments;

(3) high school graduation rates; ~~and~~

(4) career and college readiness under section 120B.30, subdivision 1; and

(5) the number and percentage of students, by student subgroup, who are on track for graduation.

(b) A school district that offers advanced placement, international baccalaureate, or dual enrollment programs must report on the following performance measures starting in the 2023-2024 school year:

(1) participation in postsecondary enrollment options and concurrent enrollment programs;

(2) the number of students who took an advanced placement exam and the number of students who passed the exam; and

(3) the number of students who took the international baccalaureate exam and the number of students who passed the exam.

(c) Performance measures under this subdivision must be reported for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 16. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, ~~shall~~ must adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the world's best workforce and includes:

(1) clearly defined district and school site goals and benchmarks for instruction and student achievement for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2);

(2) a process to: assess and evaluate each student's progress toward meeting state and local academic standards; ~~assess and identify students to participate in gifted and talented programs and accelerate their instruction;~~ ~~and;~~ adopt early-admission procedures consistent with section 120B.15; assess ethnic studies curriculum needs to determine priorities for integrating ethnic studies into existing courses or developing new courses; ~~and identifying~~ identify the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

(3) a system to periodically review and evaluate the effectiveness of all instruction and curriculum, including ethnic studies curriculum, taking into account strategies and best practices, student outcomes, school principal evaluations under section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(4) strategies for improving instruction, curriculum, and student achievement, including:

(i) the English and, where practicable, the native language development and the academic achievement of English learners; and

(ii) access to ethnic studies curriculum using culturally responsive methodologies for all learners;



(5) a process to examine the equitable distribution of teachers and strategies to ensure children in low-income and minority families, children in families of people of color, and children in American Indian families are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;

(6) education effectiveness practices that:

(i) integrate high-quality instruction, ~~rigorous curriculum~~, technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;

(ii) ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees; and

(iii) provide a collaborative professional culture that ~~develops and supports~~ seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and

(7) an annual budget for continuing to implement the district plan; and

(8) identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.

**EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and updated after June 30, 2023.

Sec. 17. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. The district advisory committee ~~shall~~ must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school board: rigorous academic standards; student achievement goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district assessments; means to improve students' equitable access to effective and more diverse teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally sustaining; strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and program evaluations. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

Sec. 18. **[120B.113] CLOSING EDUCATIONAL OPPORTUNITY GAPS GRANTS.**

Subdivision 1. **Grant program established.** The commissioner of education must establish a grant program to support implementation of world's best workforce strategies under section 120B.11, subdivision 2, clauses (4) and (6), and collaborative efforts that address opportunity gaps resulting from curricular, environmental, and structural inequities in schools experienced by students, families, and staff who are of color or who are American Indian.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Antiracist" means actively working to identify and eliminate racism in all forms so that power and resources are redistributed and shared equitably among racial groups.

(c) "Curricular" means curriculum resources used and content taught as well as access to levels of coursework or types of learning opportunities.

(d) "Environmental" means relating to the climate and culture of a school.

(e) "Equitable" means fairness by providing curriculum, instruction, support, and other resources for learning based on the needs of individual students and groups of students to succeed at school rather than treating all students the same despite the students having different needs.

(f) "Institutional racism" means policies and practices within and across institutions that produce outcomes that chronically favor white people and disadvantage those who are Black, Indigenous, and People of Color.

(g) "Opportunity gap" means the inequitable distribution of resources that impacts inequitable opportunities that contribute to or perpetuate learning gaps for certain groups of students.

(h) "Structural" means relating to the organization and systems of a school that have been created to manage a school.

**Subd. 3. Applications and grant awards.** The commissioner must determine application procedures and deadlines, select districts and charter schools to participate in the grant program, and determine the award amount and payment process of the grants. To the extent that there are sufficient applications, the commissioner must award an approximately equal number of grants between districts in greater Minnesota and those in the Twin Cities metropolitan area. If there are an insufficient number of applications received for either geographic area, then the commissioner may award grants to meet the requests for funds wherever a district is located.

**Subd. 4. Description.** The grant program must provide funding that supports collaborative efforts that close opportunity gaps by:

(1) ensuring school environments and curriculum validate, affirm, embrace, and integrate cultural and community strengths of students, families, and employees from all racial and ethnic backgrounds; and

(2) addressing institutional racism with equitable school policies, structures, practices, and curricular offerings, consistent with the requirements for long-term plans under section 124D.861, subdivision 2, paragraph (c).

**Subd. 5. Report.** Grant recipients must annually report to the commissioner by a date and in a form and manner determined by the commissioner on efforts planned and implemented that engaged students, families, educators, and community members of diverse racial and ethnic backgrounds in making improvements to school climate and curriculum. The report must assess the impact of those efforts as perceived by racially and ethnically diverse stakeholders, and must identify any areas needed for further continuous improvement. The commissioner must publish a report for the public summarizing the activities of grant recipients and what was done to promote sharing of effective practices among grant recipients and potential grant applicants.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 19. Minnesota Statutes 2020, section 120B.15, is amended to read:

**120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

(a) School districts may identify students, locally develop programs and services addressing instructional and affective needs, provide staff development, and evaluate programs and services to provide gifted and talented students with challenging and appropriate educational programs and services.

(b) School districts must adopt guidelines for assessing and identifying students for participation in gifted and talented programs and services consistent with section 120B.11, subdivision 2, clause (2). The guidelines should include the use of:

(1) multiple and objective criteria; and

(2) assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable to underrepresented groups, including, but not limited to, low-income students, ~~minority~~ students of color and American Indian students, twice-exceptional students, students with 504 plans, and English learners. Assessments and procedures must be coordinated to allow for optimal identification of programs or services for underrepresented groups.

(c) School districts must adopt procedures for the academic acceleration of gifted and talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures must include how the district will:

(1) assess a student's readiness and motivation for acceleration; and

(2) match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

(d) School districts must adopt procedures consistent with section 124D.02, subdivision 1, for early admission to kindergarten or first grade of gifted and talented learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

Sec. 20. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, must include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed as computer-adaptive reading and mathematics assessments for students that are aligned with the state's required academic standards under section 120B.021, include multiple choice questions, and are administered annually to all students in grades 3 through 8. State-developed high school tests aligned with the state's required academic standards under section 120B.021 and administered to all high school students in a subject other than writing must include multiple choice questions. The commissioner must establish a testing period as late as possible each school year during which schools must administer the Minnesota Comprehensive Assessments to students. The commissioner must publish the testing schedule at least two years before the beginning of the testing period.

(b) The state assessment system must be aligned to the most recent revision of academic standards as described in section 120B.023 in the following manner:

(1) mathematics;

(i) grades 3 through 8 beginning in the 2010-2011 school year; and

(ii) high school level beginning in the 2013-2014 school year;

(2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012 school year; and

(3) language arts and reading; grades 3 through 8 and high school level beginning in the 2012-2013 school year.

(c) For students enrolled in grade 8 in the 2012-2013 school year and later, students' state graduation requirements, based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation, include the following:

(1) achievement and career and college readiness in mathematics, reading, and writing, consistent with paragraph (k) and to the extent available, to monitor students' continuous development of and growth in requisite knowledge and skills; analyze students' progress and performance levels, identifying students' academic strengths and diagnosing areas where students require curriculum or instructional adjustments, targeted interventions, or remediation; and, based on analysis of students' progress and performance data, determine students' learning and instructional needs and the instructional tools and best practices that support academic rigor for the student; and

(2) consistent with this paragraph and section 120B.125, age-appropriate exploration and planning activities and career assessments to encourage students to identify personally relevant career interests and aptitudes and help students and their families develop a regularly reexamined transition plan for postsecondary education or employment without need for postsecondary remediation.

Based on appropriate state guidelines, students with an individualized education program may satisfy state graduation requirements by achieving an individual score on the state-identified alternative assessments.

(d) Expectations of schools, districts, and the state for career or college readiness under this subdivision must be comparable in rigor, clarity of purpose, and rates of student completion.

A student under paragraph (c), clause (1), must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment under this subdivision to graduate from high school.

(e) Though not a high school graduation requirement, students are encouraged to participate in a nationally recognized college entrance exam. To the extent state funding for college entrance exam fees is available, a district must pay the cost, one time, for an interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take a nationally recognized college entrance exam before graduating. A student must be able to take the exam under this paragraph at the student's high school during the school day and at any one of the multiple exam administrations available to students in the district. A district may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph. If the district administers only one of these two tests and a free or reduced-price meal eligible student opts not to take that test and chooses instead to take the other of the two tests, the student may take the other test at a different time or location and remains eligible for the examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school district may require a student that is not eligible for a free or reduced-price meal to pay the cost of taking a nationally recognized college entrance exam. The district must waive the cost for a student unable to pay.

(f) The commissioner and the chancellor of the Minnesota State Colleges and Universities must collaborate in aligning instruction and assessments for adult basic education students and English learners to provide the students with diagnostic information about any targeted interventions, accommodations, modifications, and supports they need so that assessments and other performance measures are accessible to them and they may seek postsecondary education or employment without need for postsecondary remediation. When administering formative or summative assessments used to measure the academic progress, including the oral academic development, of English learners and inform their instruction, schools must ensure that the assessments are accessible to the students and students have the modifications and supports they need to sufficiently understand the assessments.

(g) Districts and schools, on an annual basis, must use career exploration elements to help students, beginning no later than grade 9, and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. Districts and schools must use timely regional labor market information and partnerships, among other resources, to help students and their families successfully develop, pursue, review, and revise an individualized plan for postsecondary education or a career. This process must help increase students' engagement in and connection to school, improve students' knowledge and skills, and deepen students' understanding of career pathways as a sequence of academic and career courses that lead to an industry-recognized credential, an associate's degree, or a bachelor's degree and are available to all students, whatever their interests and career goals.

(h) A student who demonstrates attainment of required state academic standards, which include career and college readiness benchmarks, on high school assessments under subdivision 1a is academically ready for a career or college and is encouraged to participate in courses awarding college credit to high school students. Such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

(i) As appropriate, students through grade 12 must continue to participate in targeted instruction, intervention, or remediation and be encouraged to participate in courses awarding college credit to high school students.

(j) In developing, supporting, and improving students' academic readiness for a career or college, schools, districts, and the state must have a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so that students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without need for postsecondary remediation. The commissioner, in consultation with local school officials and educators, and Minnesota's public postsecondary institutions must ensure that the foundational knowledge and skills for students' successful performance in postsecondary employment or education and an articulated series of possible targeted interventions are clearly identified and satisfy Minnesota's postsecondary admissions requirements.

(k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or charter school must record on the high school transcript a student's progress toward career and college readiness, and for other students as soon as practicable.

(l) The school board granting students their diplomas may formally decide to include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.

(m) The 3rd through 8th grade computer-adaptive assessment results and high school test results must be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner, in consultation with the chancellor of the Minnesota State Colleges and Universities, must establish empirically derived benchmarks on the high school tests that reveal a trajectory toward career and college readiness consistent with section 136F.302, subdivision 1a. The commissioner must disseminate to the public the computer-adaptive assessments and high school test results upon receiving those results.

(n) The grades 3 through 8 computer-adaptive assessments and high school tests must be aligned with state academic standards. The commissioner must determine the testing process and the order of administration. The statewide results must be aggregated at the site and district level, consistent with subdivision 1a.

(o) The commissioner must include the following components in the statewide public reporting system:

(1) uniform statewide computer-adaptive assessments of all students in grades 3 through 8 and testing at the high school levels that provides appropriate, technically sound accommodations or alternate assessments;

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

(3) state results on the ~~American College Test~~ ACT test; and

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

(p) For purposes of statewide accountability, "career and college ready" means a high school graduate has the knowledge, skills, and competencies to successfully pursue a career pathway, including postsecondary credit leading to a degree, diploma, certificate, or industry-recognized credential and employment. Students who are career and college ready are able to successfully complete credit-bearing coursework at a two- or four-year college or university or other credit-bearing postsecondary program without need for remediation.

(q) For purposes of statewide accountability, "cultural competence," "cultural competency," or "culturally competent" means the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.

Sec. 21. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

Subd. 1a. **Statewide and local assessments; results.** ~~(a) For purposes of this section, the following definitions have the meanings given them.~~

~~(1) "Computer adaptive assessments" means fully adaptive assessments.~~

~~(2) "Fully adaptive assessments" include test items that are on grade level and items that may be above or below a student's grade level.~~

~~(3) "On grade level" test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.~~

~~(4) "Above grade level" test items contain subject area content that is above the grade level of the student taking the assessment and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

~~(5) "Below grade level" test items contain subject area content that is below the grade level of the student taking the test and is considered aligned with state academic standards to the extent it is aligned with content represented in state academic standards below the student's current grade level. Notwithstanding the student's grade level, administering below grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.~~

~~(b) The commissioner must use fully adaptive mathematics and reading assessments for grades 3 through 8.~~

~~(e)~~ (a) For purposes of conforming with existing federal educational accountability requirements, the commissioner must develop and implement computer-adaptive reading and mathematics assessments for grades 3 through 8, state-developed high school reading and mathematics tests aligned with state academic standards, a high school writing test aligned with state standards when it becomes available, and science assessments under clause (2) that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual computer-adaptive reading and mathematics assessments in grades 3 through 8, and high school reading, writing, and mathematics tests; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the commissioner must not require students to achieve a passing score on high school science assessments as a condition of receiving a high school diploma.

~~(d)~~ (b) The commissioner must ensure that for annual computer-adaptive assessments:

(1) individual student performance data and achievement reports are available within three school days of when students take an assessment except in a year when an assessment reflects new performance standards;

(2) growth information is available for each student from the student's first assessment to each proximate assessment using a constant measurement scale;

(3) parents, teachers, and school administrators are able to use elementary and middle school student performance data to project students' secondary and postsecondary achievement; and

(4) useful diagnostic information about areas of students' academic strengths and weaknesses is available to teachers and school administrators for improving student instruction and indicating the specific skills and concepts that should be introduced and developed for students at given performance levels, organized by strands within subject areas, and aligned to state academic standards.

~~(e)~~ (c) The commissioner must ensure that all state tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

~~(f)~~ (d) Reporting of state assessment results must:

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

(2) include a growth indicator of student achievement; and

(3) determine whether students have met the state's academic standards.

~~(g)~~ (e) Consistent with applicable federal law, the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for English learners.

~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress toward career and college readiness in the context of the state's academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Sec. 22. Minnesota Statutes 2020, section 120B.301, is amended to read:

**120B.301 LIMITS ON LOCAL TESTING.**

(a) For students in grades 1 through 6, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed ten hours per school year. For students in grades 7 through 12, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school year. For purposes of this paragraph, international baccalaureate and advanced placement exams are not considered locally adopted assessments.

(b) A district or charter school is exempt from the requirements of paragraph (a), if the district or charter school, in consultation with the exclusive representative of the teachers or other teachers if there is no exclusive representative of the teachers, decides to exceed a time limit in paragraph (a) and includes the information in the report required under section 120B.11, subdivision 5.

(c) A district or charter school, ~~before the first day of each school year,~~ must publish on its website a comprehensive calendar of standardized tests to be administered in the district or charter school during that school year. The calendar must provide the rationale for administering each assessment and indicate whether the assessment is a local option or required by state or federal law. The calendar must be published at least one week prior to any eligible assessments being administered and no later than October 1.

Sec. 23. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth target measures; other state measures.** (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of current achievement ~~growth~~ that show growth from an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. Indicators that take into account a student's prior achievement must not be used to disregard a school's low achievement or to exclude a school from a program to improve low-achievement levels.

(2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and report, as soon as practicable, separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most populous Native groups, seven of the most populous Hispanic/Latino groups, and five of the most populous Black and African Heritage groups ~~as determined by the total Minnesota population based on the most recent American Community Survey.~~ These groups must be determined by a ten-year cycle using the American Community Survey of the total Minnesota population. The determination must be based on the most recent five-year dataset starting with the 2021-2025 dataset. Additional categories must include English learners under section 124D.59; home language; free or reduced-price ~~lunch~~ meals; and all students enrolled in a Minnesota public school who are currently or were previously in foster care, except that such disaggregation and cross tabulation is not required if the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors, district staff, experts in culturally responsive teaching, and researchers, must implement a an appropriate growth model that compares the difference in students' achievement scores over time, and includes criteria for identifying schools and school districts that demonstrate academic progress or progress toward English language proficiency. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:



(1) report student growth consistent with this paragraph; and

(2) for all student categories, report and compare aggregated and disaggregated state student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

The commissioner must report measures of student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph, including the English language development, academic progress, and oral academic development of English learners and their native language development if the native language is used as a language of instruction, and include data on all pupils enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59.

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

(1) a preparation measure indicating the number and percentage of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities, consistent with the core academic subjects required for admission to Minnesota's public colleges and universities as determined by the Office of Higher Education under chapter 136A; and

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

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2014, must report summary data on school safety and students' engagement and connection at school, consistent with the student categories identified under paragraph (a), clause (2). The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

(e) For purposes of statewide educational accountability, the commissioner must identify and report measures that demonstrate the success of learning year program providers under sections 123A.05 and 124D.68, among other such providers, in improving students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually report summary data on:

(1) the four- and six-year graduation rates of students under this paragraph;

(2) the percent of students under this paragraph whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; and

(3) the success that learning year program providers experience in:

- (i) identifying at-risk and off-track student populations by grade;
- (ii) providing successful prevention and intervention strategies for at-risk students;
- (iii) providing successful recuperative and recovery or reenrollment strategies for off-track students; and
- (iv) improving the graduation outcomes of at-risk and off-track students.

The commissioner may include in the annual report summary data on other education providers serving a majority of students eligible to participate in a learning year program.

(f) The commissioner, in consultation with recognized experts with knowledge and experience in assessing the language proficiency and academic performance of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59, must identify and report appropriate and effective measures to improve current categories of language difficulty and assessments, and monitor and report data on students' English proficiency levels, program placement, and academic language development, including oral academic language.

(g) When reporting four- and six-year graduation rates, the commissioner or school district must disaggregate the data by student categories according to paragraph (a), clause (2).

(h) A school district must inform parents and guardians that volunteering information on student categories not required by the most recent reauthorization of the Elementary and Secondary Education Act is optional and will not violate the privacy of students or their families, parents, or guardians. The notice must state the purpose for collecting the student data.

**EFFECTIVE DATE.** This section is effective the day following final enactment. The next update to the data used to determine the most populous groups must be implemented in 2026 using the 2021-2025 dataset.

Sec. 24. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

Subd. 2. **Student progress and other data.** (a) All data the department receives, collects, or creates under section 120B.11, governing the world's best workforce, or uses to determine federal expectations under the most recently reauthorized Elementary and Secondary Education Act, ~~set state growth targets,~~ and determine student growth, learning, and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data.

(b) Districts must provide parents sufficiently detailed summary data to permit parents to appeal under the most recently reauthorized federal Elementary and Secondary Education Act. The commissioner shall annually post federal expectations and state student growth, learning, and outcome data to the department's public website no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.

Sec. 25. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

**Subdivision 1. Prohibition.** (a) A public school may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the district or school within the district.

(b) A public school may seek an exemption to paragraph (a) by submitting a request in writing to the Tribal Nations Education Committee and the Indian Affairs Council, which jointly shall have discretion to grant such an exemption. A public school that has a mascot prohibited by this section must request an exemption by January 1, 2023.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "American Indian" means an individual who is:

(1) a member of an Indian Tribe or Band, as membership is defined by the Tribe or Band, including:

(i) any Tribe or Band terminated since 1940; and

(ii) any Tribe or Band recognized by the state in which the Tribe or Band resides;

(2) a descendant, in the first or second degree, of an individual described in clause (1);

(3) considered by the Secretary of the Interior to be an Indian for any purpose;

(4) an Eskimo, Aleut, or other Alaska Native; or

(5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

(c) "District" means a district under section 120A.05, subdivision 8.

(d) "Mascot" means any human, nonhuman animal, or object used to represent a school and its population.

(e) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.

Sec. 26. **[121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. MnMTSS provides access to layered tiers of culturally and linguistically responsive, evidence-based practices. The MnMTSS framework relies on the understanding and belief that every student can learn and thrive, and it engages an anti-racist approach to examining policies and practices and ensuring equitable distribution of resources and opportunity. This systemic framework requires:

(1) design and delivery of culturally and linguistically responsive, effective, standards-based core instruction in safe, supportive environments inclusive of every student as a necessary foundation for tiered supports;

(2) layered tiers of culturally and linguistically responsive supplemental and intensive supports to meet each student's needs;

(3) developing collective knowledge and experience through engagement in representative partnerships with students, education professionals, families, and communities;

(4) multidisciplinary teams of education professionals that review and use data to prevent and solve problems, inform instruction and supports, and ensure effective implementation in partnership with students and families;

(5) effective and timely use of meaningful, culturally relevant data disaggregated by student groups identified in section 121A.031 that includes but is not limited to universal screening, frequent progress monitoring, implementation fidelity, and multiple qualitative and quantitative sources; and

(6) ongoing professional learning on the MnMTSS systemic framework using anti-racist approaches to training and coaching.

Sec. 27. Minnesota Statutes 2020, section 121A.41, subdivision 2, is amended to read:

Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and out-of-school suspension. ~~It~~ Dismissal does not include removal from class.

Sec. 28. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

Subd. 10. **In-school suspension; out-of-school suspension.** (a) "In-school suspension" means an instance in which a pupil is temporarily removed from the pupil's regular classroom for at least half a day for disciplinary purposes, but remains under the direct supervision of school personnel. For purposes of this paragraph, "direct supervision" means school personnel are physically in the same location as students under supervision.

(b) "Out-of-school suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for ~~one school day or less~~ than one school day, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 29. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 30. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to read:

**Subd. 13. Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 31. Minnesota Statutes 2020, section 121A.425, is amended to read:

**121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND PREKINDERGARTEN~~ EARLY LEARNING.**

Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following is not subject to dismissals under this chapter:

(1) a preschool or prekindergarten program, including ~~a child participating in~~ early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, ~~may not be subject to dismissals under this chapter;~~ or

(2) kindergarten through grade 3.

(b) Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary discipline must include at least one of the following:

(1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;

(2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or

(3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 32. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil without attempting to ~~provide alternative educational services~~ use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 33. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

Subd. 4. **Provision of alternative education services; suspension pending expulsion or exclusion hearing.**

(a) Alternative education services must be provided to a pupil who is suspended for more than five consecutive school days.

(b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five consecutive school days.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 34. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. **Minimum education services.** School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 35. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

Subd. 2. **Written notice.** Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
  - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on their website;
  - (2) examine the pupil's records before the hearing;
  - (3) present evidence; and
  - (4) confront and cross-examine witnesses.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 36. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including which may include~~ including completing a character education program, consistent with section 120B.232, subdivision 1, ~~and social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions.~~ The plan must require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for ~~one school day or less~~ than one school day, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 37. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.** Consistent with subdivision 2, the school board must report through the department electronic reporting system each exclusion or expulsion ~~and~~, each physical assault of a district employee by a ~~student pupil,~~ and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil withdrawal, or assault, to the commissioner of education. This report must include a statement of ~~alternative educational services~~ nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 38. Minnesota Statutes 2020, section 121A.55, is amended to read:

#### **121A.55 POLICIES TO BE ESTABLISHED.**

(a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems ~~and shall.~~ The policies must be designed to address students' inappropriate behavior from recurring.

(b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

(c) The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards toward meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.

(d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

(1) a school district's continuing responsibility includes reviewing the pupil's school work and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. School districts must communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the work assigned through the alternative educational services;

(2) a pupil receiving school-based or school-linked mental health services in the district under section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

(3) a school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the district or charter school website.

~~(b)~~ (e) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

~~(e)~~ (f) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 39. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

Subdivision 1. **Required policy.** Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must contain the discipline complaint procedure that any member of the school community may use to file a complaint regarding the application of discipline policies and seek corrective action. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

Sec. 40. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

Subd. 3. **Policy components.** The policy must include at least the following components:

(a) rules governing student conduct and procedures for informing students of the rules;

(b) the grounds for removal of a student from a class;

(c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;



(d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;

(e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;

(f) provisions relating to the responsibility for and custody of a student removed from a class;

(g) the procedures for return of a student to the specified class from which the student has been removed;

(h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;

(i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;

(j) any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) any procedures determined appropriate for referring a student in need of special education services to those services;

(l) 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, consistent with section 121A.031;

~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;

~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;

~~(o)~~ (o) the minimum consequences for violations of the code of conduct;

~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the code;

~~(q)~~ (q) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

~~(r)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; ~~and~~

~~(s)~~ (s) a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher;

(t) a prohibition on the use of exclusionary practices for early learners as defined in section 121A.425; and

(u) a prohibition on the use of exclusionary practices to address attendance and truancy issues.

Sec. 41. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision to read:

Subd. 4. **Discipline complaint procedure.** The discipline policy must contain procedures for students, parents and other guardians, and school staff to file a complaint and seek corrective action when the requirements of sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied. Each district and school policy implemented under this section must, at a minimum:

(1) provide procedures for communicating this policy including the ability for a parent to appeal a decision under section 121A.49 that contains explicit instructions for filing the complaint;

(2) provide an opportunity for involved parties to submit additional information related to the complaint;

(3) provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;

(4) provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;

(5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and

(6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

Sec. 42. **[121A.611] RECESS.**

A teacher, school employee, or other agent of a district or charter school must not exclude a student in elementary school from participation in recess to punish or otherwise discipline the student.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 43. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. An eligible institution cannot require a faith statement during the application process or base any part of the admission decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.

(b) "Course" means a course or program.

(c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under section 124D.091.

Sec. 44. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A postsecondary institution may provide information about its programs to a secondary school or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil to enroll in its programs ~~on educational and programmatic grounds only except, notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit a secondary pupil residing in a school district with 700 students or more in grades 10, 11, and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

(b) An institution must not enroll secondary pupils, for postsecondary enrollment options purposes, in remedial, developmental, or other courses that are not college level except when a student eligible to participate and enrolled in the graduation incentives program under section 124D.68 enrolls full time in a middle or early college program. A middle or early college program must be specifically designed to allow the student to earn dual high school and college credit with a well-defined pathway to allow the student to earn a postsecondary degree or credential. In this case, the student must receive developmental college credit and not college credit for completing remedial or developmental courses.

(c) Once a pupil has been enrolled in any postsecondary course under this section, the pupil must not be displaced by another student.

(d) If a postsecondary institution enrolls a secondary school pupil in a course under this section, the postsecondary institution also must enroll in the same course an otherwise enrolled and qualified postsecondary student who qualifies as a veteran under section 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's established enrollment timelines were not practicable for that student.

(e) A postsecondary institution must allow secondary pupils to enroll in online courses under this section consistent with the institution's policy regarding postsecondary pupil enrollment in online courses.

Sec. 45. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a public school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution, as defined in subdivision 3. All provisions of this section apply to a pupil, public school board, district, and the governing body of a postsecondary institution, except as otherwise provided. A secondary school or a postsecondary institution that enrolls eligible pupils in courses according to agreements must annually report to the commissioner the participation rates of pupils enrolled in courses according to agreements, including the number of pupils enrolled and the number of courses taken for postsecondary credit.

(b) To encourage students, especially American Indian students and students of color, to consider teaching as a profession, participating schools, school districts, and postsecondary institutions are encouraged to develop and offer an "Introduction to Teaching" or "Introduction to Education" course under this subdivision. For the purpose of applying for grants under this paragraph, "eligible institution" includes schools and districts that partner with an accredited college or university in addition to postsecondary institutions identified in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report to the commissioner in a form and manner determined by the commissioner on the participation rates of students in courses under this paragraph, including the number of students who apply for admission to colleges or universities with teacher preparation programs and the number of students of color and American Indian students who earned postsecondary credit. Grant recipients must also describe recruiting efforts intended to ensure that the percentage of participating students who are of color or American Indian meets or exceeds the overall percentage of students of color or American Indian students in the school.

Sec. 46. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

Subd. 12. **Credits; grade point average weighting policy.** (a) A pupil must not audit a course under this section.

(b) A district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for postsecondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits shall be final.

(c) A school board must adopt a policy regarding weighted grade point averages for any high school or dual enrollment course. A school board must adopt an identical policy regarding weighted grade point averages for credits earned via postsecondary coursework as it gives to credits earned via concurrent enrollment coursework. The policy must state whether the district offers weighted grades. A school board must annually publish on its website a list of courses for which a student may earn a weighted grade.

(d) The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grade in each course taken for secondary credit under this section. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record must indicate that the credits were earned at a postsecondary institution.

(e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution must award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.

(f) The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota must, and private nonprofit and proprietary postsecondary institutions should, award postsecondary credit for any successfully completed courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships offered according to an agreement under subdivision 10. Consistent with section 135A.101, subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who completes for postsecondary credit a postsecondary course or program that is part or all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a MnSCU institution after leaving secondary school. Once one MnSCU institution certifies as completed a secondary student's postsecondary course or program that is part or all of a goal area or a transfer curriculum, every MnSCU institution must consider the student's course or program for that goal area or the transfer curriculum as completed.

Sec. 47. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section, the department must make payments according to this subdivision for courses that were taken for secondary credit.

The department must not make payments to a school district or postsecondary institution for a course taken for postsecondary credit only. The department must not make payments to a postsecondary institution for a course from which a student officially withdraws during the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten business days of the postsecondary institution's quarter or semester and is not receiving instruction in the home or hospital.

A postsecondary institution shall receive the following:

(1) for an institution granting quarter credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied by 1.2, and divided by 45; or

(2) for an institution granting semester credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the general revenue formula allowance minus \$425, multiplied by 1.2, and divided by 30.

The department must pay to each postsecondary institution 100 percent of the amount in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter or semester. If changes in enrollment occur during a quarter or semester, the change shall be reported by the postsecondary institution at the time the enrollment information for the succeeding quarter or semester is submitted. At any time the department notifies a postsecondary institution that an overpayment has been made, the institution shall promptly remit the amount due.

Sec. 48. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

Subdivision 1. **Program established.** A learning year program provides instruction throughout the year on an extended year calendar, extended school day calendar, or both. ~~A pupil may participate in the program and accelerate attainment of grade level requirements or graduation requirements.~~ A learning year program may begin after the close of the regular school year in June. The program may be for students in one or more grade levels from kindergarten through grade 12.

Sec. 49. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. **Program described.** American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal, charter, or alternative schools enrolling American Indian children designed to:

- (1) support postsecondary preparation for American Indian pupils;
- (2) support the academic achievement of American Indian ~~students~~ pupils;
- (3) make the curriculum relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and cocurricular programs.

Program services designed to increase completion and graduation rates of American Indian students must emphasize academic achievement, retention, and attendance; development of support services for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including innovative teaching approaches and evaluation of methods of relating to American Indian pupils; provision of career

counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program services by establishing cooperative liaisons with Tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

Sec. 50. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is economically feasible, a district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority must be given to American Indian children. American Indian children ~~and other children~~ enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

Sec. 51. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

Subd. 4. **Location of programs.** American Indian education programs must be located in ~~facilities~~ educational settings in which regular classes in a variety of subjects are offered on a daily basis, including district schools, charter schools, and Tribal contract schools that offer virtual learning environments. Programs may operate on an extended day or extended year basis.

Sec. 52. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision to read:

Subd. 7. **American Indian culture and language classes.** Any district or participating school that conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 and serves 100 or more state-identified American Indian students enrolled in the district must provide American Indian culture and language classes.

Sec. 53. Minnesota Statutes 2020, section 124D.76, is amended to read:

**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS, PARAPROFESSIONALS.**

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 124D.71 to 124D.82 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school ~~which that~~ conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated American Indian education program coordinators in a district with 100 or more state-identified American Indian students enrolled in the district. ~~Community coordinators shall~~ A dedicated American Indian education program coordinator must promote communication, understanding, and cooperation between the schools and the community and ~~shall~~ must visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program.

Sec. 54. Minnesota Statutes 2020, section 124D.78, is amended to read:

**124D.78 PARENT AND COMMUNITY PARTICIPATION.**

Subdivision 1. **Parent committee.** ~~School districts, charter schools, Tribal contract schools, and their respective school boards and American Indian schools~~ must provide for the maximum involvement of parents of American Indian children enrolled in American Indian education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, ~~the board of a school district districts, charter schools, and Tribal contract schools~~ in which there are ten or more state-identified American Indian students enrolled ~~and each American Indian school~~ must establish an American Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee may serve as the committee required by this section and is subject to, at least, the requirements of this subdivision and subdivision 2.

The American Indian ~~education~~ Parent Advisory Committee must develop its recommendations in consultation with the curriculum advisory committee required by section 120B.11, subdivision 3. This committee must afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. ~~The school board or American Indian school~~ Districts, charter schools, and Tribal contract schools must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of the American Indian students served by the programs.

Subd. 2. ~~Resolution of concurrence~~ **Annual compliance.** Prior to March 1 ~~of each year, the school board or American Indian school~~ must submit to the department a copy of a resolution adopted by the American Indian ~~education~~ Parent Advisory Committee. ~~The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian students offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted directly to the school board with the resolution. By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations. must meet to discuss whether or not they concur with the educational offerings that have been extended by the district to American Indian students. If the committee finds that the district, charter school, Tribal contract school, and the school board have been meeting the needs of American Indian students, the committee must issue a vote and resolution of concurrence. If the committee finds that the needs of American Indian students are not being met, the committee must issue a vote and resolution of nonconcurrence. The vote and resolution must be presented to the school board by one or more members of the American Indian Parent Advisory Committee. The vote must be formally reflected on documentation provided by the Department of Education and must be submitted annually on March 1. If the vote is one of nonconcurrence, the committee must provide written recommendations for improvement to the school board at the time of the presentation. In the case of nonconcurrence, the school board is given 60 days in which to respond, in writing, to the committee's recommendations. The board response must be signed by the entire school board and submitted to both the American Indian Parent Advisory Committee and to the Department of Education.~~

Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee must be composed of parents or guardians of American Indian children eligible to be enrolled in American Indian education programs; American Indian secondary students ~~eligible to be served~~; American Indian family members of students eligible to be enrolled in American Indian education programs; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; American Indian district employees; American Indian counselors; adult American Indian people enrolled in educational programs; and ~~representatives from community groups~~ American Indian community members. A The majority of each committee must be parents or guardians of American Indian children enrolled or eligible to be enrolled in the programs. ~~The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.~~

Subd. 4. **Alternate committee.** If the organizational membership or the board of directors of ~~an American Indian~~ a Tribal contract school consists of parents of children attending the school, that membership or board may serve also as the American Indian ~~education~~ Parent Advisory Committee.

Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to 124D.82, students who identify as American Indian or Alaska Native, using the state definition in effect on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for districts, charter schools, and Tribal contract schools for the subsequent school year.

Sec. 55. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

Subd. 4. **Duties; powers.** The American Indian education director shall:

(1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal ~~communities~~ Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;

(2) evaluate the state of American Indian education in Minnesota;

(3) engage the tribal bodies, community groups, parents of children eligible to be served by American Indian education programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, the tribally controlled schools, and other persons knowledgeable in the field of American Indian education and seek their advice on policies that can improve the quality of American Indian education;

(4) advise the commissioner on American Indian education issues, including:

(i) issues facing American Indian students;

(ii) policies for American Indian education;

(iii) awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian education grants to school districts; and

(iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people;

(5) propose to the commissioner legislative changes that will improve the quality of American Indian education;

(6) develop a strategic plan and a long-term framework for American Indian education, in conjunction with the Minnesota Indian Affairs Council, that is updated every five years and implemented by the commissioner, with goals to:

(i) increase American Indian student achievement, including increased levels of proficiency and growth on statewide accountability assessments;

(ii) increase the number of American Indian teachers in public schools;

(iii) close the achievement gap between American Indian students and their more advantaged peers;

(iv) increase the statewide graduation rate for American Indian students; and



(v) increase American Indian student placement in postsecondary programs and the workforce; and

(7) keep the American Indian community informed about the work of the department by reporting to the Tribal Nations Education Committee at each committee meeting.

Sec. 56. **[124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.**

A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at graduation ceremonies.

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

Sec. 57. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

Subd. 2a. **American Indian education aid.** (a) The American Indian education aid for an eligible district, charter school, or Tribal contract school equals the greater of (1) the sum of \$20,000 plus the product of \$358 times the difference between the number of American Indian students enrolled on October 1 of the previous school year and 20; or (2) if the district or school received a grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

(b) Notwithstanding paragraph (a), the American Indian education aid must not exceed the district, charter school, or Tribal contract school's actual expenditure according to the approved plan under subdivision 2.

Sec. 58. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

Subd. 5. **Records.** Participating schools and districts must keep records and afford access to them as the commissioner finds necessary to ensure that American Indian education programs are implemented in conformity with sections 124D.71 to 124D.82. Each school district or participating school must keep accurate, detailed, and separate revenue and expenditure accounts for ~~pilot~~ American Indian education programs funded under this section.

Sec. 59. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

Subd. 2. **Plan implementation; components.** (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. ~~Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds.~~

(b) The plan must contain goals for:

(1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and

(2) increasing racial and economic diversity and integration in schools and districts.

(c) The plan must include strategies to validate, affirm, embrace, and integrate cultural and community strengths of all students, families, and employees in the district's curriculum as well as learning and work environments. The plan must address issues of institutional racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement gaps for students, families, and staff who are of color or who are American Indian. Examples of institutional racism experienced by students who are of color or who are American Indian include policies and practices that intentionally or unintentionally result in disparate discipline referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower-level coursework, inequitable participation in cocurricular activities, inequitable parent involvement, and lack of equitable access to racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students because it has not been a priority to hire or retain such teachers.

(d) School districts must use local data, to the extent practicable, to develop plan components and strategies. 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 for teachers and administrators focused on improving the academic achievement of all students, including knowledge, skills, and dispositions needed to be antiracist and culturally sustaining as defined in section 120B.11, subdivision 1, for serving 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 as defined in section 120B.11, subdivision 1, in structures, policies, and practices that result in the education disparities, in order to propose antiracist changes as defined in section 120B.11, subdivision 1, 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 under section 123A.05, state-approved alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students;

(8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, 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 as defined in section 120B.11, subdivision 1, ensuring content being studied about any group is accurate and based in knowledge from that group.

~~(b)~~ (e) Among other requirements, an eligible district must implement effective, research-based interventions that include formative multiple measures of assessment practices and engagement in order to reduce the eliminate academic disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and for students impacted by racial, gender, linguistic, and economic inequities as aligned with section 120B.11.

~~(c)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

**EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after the day following final enactment.

Sec. 60. Minnesota Statutes 2020, section 125A.094, is amended to read:

**125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH DISABILITIES.**

The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending public school is governed by sections 125A.0941 and 125A.0942.

Sec. 61. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities that at least:

(1) lists the restrictive procedures the school intends to use;

(2) describes how the school will implement a range of positive behavior strategies and provide links to mental health services;

(3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;

(4) describes how the school will monitor and review the use of restrictive procedures, including:

(i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause (5); and

(ii) convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; the use of restrictive procedures for disproportionality, racial disparities, in the usage of restrictive procedures; the usage of school resource officer's handling of the behaviors; student documentation to determine if the staff followed the standards for using restrictive procedures and if there is updated information about whether the restrictive procedures are contraindicated for the particular student; and proposed actions to minimize the use of restrictive procedures; and

(5) includes a written description and documentation of the training staff completed under subdivision 5.

(b) Schools annually must publicly identify oversight committee members who must at least include:

(1) a mental health professional, school psychologist, or school social worker;

(2) an expert in positive behavior strategies;

(3) a special education administrator; and

(4) a general education administrator.

Sec. 62. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

(b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).

(c) The district must hold a meeting of the individualized education program team, if the student is a student with a disability, or a meeting of relevant members of the student's team, including the parent, if the student is not a student with a disability, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual individualized education program meeting when the child's individualized education program provides for using restrictive procedures in an emergency.

(d) If the ~~individualized education program~~ meeting team under paragraph (c) determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.

(e) At the ~~individualized education program~~ meeting under paragraph (c), the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.

(f) An individualized education program team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

Sec. 63. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:

- (1) physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
- (2) physical holding or seclusion is not used to discipline a noncompliant child;
- (3) physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;
- (4) staff directly observes the child while physical holding or seclusion is being used;
- (5) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:
  - (i) a description of the incident that led to the physical holding or seclusion;
  - (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
  - (iii) the time the physical holding or seclusion began and the time the child was released; ~~and~~
  - (iv) a brief record of the child's behavioral and physical status; and
  - (v) a brief description of the post-use debriefing process that occurred following the use of the restrictive procedure;
- (6) the room used for seclusion must:
  - (i) be at least six feet by five feet;
  - (ii) be well lit, well ventilated, adequately heated, and clean;
  - (iii) have a window that allows staff to directly observe a child in seclusion;
  - (iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;
  - (v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and
  - (vi) not contain objects that a child may use to injure the child or others; and

(7) before using a room for seclusion, a school must:

(i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

Sec. 64. Minnesota Statutes 2020, section 144.4165, is amended to read:

**144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

(a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.

(b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended in observance of traditional spiritual or cultural practices. For purposes of this section, an American Indian is a person ~~who is a member of an Indian tribe as defined in section 260.755, subdivision 12~~ having origins in any of the original peoples of North America who maintain cultural identification through Tribal affiliation or community recognition.

Sec. 65. **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

Each public district and school selected to participate in the national assessment of educational progress shall do so pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10, 2015, or similar national or international assessments, both for the national sample and for any state-by-state comparison programs that may be initiated, as directed by the commissioner. The assessments must be conducted using the data collection procedures, student surveys, educator surveys, and other instruments included in the National Assessment of Educational Progress or similar national or international assessments being administered in Minnesota. The administration of such assessments shall be in addition to and separate from the administration of the statewide, standardized assessments.

Sec. 66. **REVISOR INSTRUCTION.**

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering. The revisor shall also make any technical language and other changes necessitated by the renumbering and cross-reference changes in this act.

Column AColumn BGeneral Requirements Statewide Assessments

<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b), clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>

General Requirements Test Design

<u>120B.30, subdivision 1a, paragraph (a), clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
<u>120B.30, subdivision 1a, paragraph (c), clauses (1) and (2)</u>	<u>120B.301, subdivision 3, paragraph (d)</u>

Assessment Graduation Requirements

<u>120B.30, subdivision 1, paragraph (c), clauses (1) and (2)</u>	<u>120B.304, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>

Assessment Reporting Requirements

<u>120B.30, subdivision 1a, paragraph (f), clauses (1) to (3)</u>	<u>120B.305, subdivision 1</u>
<u>120B.30, subdivision 1a, paragraph (d), clauses (1) to (4)</u>	<u>120B.305, subdivision 2, paragraph (a)</u>

120B.30, subdivision 1, paragraph (m)  
120B.30, subdivision 1, paragraph (n)  
120B.30, subdivision 1, paragraph (o),  
clauses (1) to (4)  
120B.30, subdivision 3

120B.305, subdivision 2, paragraph (b)  
120B.305, subdivision 2, paragraph (c)  
120B.305, subdivision 3, paragraph (a)  
120B.305, subdivision 3, paragraph (b)

#### District Assessment Requirements

120B.301, paragraphs (a) to (c)  
120B.304, paragraphs (a) and (b)

120B.306, subdivision 1  
120B.306, subdivision 2

#### College and Career Readiness

120B.30, subdivision 1, paragraph (p)  
120B.30, subdivision 1, paragraph (d)  
120B.30, subdivision 1, paragraph (f)  
120B.30, subdivision 1, paragraph (g)  
120B.30, subdivision 1, paragraph (h)  
120B.30, subdivision 1, paragraph (j)  
120B.30, subdivision 1, paragraph (k)  
120B.30, subdivision 1, paragraph (l)

120B.307, subdivision 1  
120B.307, subdivision 2  
120B.307, subdivision 3  
120B.307, subdivision 4, paragraph (a)  
120B.307, subdivision 4, paragraph (b)  
120B.307, subdivision 4, paragraph (c)  
120B.307, subdivision 4, paragraph (d)  
120B.307, subdivision 4, paragraph (e)

#### Sec. 67. **REPEALER.**

Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

### ARTICLE 3 TEACHERS

#### Section 1. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

Subdivision 1. **Purpose.** This section sets short-term and long-term attainment goals for increasing the percentage of teachers of color and who are 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. The goals and report required under this section are important for meeting attainment goals for the world's best workforce under section 120B.11, achievement and integration under section 124D.861, and higher education attainment under section 135A.012, all of which have been established to close persistent opportunity and achievement gaps that limit students' success in school and life and impede the state's economic growth.

Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage of teachers in Minnesota who are of color or who are American Indian should increase at least two percentage points per year to have a teaching workforce that more closely reflects the state's increasingly diverse student population and to ensure all students have equitable access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion of any other goals and does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the Professional Educator Licensing and Standards Board must collaborate with the Department of Education and the Office of Higher Education to publish a summary report of each of the programs they administer and any other programs receiving



state appropriations that have or include an explicit purpose of increasing the racial and ethnic diversity of the state's teacher workforce to more closely reflect the diversity of students. The report must include programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09, 124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or initiatives that receive state appropriations to address the shortage of teachers of color and American Indian teachers. The board must, in coordination with the Office of Higher Education and Department of Education, provide policy and funding recommendations related to state-funded programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers and the state's progress toward meeting or exceeding the goals of this section. The report must include recommendations for state policy and funding needed to achieve the goals of this section, plans for sharing the report and activities of grant recipients, and opportunities among grant recipients of various programs to share effective practices with each other. The 2022 report must include a recommendation of whether 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 board must consult with the Indian Affairs Council and other ethnic councils along with other community partners, including students of color and American Indian students, in developing the report. By November 1 of each even-numbered year, the board must submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over education and higher education policy and finance. The report must be available to the public on the board's website.

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

Sec. 2. **[120B.25] CURRICULUM POLICY.**

A school board must adopt a written policy that prohibits discrimination or discipline for a teacher or principal on the basis of incorporating into curriculum contributions by persons in a federally protected class or protected class under sections 121A.031 and 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to 121A.56.

Sec. 3. Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

Subd. 6. **Shortage area.** "Shortage area" means:

(1) licensure fields and economic development regions reported by the commissioner of education or the Professional Educator Licensing and Standards Board as experiencing a teacher shortage and includes the number of assignments a school district is unable to fill with a licensed teacher by November 1 of every even-numbered year, the number of out-of-field permissions issued, and the number of Tier 1 licenses issued in license fields with board-approved preparation programs; and

(2) economic development regions where there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 4. Minnesota Statutes 2020, section 122A.091, subdivision 5, is amended to read:

Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards Board must survey the state's school districts and teacher preparation programs and report to the education committees of the legislature by February 1, 2019, and each odd-numbered year thereafter, on the status of teacher early retirement patterns, the access to effective and more diverse teachers who reflect the students under section 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the substitute teacher shortage, including patterns and shortages in licensure field areas and the economic development regions of the state.

(b) The report must also include:

(1) aggregate data on teachers' self-reported race and ethnicity;

(2) data on how districts are making progress in hiring teachers and substitute teachers in the areas of shortage, including the number of teachers hired in the preceding two years, the number of teachers hired holding a license at each tier level, the number of assignments the school district was unable to fill with a licensed teacher, and licenses and permissions for license fields without a board-approved preparation program by economic development regions; and

(3) a five-year projection of teacher demand for each district, taking into account the students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll in the district during that five-year period.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 5. Minnesota Statutes 2020, section 122A.14, is amended by adding a subdivision to read:

Subd. 11. **Mental illness.** The board must adopt rules that require all school administrators renewing a license to include in the renewal requirements at least two hours of mental illness training. The training must include at least one hour of suicide prevention training in each licensure renewal period that is a nationally recognized evidence-based program. At least one additional hour of training must include understanding the key warning signs of early-onset mental illness in children and adolescents, trauma, accommodations for students' mental illness, parents' roles in addressing students' mental illness, fetal alcohol spectrum disorders, autism, and de-escalation methods, among other similar topics.

Sec. 6. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and limited to the district or charter school that requested the initial Tier 1 license.

(b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.~~

Sec. 7. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must issue a Tier 3 license to a candidate who provides information sufficient to demonstrate all of the following:

(1) the candidate meets the educational or professional requirements in paragraphs (b) and (c);

(2) the candidate has obtained a passing score on the required licensure exams under section 122A.185; and

(3) the candidate has completed the coursework required under subdivision 2.

(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.

(c) A candidate for a Tier 3 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:

- (1) an associate's degree;
- (2) a professional certification; or
- (3) five years of relevant work experience.

In consultation with the governor's Workforce Development Board established under section 116L.665, the board must establish a list of qualifying certifications, and may add additional professional certifications in consultation with school administrators, teachers, and other stakeholders.

(d) The board must issue a Tier 3 license to a candidate who provides information sufficient to demonstrate the following, regardless of whether the candidate meets other requirements in this section:

(1) the candidate has completed a teacher preparation program from a culturally specific Minority Serving Institution in the United States, such as Historically Black Colleges and Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including those in Puerto Rico, and is eligible for a teacher license in another state; or

(2) the candidate has completed a university teacher preparation program in another country and has taught at least two years.

The candidate must have completed student teaching comparable to the student teaching expectations in Minnesota.

Sec. 8. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a candidate who provides information sufficient to demonstrate all of the following:

- (1) the candidate meets all requirements for a Tier 3 license under section 122A.183, and has completed a teacher preparation program under section 122A.183, subdivision 2, clause (1) or (2);
- (2) the candidate has at least three years of teaching experience in Minnesota or another state;
- (3) the candidate has obtained a passing score on all required licensure exams under section 122A.185; and
- (4) the candidate's most recent summative teacher evaluation did not result in placing or otherwise keeping the teacher in an improvement process pursuant to section 122A.40, subdivision 8, or 122A.41, subdivision 5.

Sec. 9. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.~~

~~(b)~~ (a) The board must adopt and revise rules requiring ~~candidates~~ applicants for Tier 3 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical knowledge and examinations of licensure field specific content. if the applicant has not completed a board-approved preparation program assuring that candidates from the program recommended for licensure meet content and pedagogy licensure standards in Minnesota. Candidates who have satisfactorily completed board-approved programs in Minnesota with required coursework and clinical field experiences that include learning opportunities and assessments aligned to content and pedagogy licensure standards are not additionally required to pass content and pedagogy exams for Tier 3 licensure. Applicants who have satisfactorily completed a preparation program in another state and passed licensure examinations in that state are not additionally required to pass similar examinations required in Minnesota. The content examination requirement does not apply if no relevant content exam exists.

~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must pass test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4.

(c) All testing centers in the state must provide monthly opportunities for untimed content and pedagogy examinations. These opportunities must be advertised on the test registration website. The board must require the exam vendor to provide other equitable opportunities to pass exams, including:

(1) waiving testing fees for test takers who qualify for federal grants;

(2) providing free, multiple, full-length practice tests for each exam and free, comprehensive study guides on the test registration website;

(3) making content and pedagogy exams available in languages other than English for teachers seeking licensure to teach in language immersion programs; and

(4) providing free, detailed exam results analysis by test objective to assist candidates who do not pass an exam in identifying areas for improvement.

Any candidate who has not passed a required exam after two attempts must be allowed to retake the exam, including new versions of the exam, without being charged an additional fee.

(d) The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 10. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the full board. A teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a board member shall not be employed except by a unanimous vote of the full board. The initial employment of the teacher in the district must be by written contract, signed by the teacher and by the chair and clerk. All subsequent employment of the teacher in the district must be

by written contract, signed by the teacher and by the chair and clerk, except where there is a master agreement covering the employment of the teacher. Contracts for teaching or supervision of teaching can be made only with qualified teachers. A teacher shall not be required to reside within the employing district as a condition to teaching employment or continued teaching employment.

(b) A school district must report all new teacher hires and terminations, including layoffs, by race and ethnicity annually to the Professional Educator Licensing and Standards Board. The report must not include data that would personally identify individuals.

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

Sec. 11. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

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

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

(d) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.

(e) A probationary teacher must complete at least 120 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

(f) Notwithstanding any law to the contrary, a teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state must serve a probationary period no longer than one year in a Minnesota school district.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2023, and thereafter.

Sec. 12. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

Subd. 8. **Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop a teacher evaluation and peer review process for probationary and continuing contract teachers through joint agreement. If a school board and the exclusive representative of the teachers do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices, improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 5;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;

(3) must ~~be based on professional teaching standards established in rule~~ create, adopt, or revise a rubric of performance standards for teacher practice that (i) is based on professional teaching standards established in rule, (ii) includes culturally responsive methodologies, and (iii) provides common descriptions of effectiveness using at least three levels of performance;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection, and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of content areas of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 5.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

Sec. 13. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under

subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

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

(c) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.

(d) A probationary teacher must complete at least 120 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

(e) Notwithstanding any law to the contrary, a teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state must serve a probationary period no longer than one year in a Minnesota school district.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2023, and thereafter.

Sec. 14. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

Subd. 5. **Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop an annual teacher evaluation and peer review process for probationary and nonprobationary teachers through joint agreement. If a school board and the exclusive representative of the teachers in the district do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan developed under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices and improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 2;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator;



(3) ~~must be based on professional teaching standards established in rule~~ create, adopt, or revise a rubric of performance standards for teacher practice that (i) is based on professional teaching standards established in rule, (ii) includes culturally responsive methodologies, and (iii) provides common descriptions of effectiveness using at least three levels of performance;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and

publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 2.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

Sec. 15. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision to read:

Subd. 16. **Hiring and dismissal.** A school district must report all new teacher hires and terminations, including layoffs, by race and ethnicity annually to the Professional Educator Licensing and Standards Board. The report must not include data that would personally identify individuals.

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

Sec. 16. Minnesota Statutes 2020, section 122A.50, is amended to read:

**122A.50 PREPARATION TIME.**

Subdivision 1. **Preparation time.** Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of classroom instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers."

Subd. 2. **Due process forms and procedures time.** (a) Beginning with the 2022-2023 school year, all collective bargaining agreements for teachers provided for under chapter 179A must include provisions for due process forms and procedures time for educators assigned to teach or provide services to students with individualized family service plans or individualized education programs. This time is in addition to the preparation time under subdivision 1.

(b) If the parties cannot agree on due process forms and procedures time, the following provisions shall apply and be incorporated as part of the agreement: "Within the student day and over the course of the week, special educators must receive an average of 60 minutes per day as time for due process forms and procedures duties in addition to the required preparation time."

(c) If the collective bargaining agreement already provides an amount of time equivalent to 300 minutes for due process forms and procedures plus the required preparation time in subdivision 1, the district shall not be required to add additional due process forms and procedures time.

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

Sec. 17. Minnesota Statutes 2020, section 122A.635, is amended to read:

**122A.635 COLLABORATIVE URBAN AND GREATER MINNESOTA EDUCATORS OF COLOR GRANT PROGRAM.**

Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards Board must award competitive grants to increase the number of teacher candidates who are of color or who are American Indian, complete teacher preparation programs, and meet the requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this section is limited to public or private higher education institutions that offer a teacher preparation program approved by the Professional Educator Licensing and Standards Board.

Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards Board must award competitive grants to a variety of higher education institution types under this section. The board must require an applicant institution to submit a plan describing how it would use grant funds to increase the number of teachers who are of color or who are American Indian, and must award grants based on the following criteria, listed in descending order of priority:

~~(1) the number of teacher candidates being supported in the program who are of color or who are American Indian;~~

~~(2) (1) program outcomes, including graduation or program completion rates, and licensure recommendation rates, and placement rates for candidates who are of color or who are American Indian compared to all candidates enrolled in a teacher preparation program at the institution and, for each outcome measure, the number of those teacher candidates who are of color or who are American Indian; and~~

~~(3) the percent of racially and ethnically diverse teacher candidates enrolled in the institution compared to:~~

~~(i) the total percent of students of color and American Indian students enrolled at the institution, regardless of major; and~~

~~(ii) the percent of underrepresented racially and ethnically diverse teachers in the economic development region of the state where the institution is located and where a shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.~~

(2) the extent to which an institution's plan is clear in describing how the institution would use grant funds for implementing explicit research-based practices to provide programmatic support to teacher candidates who are of color or who are American Indian. Plans for grant funds may include:

(i) recruiting more racially and ethnically diverse candidates for admission to teacher preparation programs;

(ii) providing differentiated advising, mentoring, or other supportive community-building activities in addition to what the institution provides to all candidates enrolled in the institution;

(iii) providing academic tutoring or support to help teacher candidates pass required assessments; and

(iv) providing for program staffing expenses;

(3) an institution's plan to provide direct financial assistance as scholarships or stipends within the allowable dollar range determined by the board under subdivision 3, paragraph (b), to teacher candidates who are of color or who are American Indian;

(b) The board must give priority in awarding grants under this section to institutions that received grants under Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating, and inducting (4) whether the institution has previously received a competitive grant under this section and has demonstrated positive outcomes from the use of grant funds for efforts helping teacher candidates who are of color or who are American Indian- to enroll in and successfully complete teacher preparation programs and be recommended for licensure;

(5) geographic diversity among the institutions. In order to expand the number of grant recipients throughout the state, whenever there is at least a 20 percent increase in the base appropriation for this grant program, the board must prioritize awarding grants to institutions outside of the Twin Cities metropolitan area. If the board awards a competitive grant based on the criteria in paragraph (a) to a program that has not previously received funding, the board must thereafter give priority to the program equivalent to other programs given priority under this paragraph. that have received grants and demonstrated positive outcomes; and

(6) the percentage of racially and ethnically diverse teacher candidates enrolled in the institution compared to:

(i) the aggregate percentage of students of color and American Indian students enrolled in the institution, regardless of major; and

(ii) the percentage of underrepresented racially and ethnically diverse teachers in the economic development region of the state where the institution is located and where a shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

(b) The board must not penalize an applicant institution in the grant review process for using grant funds only to provide direct financial support to teacher candidates if that is the institution's priority and the institution uses other resources to provide programmatic support to candidates.

(c) The board must determine award amounts for development, maintenance and, or expansion of programs based only on the degree to which applicants meet the criteria in this subdivision, the number of candidates who are of color or who are American Indian supported by an applicant program, sustaining support for those candidates, and funds available.

(d) The board must determine grant awards in part by multiplying the number of teacher candidates to be provided direct financial assistance by the average amount the institution proposes per candidate that is within the allowable dollar range. After assessing an institution's adherence to grant criteria and funds available, the board may grant an institution a lower average amount per candidate and the institution may decide to award less per candidate or provide financial assistance to fewer candidates within the allowable range. Additionally, an institution may use up to 25 percent of the awarded grant funds to provide programmatic support as described in paragraph (a), clause (3). If the board does not award an applicant institution's full request, the board must allow the institution to modify how it uses grant funds to maximize program outcomes consistent with the requirements of this section.

Subd. 3. **Grant program administration.** (a) The Professional Educator Licensing and Standards Board may enter into an interagency agreement with the Office of Higher Education. The agreement may include a transfer of funds to the Office of Higher Education to help establish and administer the competitive grant process. The board must award grants to institutions located in various economic development regions throughout the state, but must not predetermine the number of institutions to be awarded grants under this section or set a limit for the amount that any one institution may receive as part of the competitive grant application process.

(b) The board must establish a standard allowable dollar range for the amount of direct financial assistance an applicant institution may provide to each candidate. To determine the range, the board may collect de-identified data from institutions that received a grant during the previous grant period and calculate the average scholarship amount awarded to all candidates across all institutions using the most recent fiscal year data available. The calculation may be used to determine a scholarship range that is no more than 25 percent than this amount and no less than half the average of this amount. The purpose of direct financial assistance is to assist candidates matriculating through completing licensure programs if they demonstrate financial need after considering other grants and scholarships provided.

(c) All grants must be awarded by August 15 of the fiscal year in which the grants are to be used ~~except that, for initial competitive grants awarded for fiscal year 2020, grants must be awarded by September 15.~~ An institution that receives a grant under this section may use the grant funds over a two- to four-year period to sustain support for teacher candidates at any stage from recruitment and program admission to graduation and licensure application.

Subd. 4. **Report.** (a) By ~~January~~ July 15 of each year, an institution awarded a grant under this section must prepare for the legislature and the board a detailed report regarding the expenditure of grant funds, including the amounts used to recruit, retain, and ~~induct~~ support teacher candidates of color or ~~who are~~ American Indian teacher candidates to complete programs and be recommended for licensure. The report must include:

(1) the total number of teacher candidates of color, disaggregated by race or ethnic group, who and American Indian teacher candidates who:

(i) are enrolled in the institution;

(ii) are supported by grant funds with direct financial assistance during the academic reporting year;

(iii) are supported with other programmatic supports;

(iv) are recruited to the institution, are and newly admitted to the a licensure program, are enrolled in the;

(v) are enrolled in a licensure program;

(vi) have completed a licensure program, have completed student teaching, have graduated, are licensed, and are newly employed as Minnesota teachers in their licensure field. A grant recipient must report; and

(vii) were recommended for licensure in the field for which they were prepared;

(2) the total number of teacher candidates of color or who are American Indian teacher candidates at each stage from recruitment program admission to licensed teaching licensure recommendation as a percentage of total all candidates seeking the same licensure at the institution; and

(3) a brief narrative describing the successes and challenges of efforts proposed in the grant application to support candidates with grant funds, and lessons learned for future efforts.

(b) By September 1 of each year, the board must post a report on its website summarizing the activities and outcomes of grant recipients and results that promote sharing of effective practices and lessons learned among grant recipients.

Sec. 18. Minnesota Statutes 2021 Supplement, section 122A.70, is amended to read:

#### **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE TEACHERS.**

Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School districts must develop teacher mentoring programs for teachers new to the profession or district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching.

(b) Teacher mentoring programs must be included in or aligned with districts' teacher evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41, subdivision 5. A district may use staff development revenue under section 122A.61, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three years and is not on an improvement plan. ~~Other initiatives using such funds or funds available under sections 124D.861 and 124D.862 may include:~~

~~(1) additional stipends as incentives to mentors of color or who are American Indian;~~

~~(2) financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year. For purposes of this section, "affinity groups" are groups of educators who share a common racial or ethnic identity in society as persons of color or who are American Indian;~~

~~(3) programs for induction aligned with the district or school mentorship program during the first three years of teaching, especially for teachers from underrepresented racial and ethnic groups; or~~

~~(4) grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.~~

~~(c) A school or district that receives a grant must negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.~~

Subd. 2. **Board grants.** The Professional Educator Licensing and Standards Board must make grant application forms available to sites interested in developing, sustaining, or expanding a mentorship program. A school district; a or group of school districts; ~~a coalition of districts, teachers, and teacher education institutions; or,~~ a school or coalition of schools, or a coalition of teachers; ~~or nonlicensed educators~~ may apply for a program grant. A higher education institution or nonprofit organization may partner with a grant applicant but is not eligible as a sole applicant for grant funds. The Professional Educator Licensing and Standards Board, in consultation with the teacher mentoring task force, must approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring, professional development, and retention components, and be geographically distributed throughout the state. The Professional Educator Licensing and Standards Board must encourage the selected sites to consider the use of its assessment procedures.

Subd. 2a. **Funded work.** (a) Grant funds may be used for the following:

(1) additional stipends as incentives to mentors who are of color or who are American Indian;

(2) financial supports for professional learning community affinity groups across schools within and between districts for educators from underrepresented racial and ethnic groups to come together throughout the school year. For purposes of this section, "affinity groups" mean groups of licensed and nonlicensed educators who share a common racial or ethnic identity in society as persons who are of color or who are American Indian;

(3) programs for induction aligned with the district or school mentorship program during the first three years of teaching, especially for teachers from underrepresented racial and ethnic groups;

(4) professional development focused on ways to close opportunity and achievement gaps for students of color and American Indian students; or

(5) for teachers of color and American Indian teachers, graduate courses toward a first master's degree in a field related to their licensure or toward an additional license.

(b) A charter school or district that receives a grant must negotiate additional retention strategies or protection from unrequested leaves of absence in the beginning years of employment for teachers who are of color or who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

Subd. 3. **Criteria for selection.** (a) At a minimum, applicants for grants under subdivision 2 must express commitment to:

(1) allow staff participation;

(2) assess skills of both beginning and mentor teachers;

(3) provide appropriate in-service to needs identified in the assessment;

(4) provide leadership to the effort;

(5) cooperate with higher education institutions or teacher educators;

(6) provide facilities and other resources;

(7) share findings, materials, and techniques with other school districts; and

(8) retain teachers of color and teachers who are American Indian.

(b) The Professional Educator Licensing and Standards Board must give priority to applications to fund programs to induct, mentor, and retain Tier 2 or Tier 3 teachers who are of color or who are American Indian, and Tier 2 or Tier 3 teachers in licensure shortage areas within the applicant's economic development region.

Subd. 4. **Additional funding.** Grant applicants must seek additional funding and assistance from sources such as school districts, postsecondary institutions, foundations, and the private sector.

Subd. 5. **Program implementation.** A grant recipient may use grant funds on implementing activities over a period of time up to 24 months. New and expanding mentorship sites that receive a board grant under subdivision 2 to design, develop, implement, and evaluate their program must participate in activities that support program development and implementation.

Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 19. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and according to the policies, rules, and regulations of the school board, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned.

(b) To enhance a principal's culturally responsive leadership skills and support and improve teaching practices, school performance, and student achievement for diverse student populations, including at-risk students, children with disabilities, English learners, and gifted students, among others, a district must develop and implement a performance-based system for annually evaluating school principals assigned to supervise a school building within the district. The evaluation must be designed to improve teaching and learning by supporting the principal in shaping the school's professional environment and developing teacher quality, performance, and effectiveness. The annual evaluation must:

(1) support and improve a principal's instructional leadership, organizational management, and professional development, and strengthen the principal's capacity in the areas of instruction, supervision, evaluation, and teacher development;

(2) support and improve a principal's culturally responsive leadership practices that create inclusive and respectful teaching and learning environments for all students, families, and employees;

~~(2)~~ (3) include formative and summative evaluations based on multiple measures of student progress toward career and college readiness;

~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and goals, and the principal's own professional multiyear growth plans and goals, all of which must support the principal's leadership behaviors and practices, rigorous curriculum, school performance, and high-quality instruction;

~~(4)~~ (5) include on-the-job observations and previous evaluations;

~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation and incorporate district achievement goals and targets;

~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and learning, curriculum and instruction, student learning, culturally responsive leadership practices, and a collaborative professional culture; and



~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria under this subdivision, implement a plan to improve the principal's performance and specify the procedure and consequence if the principal's performance is not improved.

The provisions of this paragraph are intended to provide districts with sufficient flexibility to accommodate district needs and goals related to developing, supporting, and evaluating principals.

**EFFECTIVE DATE.** This section is effective July 1, 2023.

Sec. 20. **TEACHER SUPPLY AND DEMAND REPORT.**

(a) By February 1, 2023, the Professional Educator Licensing and Standards Board must include in the report required under Minnesota Statutes, section 122A.091, subdivision 5, the number of teacher openings, by school district, for teachers with licenses in the following fields:

(1) English as a second language;

(2) early childhood;

(3) special education;

(4) career and technical education;

(5) science, technology, engineering, arts, and math; and

(6) world languages.

(b) For each field listed in paragraph (a), the report must also include the number of teachers hired, by school district, at each license tier level, and the number of teacher assignments the school district was unable to fill with a licensed teacher.

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

#### ARTICLE 4 CHARTER SCHOOLS

Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

##### **124E.02 DEFINITIONS.**

(a) For purposes of this chapter, the terms defined in this section have the meanings given them.

(b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.

(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(d) "Charter management organization" means any nonprofit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of the charter school's educational program design or implementation, or the charter school's administrative, financial, business, or operational functions.

~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

(f) "Education management organization" means any for-profit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of the charter school's educational program design or implementation, or the charter school's administrative, financial, business, or operational functions.

~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

(h) "Market need and demand study" means a study that, for the proposed locations of the school or additional site, includes the following:

(1) current and projected demographic information of student populations in the geographic area;

(2) current student enrollment patterns in the geographic area;

(3) information on existing schools and types of educational programs currently available;

(4) documentation of the plan for outreach to diverse and underrepresented populations;

(5) information on the availability of properly zoned and classified facilities; and

(6) quantification of existing demand for the new school or site expansion.

(i) "Online education service provider" means an organization that provides the online learning management system, virtual learning environment, or online student management system and services for the implementation and operation of the online education program.

~~(f)~~ (j) "Person" means an individual or entity of any kind.

~~(g)~~ (k) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

~~(h)~~ (l) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.

Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

- (d) A charter school is a district for the purposes of tort liability under chapter 466.
- (e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.
- (f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.
- (g) A charter school must comply with continuing truant notification under section 260A.03.
- (h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.
- (i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world's best workforce.
- (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and section 121A.575.

Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to read:

Subd. 9. **English learners.** A charter school is subject to and must comply with the Education for English Learners Act, sections 124D.58 to 124D.64 as though it were a district.

Sec. 4. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must include in its application to the commissioner at least the following:

- (1) how the organization carries out its mission by chartering schools;
- (2) a description of the capacity of the organization to serve as an authorizer, including the positions allocated to authorizing duties, the qualifications for those positions, the full-time equivalencies of those positions, and the financial resources available to fund the positions;
- (3) the application and review process the authorizer uses to decide whether to grant charters;
- (4) the type of contract it arranges with the schools it charters to meet the provisions of section 124E.10;
- (5) the process for overseeing the school, consistent with clause (4), to ensure that the schools chartered comply with applicable law and rules and the contract;
- (6) the criteria and process the authorizer uses to approve applications adding grades or sites under section 124E.06, subdivision 5;
- (7) the process for renewing or terminating the school's charter based on evidence showing the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and

(8) an assurance specifying that the organization is committed to serving as an authorizer ~~for the full five year term until the organization formally withdraws as an approved authorizer under subdivision 7 or the commissioner terminates the organization's ability to authorize charter schools under subdivision 6.~~

(b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict of interest between an authorizer and its charter schools or ongoing evaluation or continuing education of an administrator or other professional support staff by submitting to the commissioner a written promise to comply with the requirements.

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

Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10, subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30 in the next calendar year, ~~regardless of when the authorizer's five year term of approval ends.~~ Upon notification of the schools and commissioner, the authorizer must provide a letter to the school for distribution to families of students enrolled in the school that explains the decision to withdraw as an authorizer. The commissioner may approve the transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

Sec. 6. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

(b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:

(1) the school developer's:

(i) mission statement;

(ii) school purposes;

(iii) program design;

(iv) market need and demand study;

~~(iv)~~ (v) financial plan;

~~(v)~~ (vi) governance and management structure; and

~~(vi)~~ (vii) background and experience; and

(2) any other information the authorizer requests; ~~and,~~

~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~

(c) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:

(1) the terms and conditions under which the authorizer would charter a school, including the market need and demand study; and

(2) how the authorizer intends to oversee:

(i) the fiscal and student performance of the charter school; and

(ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.

(b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of the commissioner's final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. An authorizer who fails to obtain the commissioner's approval is precluded from chartering the school that is the subject of this affidavit.

Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to amend the school charter to add grades or primary enrollment sites beyond those defined in the original affidavit approved by the commissioner. After approving the school's application, the authorizer shall submit a supplemental affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplemental affidavit to the commissioner by October 1 to be eligible to add grades or sites in the next school year. The supplemental affidavit must document to the authorizer's satisfaction:

(1) the need for the additional grades or sites with supporting long-range enrollment projections;

(2) a longitudinal record of student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer;

(3) a history of sound school finances and a plan to add grades or sites that sustains the school's finances; ~~and~~

(4) board capacity to administer and manage the additional grades or sites; and

(5) for a site expansion, the market need and demand study.

(b) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address any deficiencies in the supplemental affidavit to the commissioner's satisfaction. The commissioner must notify the authorizer of final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not add grades or sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Sec. 9. Minnesota Statutes 2020, section 124E.07, subdivision 3, is amended to read:

Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall have at least five nonrelated members and include: (1) at least one licensed teacher, as defined in section 122A.06, subdivision 2, who is employed as a teacher at the school or provides instruction under contract between the charter school and a cooperative; (2) at least one parent or legal guardian of a student enrolled in the charter school who is not an employee of the charter school; and (3) at least one interested community member who resides in Minnesota, is not employed by the charter school, and does not have a child enrolled in the school. The board structure may include a majority of teachers under this paragraph or parents or community members, or it may have no clear majority. The chief financial officer and the chief administrator may only serve as ex-officio nonvoting board members. No charter school employees shall serve on the board other than teachers under clause (1). Contractors providing facilities, goods, or services to a charter school shall not serve on the board of directors of the charter school.

(b) An individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.

(c) A violation of paragraph (b) renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates paragraph (b) is individually liable to the charter school for any damage caused by the violation.

(d) Any employee, agent, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.

Sec. 10. Minnesota Statutes 2020, section 124E.11, is amended to read:

#### **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

(a) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

(1) pupils within an age group or grade level;

(2) pupils who are eligible to participate in the graduation incentives program under section 124D.68; or

(3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.

(b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its website, a lottery policy and process that it must use when accepting pupils by lot.

(c) Admission to a charter school is free to any person who resides within the state of Minnesota and Minnesota students have enrollment preference over out-of-state residents. A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A charter school that is located in Duluth township in St. Louis County and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children. ~~A charter school may give enrollment preference to children currently enrolled in the school's free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year.~~

(d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c), and section 124D.02, subdivision 1.

(e) Except as permitted in ~~paragraph~~ paragraphs (d) and (i), a charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section.

(f) The charter school shall not distribute any services or goods of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

(g) Once a student is enrolled in the school, the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56, except that children currently enrolled in the school's fee-based preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year must apply for entry into kindergarten according to the provisions of this section. Out-of-state residents must annually apply to and be admitted by the school according to the provisions of this section.

(h) A charter school with at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause (iv).

(i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may not limit admission based on the student's eligibility for additional special education services.

Sec. 11. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

Subdivision 1. **Leased space.** A charter school may lease space from: an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. The owner of the space must be the lessor. The commissioner must review and approve or disapprove leases in a timely manner to determine eligibility for lease aid under section 124E.22.

**EFFECTIVE DATE.** This section is effective for leases effective July 1, 2022, and thereafter.

Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. ~~A One~~ charter school may organize an affiliated nonprofit building corporation that serves only that charter school if the charter school:

- (1) has operated for at least six consecutive years;
- (2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;
- (3) has long-range strategic and financial plans that include enrollment projections for at least five years;
- (4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and
- (5) has a plan that describes project parameters and budget.

(b) An affiliated nonprofit building corporation under this subdivision must:

- (1) be incorporated under section 317A;
- (2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;

(3) post on the school website the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;

(4) submit to the commissioner a copy of its annual audit by December 31 of each year; and

(5) comply with government data practices law under chapter 13.

(c) An affiliated nonprofit building corporation must not serve as the leasing agent for property ~~or~~ and facilities it does not own. A charter school that leases property and a facility from an affiliated nonprofit building corporation that does not own the leased ~~facility~~ property and building is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.

(d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.



Sec. 13. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district, except as required under this subdivision. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing auditing procedures. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing municipal contracting. The audit must comply with the requirements of sections 123B.75 to 123B.83 governing school district finance, except when the commissioner and authorizer approve a deviation made necessary because of school program finances. The commissioner, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(b) The charter school must submit an audit report to the commissioner and its authorizer annually by December 31. The charter school's charter management organization or educational management organization must submit an audit report to the commissioner annually by December 31.

(c) The charter school, with the assistance of the auditor conducting the audit, must include with the report, as supplemental information: (1) a copy of management agreements with a charter management organization or an educational management organization and (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's most recent annual audited expenditures. The agreements must detail the terms of the agreement, including the services provided and the annual costs for those services. If the entity that provides the professional services to the charter school is exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy of the annual return required under section 6033 of the Internal Revenue Code of 1986.

(d) A charter school independent audit report shall include audited financial data of an affiliated building corporation under section 124E.13, subdivision 3, or other component unit.

(e) If the audit report finds that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the charter school will resolve that material weakness. An auditor, as a condition of providing financial services to a charter school, must agree to make available information about a charter school's financial audit to the commissioner and authorizer upon request.

Sec. 14. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, and documented lease expenditures from the charter school and monitoring special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment.

(b) For a charter school ceasing operations before or at the end of a school year, notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary final payments after the school submits the closure plan, an audit of pupil counts, documented lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS) financial data and the commissioner monitors special education expenditures for the final year of operation. The commissioner may make the final payment after receiving audited financial statements under section 123B.77, subdivision 3.

(c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and satisfying creditors, remaining cash and investment balances shall be returned by the commissioner to the state general fund.

ARTICLE 5  
HEALTH AND SAFETY

Section 1. [120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.

Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Public school" means a school district or charter school.

(c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

Subd. 2. School instruction requirements. (a) A public school is strongly encouraged to provide substance misuse awareness and prevention instruction at least once to students in grades 6 through 8. A public school must use age-appropriate substance misuse prevention instructional materials. Substance misuse awareness and prevention instruction must include the role of social media in substance misuse and in the distribution of illegal drugs. The instruction may be provided as part of a public school's locally developed health standards and curriculum.

(b) A public school is strongly encouraged to provide substance misuse awareness and prevention instruction to students in grades 9 through 12.

(c) A public school is encouraged to use a peer-to-peer education program to provide substance misuse awareness and prevention instruction.

(d) Instruction provided under this section, including a peer-to-peer education program, must be evidence-based.

Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

~~Subd. 5. Safe and supportive schools programming.~~ (a) ~~Districts and schools are encouraged to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity in school and society; develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students. Upon request, the school safety technical assistance center under section 127A.052 must assist a district or school in helping students understand social media and cyberbullying.~~ Districts and schools must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

(b) Districts and schools ~~are encouraged to~~ must:

(1) engage all students in creating a safe and supportive school environment;

(2) partner with parents and other community members to develop and implement prevention and intervention programs;

(3) engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;

(4) train student bystanders to intervene in and report incidents of prohibited conduct to the school's primary contact person;

(5) teach students to advocate for themselves and others;

(6) prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and

(7) foster student collaborations that foster a safe and supportive school climate.

Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

Subd. 6. **State model policy.** (a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:

(1) define prohibited conduct, consistent with this section;

(2) apply the prohibited conduct policy components in this section;

(3) for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and

(4) encourage violence prevention and character development education programs under section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

(1) periodically reviewing district and school programs and policies for compliance with this section, including evidence-based social-emotional learning;

(2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and

(3) allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's website information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

(d) The commissioner must 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 and other improper conduct.

(e) The commissioner must develop and adopt state-level social-emotional learning standards.

Sec. 4. **[121A.0312] MALICIOUS AND SADISTIC CONDUCT.**

(a) A school board must adopt a written policy to address malicious and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual exploitation by a district or school staff member or student enrolled in a public or charter school against another staff member or student that occurs as described in section 121A.031, subdivision 1.

(b) The policy shall apply to students, teachers, administrators, and other school personnel, and include at a minimum the components under section 121A.031, subdivision 4, paragraph (a), and disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56.

(c) The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment contract, and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's policy addressing malicious and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual exploitation with students, parents of students, and school employees.

(d) For purposes of this section, "malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

Sec. 5. **[121A.07] CHILD ABUSE HOTLINE NUMBER.**

(a) To the extent funds or in-kind contributions are available under paragraph (b), a school board or charter school must display in a conspicuous place in each school building an easily readable durable poster of the national child abuse hotline number or otherwise communicate to students notice of the national child abuse hotline number.

(b) A school board or charter school may accept nonpublic funds or in-kind contributions to implement this section.

Sec. 6. **[121A.224] OPIATE ANTAGONISTS.**

(a) A school district or charter school must maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each school site to be administered in compliance with section 151.37, subdivision 12.

(b) A school district or charter school may enter into arrangements with suppliers of opiate antagonists to obtain opiate antagonists at fair market, free, or reduced prices. A third party, other than a supplier, may pay for a school's supply of opiate antagonists.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

ARTICLE 6  
NUTRITION AND LIBRARIES

Section 1. Minnesota Statutes 2020, section 120B.31, subdivision 4, is amended to read:

Subd. 4. **Student performance data.** In developing policies and assessment processes to hold schools and districts accountable for high levels of academic standards under section 120B.021, the commissioner shall aggregate and disaggregate student data over time to report summary student performance and growth levels and,

under section 120B.11, subdivision 2, clause (2), student learning and outcome data measured at the school, school district, and statewide level. The commissioner shall use the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and student categories of:

- (1) homelessness;
- (2) ethnicity under section 120B.35, subdivision 3, paragraph (a), clause (2);
- (3) race under section 120B.35, subdivision 3, paragraph (a), clause (2);
- (4) home language;
- (5) English learners under section 124D.59;
- (6) free or reduced-price ~~lunch~~ meals; and

(7) other categories designated by federal law to organize and report the data so that state and local policy makers can understand the educational implications of changes in districts' demographic profiles over time as data are available.

Any report the commissioner disseminates containing summary data on student performance must integrate student performance and the demographic factors that strongly correlate with that performance.

Sec. 2. Minnesota Statutes 2020, section 123A.09, is amended to read:

**123A.09 DESIGNATING AND APPROVING A CENTER.**

The commissioner shall establish a process for state designation and approval of area learning centers that meet the provisions of sections 123A.05 to 123A.08. Any process for designating and approving an area learning center must emphasize the importance of having the area learning center serve students who have dropped out of school, are homeless, are eligible to receive free or ~~reduced-priced lunch~~ reduced-price meals, have been suspended or expelled, have been declared truant or are pregnant or parents.

Sec. 3. Minnesota Statutes 2020, section 124D.119, is amended to read:

**124D.119 SUMMER FOOD SERVICE ~~REPLACEMENT AID~~ PROGRAM AND CHILD AND ADULT CARE FOOD PROGRAM.**

Subdivision 1. **Summer Food Service Program replacement aid.** States State funds are available to compensate department-approved Summer Food Service Program sponsors. Reimbursement shall be made on December 15 based on total meals served by each sponsor from the end of the school year to the beginning of the next school year on a pro rata basis.

Subd. 2. **Child and Adult Care Food Program and Summer Food Service Program sponsor organizations.** Legally distinct Child and Adult Care Food Program and Summer Food Service Program sites may transfer sponsoring organizations no more than once per year, except under extenuating circumstances including termination of the sponsoring organization's agreement or other circumstances approved by the Department of Education.

Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer Food Service Program site, a nongovernmental organization applicant must provide documentation to the Department of Education verifying that staff members have completed program-specific training as designated by the commissioner.

Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve a new Summer Food Service Program open site that is within a half-mile radius of an existing Summer Food Service Program open site, except the department may approve a new Summer Food Service Program open site within a half-mile radius if the new program will not be serving the same group of children for the same meal type.

Sec. 4. Minnesota Statutes 2020, section 124D.15, subdivision 15, is amended to read:

Subd. 15. **Eligibility.** A child is eligible to participate in a school readiness program if the child:

- (1) is at least three years old on September 1;
- (2) has completed health and developmental screening within 90 days of program enrollment under sections 121A.16 to 121A.19; and
- (3) has one or more of the following risk factors:
  - (i) qualifies for free or reduced-price ~~lunch~~ meals;
  - (ii) is an English learner;
  - (iii) is homeless;
  - (iv) has an individualized education program (IEP) or standardized written plan;
  - (v) is identified, through health and developmental screenings under sections 121A.16 to 121A.19, with a potential risk factor that may influence learning; or
  - (vi) is defined as at risk by the school district.

Sec. 5. Minnesota Statutes 2020, section 124D.151, subdivision 5, is amended to read:

Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented. The application must include:

- (1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;
  - (2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and
  - (3) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.
- (b) The commissioner must review all applications submitted for fiscal year 2017 by August 1, 2016, and must review all applications submitted for fiscal year 2018 and later by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into four groups as follows: the Minneapolis and St. Paul school districts; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

(1) concentration of kindergarten students eligible for free or reduced-price ~~lunches~~ meals by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price ~~lunch~~ meal concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price ~~lunches~~ meals must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price ~~lunches~~ meals that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price ~~lunches~~ meals that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a mixed delivery system.

(d) The limit on participation for the programs as specified in subdivision 6 must initially be allocated among the four groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. Within each group, the participation limit for fiscal years 2018 and 2019 must first be allocated to school sites approved for aid in the previous year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (c).

(e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid under this subdivision, it shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price ~~lunches~~ meals.

(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

Sec. 6. Minnesota Statutes 2020, section 124D.16, subdivision 2, is amended to read:

Subd. 2. **Amount of aid.** (a) A district is eligible to receive school readiness aid for eligible prekindergarten pupils enrolled in a school readiness program under section 124D.15 if the biennial plan required by section 124D.15, subdivision 3a, has been approved by the commissioner.

(b) A district must receive school readiness aid equal to:

(1) the number of four-year-old children in the district on October 1 for the previous school year times the ratio of 50 percent of the total school readiness aid for that year to the total number of four-year-old children reported to the commissioner for the previous school year; plus

(2) the number of pupils enrolled in the school district from families eligible for the free or ~~reduced~~ ~~reduced-price~~ school ~~lunch~~ ~~meal~~ program for the previous school year times the ratio of 50 percent of the total school readiness aid for that year to the total number of pupils in the state from families eligible for the free or ~~reduced~~ ~~reduced-price~~ school ~~lunch~~ ~~meal~~ program for the previous school year.

(c) The total school readiness aid entitlement equals \$23,558,000 for fiscal year 2016 and \$33,683,000 for fiscal year 2017 and later.

Sec. 7. Minnesota Statutes 2020, section 124D.231, subdivision 2, is amended to read:

Subd. 2. **Full-service community school program.** (a) The commissioner shall provide funding to eligible school sites to plan, implement, and improve full-service community schools. Eligible school sites must meet one of the following criteria:

(1) the school is on a development plan for continuous improvement under section 120B.35, subdivision 2; or

(2) the school is in a district that has an achievement and integration plan approved by the commissioner of education under sections 124D.861 and 124D.862.

(b) An eligible school site may receive up to \$150,000 annually. School sites receiving funding under this section shall hire or contract with a partner agency to hire a site coordinator to coordinate services at each covered school site.

(c) Of grants awarded, implementation funding of up to \$20,000 must be available for up to one year for planning for school sites. At the end of this period, the school must submit a full-service community school plan, pursuant to paragraph (g). If the site decides not to use planning funds, the plan must be submitted with the application.

(d) The commissioner shall consider additional school factors when dispensing funds including: schools with significant populations of students receiving free or reduced-price ~~lunches~~ ~~meals~~; significant homeless and highly mobile rates; and equity among urban, suburban, and greater Minnesota schools.

(e) A school site must establish a school leadership team responsible for developing school-specific programming goals, assessing program needs, and overseeing the process of implementing expanded programming at each covered site. The school leadership team shall have between 12 to 15 members and shall meet the following requirements:

(1) at least 30 percent of the members are parents and 30 percent of the members are teachers at the school site and must include the school principal and representatives from partner agencies; and



(2) the school leadership team must be responsible for overseeing the baseline analyses under paragraph (f). A school leadership team must have ongoing responsibility for monitoring the development and implementation of full-service community school operations and programming at the school site and shall issue recommendations to schools on a regular basis and summarized in an annual report. These reports shall also be made available to the public at the school site and on school and district websites.

(f) School sites must complete a baseline analysis prior to beginning programming as a full-service community school. The analysis shall include:

(1) a baseline analysis of needs at the school site, led by the school leadership team, which shall include the following elements:

(i) identification of challenges facing the school;

(ii) analysis of the student body, including:

(A) number and percentage of students with disabilities and needs of these students;

(B) number and percentage of students who are English learners and the needs of these students;

(C) number of students who are homeless or highly mobile; and

(D) number and percentage of students receiving free or reduced-price ~~lunch~~ meals and the needs of these students;

(iii) analysis of enrollment and retention rates for students with disabilities, English learners, homeless and highly mobile students, and students receiving free or reduced-price ~~lunch~~ meals;

(iv) analysis of suspension and expulsion data, including the justification for such disciplinary actions and the degree to which particular populations, including, but not limited to, students of color, students with disabilities, students who are English learners, and students receiving free or reduced-price ~~lunch~~ meals are represented among students subject to such actions;

(v) analysis of school achievement data disaggregated by major demographic categories, including, but not limited to, race, ethnicity, English learner status, disability status, and free or reduced-price ~~lunch~~ meals status;

(vi) analysis of current parent engagement strategies and their success; and

(vii) evaluation of the need for and availability of wraparound services, including, but not limited to:

(A) mechanisms for meeting students' social, emotional, and physical health needs, which may include coordination of existing services as well as the development of new services based on student needs; and

(B) strategies to create a safe and secure school environment and improve school climate and discipline, such as implementing a system of positive behavioral supports, and taking additional steps to eliminate bullying;

(2) a baseline analysis of community assets and a strategic plan for utilizing and aligning identified assets. This analysis should include, but is not limited to, a documentation of individuals in the community, faith-based organizations, community and neighborhood associations, colleges, hospitals, libraries, businesses, and social service agencies who may be able to provide support and resources; and

(3) a baseline analysis of needs in the community surrounding the school, led by the school leadership team, including, but not limited to:

- (i) the need for high-quality, full-day child care and early childhood education programs;
- (ii) the need for physical and mental health care services for children and adults; and
- (iii) the need for job training and other adult education programming.

(g) Each school site receiving funding under this section must establish at least two of the following types of programming:

(1) early childhood:

- (i) early childhood education; and
- (ii) child care services;

(2) academic:

- (i) academic support and enrichment activities, including expanded learning time;
- (ii) summer or after-school enrichment and learning experiences;
- (iii) job training, internship opportunities, and career counseling services;
- (iv) programs that provide assistance to students who have been truant, suspended, or expelled; and
- (v) specialized instructional support services;

(3) parental involvement:

- (i) programs that promote parental involvement and family literacy;
- (ii) parent leadership development activities; and
- (iii) parenting education activities;

(4) mental and physical health:

- (i) mentoring and other youth development programs, including peer mentoring and conflict mediation;
- (ii) juvenile crime prevention and rehabilitation programs;
- (iii) home visitation services by teachers and other professionals;
- (iv) developmentally appropriate physical education;
- (v) nutrition services;
- (vi) primary health and dental care; and

(vii) mental health counseling services;

(5) community involvement:

(i) service and service-learning opportunities;

(ii) adult education, including instruction in English as a second language; and

(iii) homeless prevention services;

(6) positive discipline practices; and

(7) other programming designed to meet school and community needs identified in the baseline analysis and reflected in the full-service community school plan.

(h) The school leadership team at each school site must develop a full-service community school plan detailing the steps the school leadership team will take, including:

(1) timely establishment and consistent operation of the school leadership team;

(2) maintenance of attendance records in all programming components;

(3) maintenance of measurable data showing annual participation and the impact of programming on the participating children and adults;

(4) documentation of meaningful and sustained collaboration between the school and community stakeholders, including local governmental units, civic engagement organizations, businesses, and social service providers;

(5) establishment and maintenance of partnerships with institutions, such as universities, hospitals, museums, or not-for-profit community organizations to further the development and implementation of community school programming;

(6) ensuring compliance with the district nondiscrimination policy; and

(7) plan for school leadership team development.

Sec. 8. Minnesota Statutes 2020, section 124D.8957, subdivision 19, is amended to read:

Subd. 19. **Free or reduced-price ~~lunch~~ meal eligibility.** The parental right to opt a child out of disclosing a child's eligibility for free or reduced-price ~~lunch~~ meals to the Department of Education and the Department of Human Services is governed by section 124D.1115.

Sec. 9. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators. A school library or school library media center is defined as having the following characteristics:

(1) ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;

(2) has a collection development plan that includes but is not limited to materials selection and de-selection, a challenged materials procedure, and an intellectual and academic freedom statement;

(3) is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;

(4) has technology and Internet access; and

(5) is served by a licensed school library media specialist or licensed school librarian.

Sec. 10. Minnesota Statutes 2020, section 125A.76, subdivision 2a, is amended to read:

Subd. 2a. **Special education initial aid.** For fiscal year 2021 and later, a district's special education initial aid equals the sum of:

(1) the least of 62 percent of the district's old formula special education expenditures for the prior fiscal year, excluding pupil transportation expenditures, 50 percent of the district's nonfederal special education expenditures for the prior year, excluding pupil transportation expenditures, or 56 percent of the product of the sum of the following amounts, computed using prior fiscal year data, and the program growth factor:

(i) the product of the district's average daily membership served and the sum of:

(A) \$460; plus

(B) \$405 times the ratio of the sum of the number of pupils enrolled on October 1 who are eligible to receive free ~~lunch~~ meals plus one-half of the pupils enrolled on October 1 who are eligible to receive reduced-price ~~lunch~~ meals to the total October 1 enrollment; plus

(C) .008 times the district's average daily membership served; plus

(ii) \$13,300 times the December 1 child count for the primary disability areas of autism spectrum disorders, developmental delay, and severely multiply impaired; plus

(iii) \$19,200 times the December 1 child count for the primary disability areas of deaf and hard-of-hearing and emotional or behavioral disorders; plus

(iv) \$25,200 times the December 1 child count for the primary disability areas of developmentally cognitive mild-moderate, developmentally cognitive severe-profound, physically impaired, visually impaired, and deafblind; plus

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

Sec. 11. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended to read:

Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must be computed according to this subdivision.

(a) The compensation revenue concentration percentage for each building in a district equals the product of 100 times the ratio of:

(1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~ meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price meals on October 1 of the previous fiscal year; to

(2) the number of pupils enrolled in the building on October 1 of the previous fiscal year.

(b) The compensation revenue pupil weighting factor for a building equals the lesser of one or the quotient obtained by dividing the building's compensation revenue concentration percentage by 80.0.

(c) The compensation revenue pupil units for a building equals the product of:

(1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~ meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price meals on October 1 of the previous fiscal year; times

(2) the compensation revenue pupil weighting factor for the building; times

(3) .60.

(d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under section 124D.151, charter schools, and contracted alternative programs in the first year of operation, compensation revenue pupil units shall be computed using data for the current fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative program begins operation after October 1, compensatory revenue pupil units shall be computed based on pupils enrolled on an alternate date determined by the commissioner, and the compensation revenue pupil units shall be prorated based on the ratio of the number of days of student instruction to 170 days.

(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued in fiscal year 2024 due to the reduction in the participation limit under section 124D.151, subdivision 6, those discontinued seats must not be used to calculate compensation revenue pupil units for fiscal year 2024.

(f) The percentages in this subdivision must be based on the count of individual pupils and not on a building average or minimum.

Sec. 12. Minnesota Statutes 2020, section 126C.05, subdivision 16, is amended to read:

Subd. 16. **Free and reduced-price lunches meals.** The commissioner shall determine the number of children eligible to receive either a free or reduced-price ~~lunch~~ meals on October 1 each year. Children enrolled in a building on October 1 and determined to be eligible to receive free or reduced-price ~~lunch~~ meals by December 15 of that school year shall be counted as eligible on October 1 for purposes of subdivision 3. The commissioner may use federal definitions for these purposes and may adjust these definitions as appropriate. The commissioner may adopt reporting guidelines to assure accuracy of data counts and eligibility. Districts shall use any guidelines adopted by the commissioner.

Sec. 13. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:

Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility for public education, support the provision of library service for every ~~citizen~~ resident, the development of cooperative programs for the sharing of resources and services among all libraries, and the establishment of jointly operated library services at a single location where appropriate.

Sec. 14. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota Department of Education shall provide specialized services to people with visual and physical disabilities through the Minnesota Braille and Talking Book Library under a cooperative plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped of the Library of Congress~~ Print Disabled.

Sec. 15. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

Subd. 4. **Special project grants.** It may provide special project grants to assist innovative and experimental library programs including, but not limited to, special services for American Indians and ~~the Spanish speaking~~ English language learners, delivery of library materials to homebound persons, other extensions of library services to persons without access to libraries and projects to strengthen and improve library services.

Sec. 16. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall be provided to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year or (b) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

(b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.

(c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for regional library basic system support aid. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

(d) The amounts required to be expended under this section are subject to the reduced maintenance of effort requirements in section 275.761.

Sec. 17. Minnesota Statutes 2020, section 136A.055, is amended to read:

**136A.055 DEVELOPMENTAL EDUCATION REPORTING.**

(a) The commissioner must report on the department's website the following summary data on students who graduated from a Minnesota high school and are attending a public postsecondary institution in Minnesota, limited to the most recent academic school year:

(1) the number of students placed in supplemental or developmental education;

- (2) the number of students who complete supplemental or developmental education within one academic year;
- (3) the number of students that complete gateway courses in one academic year; and
- (4) time to complete a degree or certificate at a postsecondary institution.

(b) Summary data must be aggregated by school district, high school, and postsecondary institution. Summary data must be disaggregated by race, ethnicity, free or reduced-price ~~lunch~~ meal eligibility, and age.

(c) The commissioner must post the initial data on the department's website on or before February 15, 2018, and must update the data at least annually thereafter.

Sec. 18. Minnesota Statutes 2020, section 136A.861, subdivision 2, is amended to read:

Subd. 2. **Eligible students.** (a) Eligible students include students in grades six through 12 who meet one or more of the following criteria:

- (1) are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (Title I);
- (2) are eligible for free or reduced-price ~~lunch~~ meals under the National School Lunch Act;
- (3) receive assistance under the Temporary Assistance for Needy Families Law (Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); or
- (4) are a member of a group traditionally underrepresented in higher education.

(b) Eligible undergraduate students include those who met the student eligibility criteria as 6th through 12th graders.

Sec. 19. Minnesota Statutes 2020, section 256.962, subdivision 3, is amended to read:

Subd. 3. **Application and assistance.** (a) The Minnesota health care programs application must be made available at provider offices, local human services agencies, school districts, public and private elementary schools in which 25 percent or more of the students receive free or ~~reduced-price lunches~~ reduced-price meals, community health offices, Women, Infants and Children (WIC) program sites, Head Start program sites, public housing councils, child care centers, early childhood education and preschool program sites, legal aid offices, and libraries. The commissioner shall ensure that applications are available in languages other than English.

(b) Local human service agencies, hospitals, and health care community clinics receiving state funds must provide direct assistance in completing the application form, including the free use of a copy machine and a drop box for applications. These locations must ensure that the drop box is checked at least weekly and any applications are submitted to the commissioner. The commissioner shall provide these entities with an identification number to stamp on each application to identify the entity that provided assistance. Other locations where applications are required to be available shall either provide direct assistance in completing the application form or provide information on where an applicant can receive application assistance.

(c) Counties must offer applications and application assistance when providing child support collection services.

(d) Local public health agencies and counties that provide immunization clinics must offer applications and application assistance during these clinics.

(e) The commissioner shall coordinate with the commissioner of health to ensure that maternal and child health outreach efforts include information on Minnesota health care programs and application assistance, when needed.

Sec. 20. Minnesota Statutes 2020, section 256L.05, subdivision 1, is amended to read:

Subdivision 1. **Application assistance and information availability.** (a) Applicants may submit applications online, in person, by mail, or by phone in accordance with the Affordable Care Act, and by any other means by which medical assistance applications may be submitted. Applicants may submit applications through MNsure or through the MinnesotaCare program. Applications and application assistance must be made available at provider offices, local human services agencies, school districts, public and private elementary schools in which 25 percent or more of the students receive free or ~~reduced-price lunches~~ reduced-price meals, community health offices, Women, Infants and Children (WIC) program sites, Head Start program sites, public housing councils, crisis nurseries, child care centers, early childhood education and preschool program sites, legal aid offices, and libraries, and at any other locations at which medical assistance applications must be made available. These sites may accept applications and forward the forms to the commissioner or local county human services agencies that choose to participate as an enrollment site. Otherwise, applicants may apply directly to the commissioner or to participating local county human services agencies.

(b) Application assistance must be available for applicants choosing to file an online application through MNsure."

Delete the title and insert:

"A bill for an act relating to education; modifying provisions for prekindergarten through grade 12, including general education, education excellence, teachers, charter schools, health and safety, nutrition and libraries; requiring reports; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.22, subdivisions 7, 9; 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.026; 120B.11, subdivisions 1, 1a, 2, 3; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.31, subdivision 4; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6; 121A.41, subdivisions 2, 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.06, subdivision 6; 122A.091, subdivision 5; 122A.14, by adding a subdivision; 122A.181, subdivision 5; 122A.183, subdivision 1; 122A.184, subdivision 1; 122A.185, subdivision 1; 122A.40, subdivisions 3, 5, 8; 122A.41, subdivisions 2, 5, by adding a subdivision; 122A.50; 122A.635; 123A.09; 123B.04, subdivision 1; 123B.147, subdivision 3; 123B.195; 124D.09, subdivisions 3, 9, 10, 12, 13; 124D.095, subdivisions 2, 3, 4, 7, by adding a subdivision; 124D.119; 124D.128, subdivision 1; 124D.15, subdivision 15; 124D.151, subdivision 5; 124D.16, subdivision 2; 124D.231, subdivision 2; 124D.59, subdivision 2a; 124D.68, subdivision 2; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 2a, 5, by adding a subdivision; 124D.861, subdivision 2; 124D.8957, subdivision 19; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.07, subdivision 3; 124E.11; 124E.13, subdivisions 1, 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.094; 125A.0942, subdivisions 1, 2, 3; 125A.15; 125A.51; 125A.515, subdivision 3; 125A.76, subdivision 2a; 126C.05, subdivision 16; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 136A.055; 136A.861, subdivision 2; 144.4165; 256.962, subdivision 3; 256L.05, subdivision 1; Minnesota Statutes 2021 Supplement, sections 122A.70; 126C.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing Minnesota Statutes 2020, section 120B.35, subdivision 5."

With the recommendation that when so amended the bill be re-referred to the Committee on Education Finance.

The report was adopted.



Davnie from the Committee on Education Finance to which was referred:

H. F. No. 3403, A bill for an act relating to professional licensing; establishing a preliminary application procedure for individuals seeking professional licenses; permitting licensing boards to charge application fees; authorizing appeals; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 214.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

The report was adopted.

Bernardy from the Committee on Higher Education Finance and Policy to which was referred:

H. F. No. 3550, A bill for an act relating to workforce development; appropriating money for the creation of an online hospitality training program.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Workforce and Business Development Finance and Policy.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 3631, A bill for an act relating to health; modifying licensure requirements for the practice of medicine and acupuncture; strengthening forms of disciplinary action for physicians and physician's assistants; repealing professional corporation rules; amending Minnesota Statutes 2020, sections 147.03, subdivision 1; 147.037, subdivision 1; 147A.16; 147B.02, subdivision 7; Minnesota Statutes 2021 Supplement, section 147.141; repealing Minnesota Rules, parts 5610.0100; 5610.0200; 5610.0300.

Reported the same back with the following amendments:

Page 5, line 16, delete the new language

Page 6, line 3, delete the new language

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 3724, A bill for an act relating to consumer protection; prohibiting certain social media algorithms that target children; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, line 16, delete "user-created" and insert "user-generated" and after the period, insert "Social media platform does not include Internet search providers or e-mail."

Page 1, line 17, delete "User-created" and insert "User-generated" and delete everything after "means" and insert "any content created or shared by an account holder, including without limitation written posts, photographs, graphics, video recordings, or audio recordings."

Page 1, delete lines 18 to 21

Page 2, line 3, delete "user-created" and insert "user-generated" and before the period, insert ", except as provided in subdivision 3"

Page 2, line 5, delete "user-created" and insert "user-generated"

Page 2, delete subdivision 3 and insert:

"Subd. 3. **Exceptions.** (a) A social media algorithm that is intended to block access to inappropriate or harmful content to an account holder that is a minor is exempt from this section. Software or devices that allow parental controls or internal controls used by the social media platform that are designed to control access of the account of a minor to filter content for age-appropriate material, that suggest, promote, or rank otherwise accessible content, are exempt from this section.

(b) User-generated content that is created by a federal, state, or local government or by a public or private school, college, or university is exempt from this section."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Stephenson from the Committee on Commerce Finance and Policy to which was referred:

H. F. No. 3768, A bill for an act relating to civil law; amending process for and approval of transfer of structured settlement; providing for enforcement of violations of prohibited practices; amending Minnesota Statutes 2020, sections 549.30, subdivisions 3, 6, 15, 19, by adding subdivisions; 549.31; 549.32; 549.34; proposing coding for new law in Minnesota Statutes, chapter 549.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 3854, A bill for an act relating to health care; authorizing pharmacists to prescribe, dispense, and administer drugs to prevent the acquisition of human immunodeficiency virus; authorizing pharmacists to order, conduct, and interpret laboratory tests necessary for therapy that uses drugs to prevent the acquisition of human immunodeficiency virus; amending Minnesota Statutes 2020, sections 151.01, subdivisions 23, 27; 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Page 7, after line 3, insert:

"Sec. 6. Minnesota Statutes 2021 Supplement, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. **Drugs.** (a) Medical assistance covers drugs, except for fertility drugs when specifically used to enhance fertility, if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, by a physician enrolled in the medical assistance program as a dispensing physician, or by a physician, a physician assistant, or an advanced practice registered nurse employed by or under contract with a community health board as defined in section 145A.02, subdivision 5, for the purposes of communicable disease control.

(b) The dispensed quantity of a prescription drug must not exceed a 34-day supply, unless authorized by the commissioner or the drug appears on the 90-day supply list published by the commissioner. The 90-day supply list shall be published by the commissioner on the department's website. The commissioner may add to, delete from, and otherwise modify the 90-day supply list after providing public notice and the opportunity for a 15-day public comment period. The 90-day supply list may include cost-effective generic drugs and shall not include controlled substances.

(c) For the purpose of this subdivision and subdivision 13d, an "active pharmaceutical ingredient" is defined as a substance that is represented for use in a drug and when used in the manufacturing, processing, or packaging of a drug becomes an active ingredient of the drug product. An "excipient" is defined as an inert substance used as a diluent or vehicle for a drug. The commissioner shall establish a list of active pharmaceutical ingredients and excipients which are included in the medical assistance formulary. Medical assistance covers selected active pharmaceutical ingredients and excipients used in compounded prescriptions when the compounded combination is specifically approved by the commissioner or when a commercially available product:

(1) is not a therapeutic option for the patient;

(2) does not exist in the same combination of active ingredients in the same strengths as the compounded prescription; and

(3) cannot be used in place of the active pharmaceutical ingredient in the compounded prescription.

(d) Medical assistance covers the following over-the-counter drugs when prescribed by a licensed practitioner or by a licensed pharmacist who meets standards established by the commissioner, in consultation with the board of pharmacy: antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, vitamins for children under the age of seven and pregnant or nursing women, and any other over-the-counter drug identified by the commissioner, in consultation with the Formulary Committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions, or disorders, and this determination shall not be subject to the requirements of chapter 14. A pharmacist may prescribe over-the-counter medications as provided under this paragraph for purposes of receiving reimbursement under Medicaid. When prescribing over-the-counter drugs under this paragraph, licensed pharmacists must consult with the recipient to determine necessity, provide drug counseling, review drug therapy for potential adverse interactions, and make referrals as needed to other health care professionals.

(e) Effective January 1, 2006, medical assistance shall not cover drugs that are coverable under Medicare Part D as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-2(e), for individuals eligible for drug coverage as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-1(a)(3)(A). For these individuals, medical assistance may cover drugs from the drug classes listed in United States Code, title 42, section 1396r-8(d)(2), subject to this subdivision and subdivisions 13a to 13g, except that drugs listed in United States Code, title 42, section 1396r-8(d)(2)(E), shall not be covered.

(f) Medical assistance covers drugs acquired through the federal 340B Drug Pricing Program and dispensed by 340B covered entities and ambulatory pharmacies under common ownership of the 340B covered entity. Medical assistance does not cover drugs acquired through the federal 340B Drug Pricing Program and dispensed by 340B contract pharmacies.

(g) Notwithstanding paragraph (a), medical assistance covers self-administered hormonal contraceptives prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 14; nicotine replacement medications prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 15; and opiate antagonists used for the treatment of an acute opiate overdose prescribed and dispensed by a licensed pharmacist in accordance with section 151.37, subdivision 16.

(h) Medical assistance coverage of and reimbursement for antiretroviral drugs to prevent the acquisition of human immunodeficiency virus and any laboratory testing necessary for therapy that uses these drugs must meet the requirements that would otherwise apply to a health plan under section 62Q.524.

Sec. 7. Minnesota Statutes 2020, section 256B.0625, subdivision 13f, is amended to read:

Subd. 13f. **Prior authorization.** (a) The Formulary Committee shall review and recommend drugs which require prior authorization. The Formulary Committee shall establish general criteria to be used for the prior authorization of brand-name drugs for which generically equivalent drugs are available, but the committee is not required to review each brand-name drug for which a generically equivalent drug is available.

(b) Prior authorization may be required by the commissioner before certain formulary drugs are eligible for payment. The Formulary Committee may recommend drugs for prior authorization directly to the commissioner. The commissioner may also request that the Formulary Committee review a drug for prior authorization. Before the commissioner may require prior authorization for a drug:

(1) the commissioner must provide information to the Formulary Committee on the impact that placing the drug on prior authorization may have on the quality of patient care and on program costs, information regarding whether the drug is subject to clinical abuse or misuse, and relevant data from the state Medicaid program if such data is available;

(2) the Formulary Committee must review the drug, taking into account medical and clinical data and the information provided by the commissioner; and

(3) the Formulary Committee must hold a public forum and receive public comment for an additional 15 days.

The commissioner must provide a 15-day notice period before implementing the prior authorization.

(c) Except as provided in subdivision 13j, prior authorization shall not be required or utilized for any atypical antipsychotic drug prescribed for the treatment of mental illness if:

(1) there is no generically equivalent drug available; and

(2) the drug was initially prescribed for the recipient prior to July 1, 2003; or

(3) the drug is part of the recipient's current course of treatment.

This paragraph applies to any multistate preferred drug list or supplemental drug rebate program established or administered by the commissioner. Prior authorization shall automatically be granted for 60 days for brand name drugs prescribed for treatment of mental illness within 60 days of when a generically equivalent drug becomes available, provided that the brand name drug was part of the recipient's course of treatment at the time the generically equivalent drug became available.

(d) The commissioner may require prior authorization for brand name drugs whenever a generically equivalent product is available, even if the prescriber specifically indicates "dispense as written-brand necessary" on the prescription as required by section 151.21, subdivision 2.

(e) Notwithstanding this subdivision, the commissioner may automatically require prior authorization, for a period not to exceed 180 days, for any drug that is approved by the United States Food and Drug Administration on or after July 1, 2005. The 180-day period begins no later than the first day that a drug is available for shipment to pharmacies within the state. The Formulary Committee shall recommend to the commissioner general criteria to be used for the prior authorization of the drugs, but the committee is not required to review each individual drug. In order to continue prior authorizations for a drug after the 180-day period has expired, the commissioner must follow the provisions of this subdivision.

(f) Prior authorization under this subdivision shall comply with ~~section~~ sections 62Q.184 and 62Q.1842.

(g) Any step therapy protocol requirements established by the commissioner must comply with ~~section~~ sections 62Q.1841 and 62Q.1842."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Davnie from the Committee on Education Finance to which was referred:

H. F. No. 3979, A bill for an act relating to education finance; authorizing mental health grants for federal instructional setting level 4 for special education sites; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Human Services Finance and Policy.

The report was adopted.

Liebling from the Committee on Health Finance and Policy to which was referred:

H. F. No. 3989, A bill for an act relating to health; adding physician assistants to certain statutes; amending Minnesota Statutes 2020, sections 13.83, subdivision 2; 62A.15, subdivision 4, by adding a subdivision; 62A.3091, subdivision 2; 62D.09, subdivision 1; 62E.06, subdivision 1; 62J.17, subdivision 4a; 62J.48; 62J.823, subdivision 3; 62Q.184, subdivision 1; 62Q.57, subdivision 1; 62Q.73, subdivision 7; 62Q.733, subdivision 3; 62Q.74, subdivision 1; 62S.02, subdivision 5; 62S.08, subdivision 3; 62S.20, subdivision 5b; 62S.21, subdivision 2; 62S.268, subdivision 1; 97B.055, subdivision 3; 97B.106, subdivision 1; 97B.1115; 125A.02, subdivision 1; 144.3345, subdivision 1; 144.3352; 144.34; 144.441, subdivisions 4, 5; 144.442, subdivision 1; 144.4803, subdivisions 1, 4, 10, by adding a subdivision; 144.4806; 144.4807, subdivisions 1, 2, 4, 7; 144.50, subdivision 2; 144.55, subdivisions 2, 6; 144.6501, subdivision 7; 144.651, subdivisions 7, 8, 9, 10, 12, 14, 31, 33; 144.652, subdivision 2; 144.69; 144.7402, subdivision 2; 144.7406, subdivision 2; 144.7407, subdivision 2; 144.7414, subdivision 2; 144.7415, subdivision 2; 144.9502, subdivision 4; 144.966, subdivisions 3, 6; 144A.135; 144A.161, subdivisions 5, 5a, 5e, 5g; 144A.471, subdivision 7; 144A.4791, subdivision 13; 144A.75, subdivisions 3, 6; 144A.752, subdivision 1; 144G.08, by adding a subdivision; 144G.70, subdivision 7; 145.853, subdivision 5; 145.892, subdivision 3; 145.94, subdivision 2; 145B.13; 145C.02; 145C.05, subdivision 2; 145C.06; 145C.07, subdivision 1; 145C.16; 147A.27, subdivision 1;

148.6438, subdivision 1; 151.01, subdivision 27; 151.19, subdivision 4; 151.21, subdivision 4a; 151.37, subdivision 12; 152.22, subdivision 4; 152.32, subdivision 3; 176.011, subdivision 12a; 245.50, subdivision 5; 245A.143, subdivisions 2, 7, 8; 245A.1435; 245C.02, subdivision 18; 245C.04, subdivision 1; 245D.02, subdivision 11; 245D.22, subdivision 7; 245D.25, subdivision 2; 245F.02, subdivision 13; 245F.09, subdivision 2; 245G.08, subdivisions 2, 3, 5; 245G.21, subdivisions 2, 3; 245H.11; 246.711, subdivision 2; 246.715, subdivision 2; 246.716, subdivision 2; 246.721; 246.722; 251.043, subdivision 1; 253B.02, subdivision 9; 253B.03, subdivisions 4, 6d; 253B.06, subdivision 2; 253B.23, subdivision 4; 254A.08, subdivision 2; 256.9685, subdivisions 1a, 1b, 1c; 256.975, subdivisions 7a, 7b, 11; 256B.055, subdivision 12; 256B.0575, subdivision 1; 256B.0595, subdivision 3; 256B.0622, subdivision 2b; 256B.0625, subdivisions 2, 12, 26, 60a; 256B.0659, subdivisions 2, 4, 8, 27; 256B.0913, subdivision 8; 256B.0949, subdivision 5; 256B.73, subdivision 5; 256R.44; 256R.54, subdivisions 1, 2; 257.63, subdivision 3; 257B.01, subdivisions 3, 9, 10; 257B.06, subdivision 7; 259.24, subdivision 2; 260C.007, subdivision 6; 383A.13, subdivisions 3, 6; 609.341, subdivision 17; Minnesota Statutes 2021 Supplement, sections 62J.23, subdivision 2; 144G.08, subdivision 9; 147.091, subdivision 1; 151.37, subdivision 2; 252A.02, subdivision 12; 252A.04, subdivision 2; 252A.20, subdivision 1; 256B.0625, subdivisions 17, 28a, 49; 256B.0659, subdivision 11; 256B.0947, subdivision 3a; 256B.0949, subdivisions 4, 5a; 256P.01, subdivision 6a; repealing Minnesota Statutes 2020, sections 147A.01, subdivision 23; 151.37, subdivision 2a.

Reported the same back with the following amendments:

Page 10, line 29, before "nurse" insert "registered" and strike "practitioner"

Page 18, line 32, strike "certified nurse practitioner" and insert "advanced practice registered nurse"

Page 19, line 1, before "nurse" insert "advanced practice registered"

Page 19, line 2, delete "practitioner"

Page 19, line 16, before "physician" insert "licensed"

Page 19, line 17, strike "certified nurse practitioner" and insert "licensed advanced practice registered nurse" and before "chiropractor" insert "licensed"

Page 20, line 2, strike "certified nurse practitioner" and insert "licensed advanced practice registered nurse"

Page 20, line 15, strike "certified nurse practitioner" and insert "licensed advanced practice registered nurse"

Page 67, line 9, after the third comma, insert "physician assistants,"

Page 75, line 11, after the first comma, insert "a" and reinstate the stricken language and strike "advance" and insert "advanced"

Page 75, line 12, delete "or physician assistant,"

Page 75, line 13, strike "an" and insert "a court"

Page 75, line 15, strike "Such" and insert "An" and after "examiner" insert "under section 253B.02, subdivision 7,"

Page 83, line 3, after "Minnesota" insert "by the Board of Medical Practice" and strike "or" and insert a comma and after "physician," insert "or physician assistant," and reinstate the second stricken "or"

Page 83, lines 6 and 7, delete the new language

Page 118, line 19, after "their" insert "education, training, and experience."

Page 118, line 20, reinstate the stricken "with the exception of performing psychotherapy or diagnostic"

Page 118, line 21, reinstate the stricken "assessments" and delete the new language

Page 121, line 13, strike "certified or"

Page 137, after line 16, insert:

"Sec. 170. **REVISOR INSTRUCTION.**

The revisor of statutes shall change the term "certified nurse practitioner," "nurse practitioner," or similar terms to "advanced practice registered nurse" wherever the terms appear in Minnesota Statutes and Minnesota Rules. The revisor may make grammatical changes related to the term change."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 2, after "statutes;" insert "modifying references to advanced practice registered nurses;"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Noor from the Committee on Workforce and Business Development Finance and Policy to which was referred:

H. F. No. 4183, A bill for an act relating to economic development; appropriating money for a grant to Unidos MN Education Fund and the New Justice Project MN.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 4184, A bill for an act relating to employment; prohibiting restrictive franchise agreements; amending Minnesota Statutes 2020, section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 2, delete subdivision 4

Reorder the subdivisions in sequence

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Hansen, R., from the Committee on Environment and Natural Resources Finance and Policy to which was referred:

H. F. No. 4190, A bill for an act relating to environment; specifying duties and requiring report for petroleum tank release cleanup program.

Reported the same back with the following amendments:

Page 1, line 12, before the colon, insert ". The commissioner must"

Page 2, line 4, before the comma, insert "and the commissioner of commerce"

Page 2, line 6, before the semicolon, insert ", and how agencies can share information on consultant performance"

With the recommendation that when so amended the bill be re-referred to the Committee on Climate and Energy Finance and Policy.

The report was adopted.

Pelowski from the Committee on Industrial Education and Economic Development Finance and Policy to which was referred:

H. F. No. 4198, A bill for an act relating to taxation; providing grants to counties for education, jobs, and workforce development; establishing Community Career Workforce Academies; requiring a report; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 4221, A bill for an act relating to local government; permitting the Hennepin Board of County Commissioners to set reasonable allowances for expenses or a per diem allowance for members of boards or agencies; amending Minnesota Statutes 2020, section 375.47, subdivision 1.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Richardson from the Committee on Education Policy to which was referred:

H. F. No. 4233, A bill for an act relating to education; requiring due process forms and procedures time for teachers; amending Minnesota Statutes 2020, section 122A.50.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Education Finance.

The report was adopted.



Ecklund from the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy to which was referred:

H. F. No. 4314, A bill for an act relating to labor and industry; modifying fair labor standards provisions for agricultural and food processing workers; amending Minnesota Statutes 2020, sections 177.27, subdivision 4; 179.86, subdivisions 1, 3, by adding subdivisions; 181.14, subdivision 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86, subdivision 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 4323, A bill for an act relating to transportation; requiring a minimum crew size for certain rail carriers; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 219.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Ecklund from the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy to which was referred:

H. F. No. 4344, A bill for an act relating to the military; allowing exchange of surplus land in city of Rosemount.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment and Natural Resources Finance and Policy.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 4430, A bill for an act relating to health; establishing the Health Care Affordability Board and Health Care Affordability Advisory Council; requiring monitoring of and recommendations related to health care market trends; establishing the health care spending growth target program; requiring reports; providing for civil penalties; requiring certain transfers of funds; amending Minnesota Statutes 2020, section 62U.04, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Commerce Finance and Policy.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 2743, 2768, 3218, 3398, 3724, 3768, 3989, 4184 and 4221 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 2736 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Pinto introduced:

H. F. No. 4625, A bill for an act relating to capital investment; appropriating money for an integrated programming center in the city of St. Paul.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Wolgamott introduced:

H. F. No. 4626, A bill for an act relating to taxation; proposing onetime direct payments to taxpayers; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Hansen, R., introduced:

H. F. No. 4627, A bill for an act relating to public safety; expanding eligibility for public safety officer survivor benefits; amending Minnesota Statutes 2020, section 299A.41, subdivision 3, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

Davnie, Noor and Lee introduced:

H. F. No. 4628, A bill for an act relating to capital investment; appropriating money from the coronavirus capital projects fund for grants for digital connectivity technology projects and multipurpose community facilities.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Drazkowski introduced:

H. F. No. 4629, A bill for an act relating to natural resources; allowing expansion of nonconforming structures in West Newton Special Use District in Wabasha County.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Hollins; Frazier; Agbaje; Berg; Feist; Reyer; Lee; Vang; Gomez; Xiong, J., and Hassan introduced:

H. F. No. 4630, A bill for an act relating to corporations; requiring publicly held corporations to have a minimum number of female directors and directors from underrepresented communities; imposing penalties; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 302A.

The bill was read for the first time and referred to the Committee on Commerce Finance and Policy.

Lee introduced:

H. F. No. 4631, A bill for an act relating to public buildings; appropriating money for research to integrate weather trends in designing and operating public buildings to reduce operational costs and prevent damage from extreme weather events; requiring a report.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Ecklund; Wazlawik; Lislegard; Hansen, R.; Lee and Sundin introduced:

H. F. No. 4632, A bill for an act relating to legacy; appropriating money from the clean water fund for grants to counties to reduce discharges of perfluoroalkyl and polyfluoroalkyl substances into Lake Superior.

The bill was read for the first time and referred to the Committee on Legacy Finance.

Moller introduced:

H. F. No. 4633, A bill for an act relating to human services; appropriating money for the senior nutrition program.

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy.

Agbaje, Reyer, Howard and Gomez introduced:

H. F. No. 4634, A bill for an act relating to housing; providing tenants with a right to repair violations in a residential rental unit; proposing coding for new law in Minnesota Statutes, chapter 504B.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Agbaje introduced:

H. F. No. 4635, A bill for an act relating to housing; prohibiting state funding to proposed projects of certain public housing authorities with a low physical inspection score; amending Minnesota Statutes 2020, section 462A.05, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Munson introduced:

H. F. No. 4636, A bill for an act relating to health; prohibiting health plan companies, public hospitals, and the Board of Medical Practice from requiring physicians to maintain board certification; proposing coding for new law in Minnesota Statutes, chapters 62Q; 144; 147.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Agbaje introduced:

H. F. No. 4637, A bill for an act relating to workforce development; appropriating money for a grant to Mind the G.A.P.P.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Agbaje introduced:

H. F. No. 4638, A bill for an act relating to economic development; appropriating money for a nationwide campaign to attract and retain workers in the state; requiring a report.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Agbaje introduced:

H. F. No. 4639, A bill for an act relating to capital investment; appropriating money for a facility to provide support homeless youth and young families and victims of sex trafficking.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Huot and Marquart introduced:

H. F. No. 4640, A bill for an act relating to taxation; sales and use tax; State Agricultural Society; allowing a temporary suspension of the sales and use tax remittance requirements for certain state fair sales.

The bill was read for the first time and referred to the Committee on Taxes.

Feist; Mariani; Frazier; Pinto; Long; Hollins; Berg; Xiong, J.; Vang and Frederick introduced:

H. F. No. 4641, A bill for an act relating to public safety; appropriating money for prevention services, intervention services, and barrier reduction services relating to youth involved or at risk of becoming involved in the criminal or juvenile justice system; requiring a report.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

Mortensen introduced:

H. F. No. 4642, A bill for an act relating to taxation; individual income; establishing an income tax holiday for tax year 2021 or 2022; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Sandell introduced:

H. F. No. 4643, A bill for an act relating to health; requiring a study on obesity in individuals with intellectual disabilities; establishing a health and wellness pilot program for adults with intellectual disabilities; requiring a report; appropriating money.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Grossell introduced:

H. F. No. 4644, A bill for an act relating to environment; appropriating money to demolish and remediate abandoned Williams School building.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Dettmer introduced:

H. F. No. 4645, A bill for an act relating to taxation; credit for historic structure rehabilitation; providing for the status of the Water Tower Barn in Scandia as part of the Scandia Arts and Heritage Center project.

The bill was read for the first time and referred to the Committee on Taxes.

Schomacker introduced:

H. F. No. 4646, A bill for an act relating to taxation; property; imposing levy limits for certain cities.

The bill was read for the first time and referred to the Committee on Taxes.

Berg and Ecklund introduced:

H. F. No. 4647, A bill for an act relating to labor and industry; providing a licensing fee holiday; appropriating money; amending Minnesota Statutes 2021 Supplement, section 326B.092, subdivision 7.

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

Berg; Reyer; Hollins; Agbaje; Howard; Olson, L.; Greenman; Carlson; Keeler; Boldon; Moller; Frazier; Hanson, J.; Feist; Lee and Thompson introduced:

H. F. No. 4648, A bill for an act relating to education; providing for gender-neutral, single-user restroom and locker room facilities; appropriating money; amending Minnesota Statutes 2020, section 126C.10, subdivisions 13, 14; proposing coding for new law in Minnesota Statutes, chapter 121A.

The bill was read for the first time and referred to the Committee on Education Finance.

Hollins, Acomb, Morrison and Lillie introduced:

H. F. No. 4649, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI, section 14; providing for the renewal of the environment and natural resources trust fund; making changes to the Legislative-Citizen Commission on Minnesota Resources; amending Minnesota Statutes 2020, sections 116P.05, subdivision 1; 349A.08, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Carlson introduced:

H. F. No. 4650, A bill for an act relating to taxation; sales and use; providing an exemption for fees related to certain sales and purchases of natural gas.

The bill was read for the first time and referred to the Committee on Taxes.

Stephenson introduced:

H. F. No. 4651, A bill for an act relating to commerce; establishing a supplemental budget for Department of Commerce needs; modifying financial institution fees; modifying the Minnesota premium security plan; appropriating money; transferring money; amending Minnesota Statutes 2020, sections 45.0135, subdivisions 2a, 2b; 46.131, subdivisions 2, 4, 11; 48A.15, subdivision 1; 53.03, subdivisions 1, 5; 53C.02; 56.02; 62E.23, subdivisions 1, 3, by adding a subdivision; Laws 2017, chapter 13, article 1, section 15, as amended.

The bill was read for the first time and referred to the Committee on Commerce Finance and Policy.

Sundin introduced:

H. F. No. 4652, A bill for an act relating to agriculture; appropriating money to the commissioner of agriculture for additional food handler inspectors.

The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy.

Hollins, Reyer, Agbaje, Berg and Feist introduced:

H. F. No. 4653, A bill for an act relating to energy; allowing a public utility to file a program with the public utilities commission to promote the deployment of electric school buses; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Long introduced:

H. F. No. 4654, A bill for an act relating to energy; establishing a supplemental budget for energy and climate change needs; modifying the renewable development account; establishing a water utility energy resilience program; establishing various energy and climate technology investment funds; requiring reports; appropriating money; amending Minnesota Statutes 2020, section 116C.779, subdivision 1; Minnesota Statutes 2021 Supplement, section 216C.375, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Heintzeman, Igo, Theis, Albright and Bliss introduced:

H. F. No. 4655, A bill for an act relating to tourism; appropriating money for the Minnesota fishing opener.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Igo; Heinrich; Bliss; Theis; Gruenhagen; Franson; Pfarr; Olson, B.; Raleigh; Koznick and Heintzeman introduced:

H. F. No. 4656, A bill for an act relating to local government; amending the amount that a city may annually spend on a Memorial Day observance; amending Minnesota Statutes 2020, section 465.50.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Heinrich; Ecklund; Dettmer; Raleigh; Pfarr; Olson, B.; Nash; Gruenhagen; Urdahl; Grossell; Miller; Johnson; Novotny; Daniels; Bennett; Theis; Demuth; Franson; Bliss; Igo; O'Driscoll; Huot; Berg; Marquart; Franke; Scott; Heintzeman; Haley; Boe; Robbins; Quam; Anderson; Lislegard; Sundin and Neu Brindley introduced:

H. F. No. 4657, A bill for an act relating to capital investment; appropriating money for renovation projects at state readiness centers; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

Franson and Koznick introduced:

H. F. No. 4658, A bill for an act relating to public safety; excluding climate change from peacetime emergency declarations; amending Minnesota Statutes 2020, sections 12.03, subdivision 2; 12.31, subdivision 2.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Long introduced:

H. F. No. 4659, A bill for an act relating to environment; establishing a working group on ending land disposal of mixed municipal solid waste in Minnesota; appropriating money for the working group; providing appointments.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Moller introduced:

H. F. No. 4660, A bill for an act relating to judiciary; eliminating the fee for uncertified copies of instruments from civil or criminal proceedings; providing expedited attorney entry to district courthouse buildings; providing attorneys secured access to court records; amending Minnesota Statutes 2020, section 357.021, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 484.

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law.

Lislegard, Ecklund and Sundin introduced:

H. F. No. 4661, A bill for an act relating to local government; amending the amount that a city may annually spend on a Memorial Day observance; amending Minnesota Statutes 2020, section 465.50.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Heinrich introduced:

H. F. No. 4662, A bill for an act relating to motor vehicles; requiring license plates to be issued for the lifetime of the plate holder; allowing the transfer of license plates; amending Minnesota Statutes 2020, sections 168.021, subdivision 2a; 168.10, subdivision 1i; 168.12, subdivisions 2, 2b, 2c, 2d, 2e, 2g; 168.124, subdivision 4; 168.125, subdivision 1c; 168.128, subdivision 2; 169.79, subdivision 7; Minnesota Statutes 2021 Supplement, section 168.12, subdivision 1; repealing Minnesota Statutes 2020, sections 168.121, subdivision 3; 168.123, subdivision 4; 168.1235, subdivision 4; 168.1253, subdivision 5; 168.1255, subdivision 3; 168.1256, subdivision 3; 168.1282, subdivision 3; 168.129, subdivision 4; 168.1294, subdivision 3; 168.1295, subdivision 4; 168.1296, subdivision 4; 168.1298, subdivision 4; 168.1299, subdivision 3; Minnesota Statutes 2021 Supplement, sections 168.1284, subdivision 3; 168.1285, subdivision 3; 168.1286, subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Xiong, T., introduced:

H. F. No. 4663, A bill for an act relating to state government; providing for military salary differential overpayments; amending Minnesota Statutes 2020, section 43A.183, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.



Greenman; Nelson, M.; Carlson; Bahner and Klevorn introduced:

H. F. No. 4664, A bill for an act relating to elections; modifying certain requirements for absentee ballot drop boxes; amending Minnesota Statutes 2020, section 203B.28; Minnesota Statutes 2021 Supplement, section 203B.082, subdivision 2, by adding a subdivision.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Scott and Kiel introduced:

H. F. No. 4665, A bill for an act relating to health care; establishing procedures to follow if a physician refuses to comply with a patient's health care directive; proposing coding for new law in Minnesota Statutes, chapter 145C.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Lee introduced:

H. F. No. 4666, A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and for other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; modifying prior appropriations; authorizing the sale and issuance of state bonds; appropriating money; amending Minnesota Statutes 2020, sections 174.38, subdivisions 1, 3; 256E.36, subdivision 1; 256E.37, subdivision 1; 446A.072, subdivision 5a; 446A.081, subdivisions 8, 9; 462A.37, subdivision 2, by adding a subdivision; Minnesota Statutes 2021 Supplement, section 462A.37, subdivision 5; Laws 2018, chapter 214, article 1, section 19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16B; 116; 174.

The bill was read for the first time and referred to the Committee on Capital Investment.

Drazkowski, Quam, Bahr, Franson, Lucero, Miller, Gruenhagen and Hertaus introduced:

H. F. No. 4667, A bill for an act relating to taxation; modifying individual income taxes, property taxes, and various other taxes; providing onetime income tax rebates and tax relief; repealing the state general tax; repealing the gross revenues tax on hospitals, surgical centers, health care providers, and wholesale drug distributors; repealing the estate tax; repealing the corporate and individual alternative minimum taxes; eliminating certain income and business taxes and replacing the sales and use tax with a fair tax; making conforming changes; directing rulemaking; transferring money; appropriating money; amending Minnesota Statutes 2020, sections 273.1231, subdivision 6; 275.28, subdivision 1; 289A.35; 289A.50, subdivision 1; 289A.56, subdivision 3; 290.0132, subdivision 26; 290.0136; 290.06, subdivision 2d; 290.491; 297A.61, subdivisions 2, 7, 24; 297A.62, subdivisions 1, 1a; 297A.63, by adding a subdivision; 469.1794, subdivision 5; Minnesota Statutes 2021 Supplement, sections 273.13, subdivision 25; 275.065, subdivision 3; 289A.38, subdivision 7; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 2020, sections 270C.585; 273.42, subdivision 3; 275.025, subdivisions 3, 4, 5, 6; 276.112; 289A.10; 289A.12, subdivision 18; 289A.18, subdivision 3a; 289A.19, subdivision 4; 289A.20, subdivisions 3, 3a; 289A.30, subdivision 2; 289A.55, subdivision 7; 290.01, subdivisions 1, 1a, 2, 3, 3a, 3b, 4, 4a, 4c, 5, 5a, 5b, 6, 7, 7a, 7b, 8, 8a, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22, 29, 29a, 30; 290.0131, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, 14; 290.0132, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26; 290.0133, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 290.0134, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19; 290.0135; 290.0136; 290.0137; 290.014;

290.015; 290.02; 290.03; 290.032, subdivisions 1, 2, 3; 290.04; 290.05, subdivisions 1, 2, 3, 4, 8; 290.06, subdivisions 1, 2d, 2g, 2h, 23, 27, 28, 29, 33, 35, 37, 38; 290.067, subdivisions 1, 2b, 3, 4; 290.0671, subdivisions 1a, 2, 4, 5, 6, 7; 290.0672, subdivisions 1, 2; 290.0674, subdivisions 1, 2, 2a, 4, 5; 290.0675, subdivisions 1, 2, 3, 4; 290.0677; 290.0679; 290.068, subdivisions 1, 2, 3, 4, 5, 6a, 7; 290.0681, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9; 290.0684; 290.0685; 290.0686; 290.0692, subdivisions 1, 2, 3, 4, 5, 6; 290.07, subdivisions 1, 2, 4, 7; 290.0802; 290.081; 290.091; 290.0921, subdivisions 1, 2, 3, 3a, 4, 6, 8; 290.0922, subdivisions 1, 2, 3, 4; 290.093; 290.095, subdivisions 1, 2, 3, 4, 5, 9, 11; 290.10, subdivision 1; 290.17, subdivisions 1, 2, 3, 4, 5, 6; 290.172; 290.191, subdivisions 1, 2, 3, 5, 6, 8, 9, 10, 11, 12; 290.20; 290.21, subdivisions 1, 4; 290.22; 290.26, subdivision 6; 290.281, subdivision 1; 290.30; 290.31, subdivision 27; 290.311, subdivision 1; 290.32; 290.34, subdivisions 1, 2; 290.36; 290.371, subdivisions 1, 2, 3, 4; 290.431; 290.432; 290.48, subdivision 10; 290.491; 290.62; 290.92, subdivisions 4, 4a, 9, 10, 12, 16, 17, 21, 24, 25, 26, 27, 28, 29, 30; 290.9201, subdivisions 1, 2, 6, 7, 8, 11; 290.923, subdivisions 1, 2, 3, 4, 5, 6, 8, 10, 11; 290.9705, subdivisions 1, 3, 4; 290.9725; 290.9726, subdivisions 1, 2, 4; 290.9727; 290.9728; 290.9729; 290.9741; 290.9742; 291.005; 291.01; 291.016; 291.03, subdivisions 1, 1a, 1d, 8, 9, 10, 11; 291.031; 291.075; 291.12, subdivisions 1, 2, 3; 291.13, subdivisions 1, 3; 291.16; 291.21, subdivision 1; 291.215, subdivision 1; 291.27; 295.50, subdivisions 1, 1a, 2, 2a, 2b, 3, 4, 6, 6a, 7, 7a, 9c, 10a, 10b, 10c, 12b, 13, 13a, 14, 15, 16; 295.51, subdivisions 1, 1a; 295.52, subdivisions 1, 1a, 2, 3, 4, 4a, 5, 6, 8; 295.53, subdivisions 2, 3, 4a; 295.54, subdivisions 1, 2, 3; 295.55, subdivisions 1, 2, 3, 4, 5, 6, 7; 295.56; 295.57, subdivisions 1, 2, 3, 4, 5; 295.58; 295.581; 295.582, subdivisions 1, 2; 295.59; 297A.61, subdivisions 3, 4, 6, 10, 12, 13, 16a, 16b, 16c, 17, 17a, 17b, 18, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 58; 297A.62, subdivision 3; 297A.63, subdivision 2; 297A.64; 297A.65; 297A.67, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 13a, 14, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; 297A.68, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35a, 36, 37, 39, 40, 42, 43, 44, 45; 297A.69, subdivisions 1, 2, 3, 4, 6, 7; 297A.70, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 9a, 10, 11, 11a, 12, 14, 15, 16, 17, 18, 19, 20; 297A.71, subdivisions 1, 3, 6, 8, 11, 12, 13, 14, 22, 23, 34, 35, 40, 43, 44, 45, 48, 49, 50; 297A.75, subdivisions 4, 5; 297A.825; 297D.01; 297D.02; 297D.03; 297D.04; 297D.05; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09; 297D.10; 297D.11; 297D.12; 297D.13; 297F.01, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 9a, 10, 10a, 10b, 11, 12, 13, 13a, 14, 15, 16, 17, 18, 19, 20, 21, 21a, 22, 22a, 23; 297F.02; 297F.03; 297F.04, subdivisions 1, 2a, 3; 297F.05, subdivisions 1, 2, 3, 3a, 4, 4a, 5, 6, 7; 297F.06; 297F.07; 297F.08, subdivisions 1, 2, 3, 4, 6, 7, 8, 8a, 9, 10, 12, 13; 297F.09, subdivisions 1, 2, 4, 5, 8, 9; 297F.10, subdivisions 1, 2; 297F.11; 297F.12; 297F.13, subdivisions 1, 2, 3, 5; 297F.14; 297F.15, subdivisions 9, 10; 297F.17, subdivisions 2, 3, 4, 5, 7, 8; 297F.18; 297F.185; 297F.19, subdivisions 1, 2, 3, 5, 6, 7, 8, 9; 297F.20; 297F.21, subdivisions 1, 2, 3; 297F.23; 297F.24; 297F.25; 297G.01; 297G.02; 297G.03, subdivisions 1, 2, 3, 4, 5, 6; 297G.031; 297G.032; 297G.04; 297G.05; 297G.06; 297G.07; 297G.08; 297G.09, subdivisions 1, 2, 3, 4, 6, 7, 8, 10; 297G.10; 297G.11; 297G.12; 297G.13; 297G.14, subdivision 9; 297G.16, subdivisions 1, 2, 3, 4, 5, 6, 8, 9; 297G.17; 297G.18, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11; 297G.19; 297G.20, subdivisions 1, 2, 3, 4; 297G.22; 297H.01; 297H.02; 297H.03; 297H.04, subdivisions 1, 3, 4; 297H.06, subdivisions 1, 2, 3; 297H.07; 297H.08; 297H.09; 297H.10, subdivision 1; 297H.11; 297H.115; 297H.12; 297H.13, subdivisions 1, 2, 5; 297I.01; 297I.05, subdivisions 1, 2, 3, 4, 5, 7, 11, 12, 13, 14; 297I.06, subdivisions 1, 2, 3; 297I.10, subdivisions 1, 3, 4; 297I.11, subdivisions 1, 2, 3; 297I.15, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 297I.20, subdivisions 1, 2, 3; 297I.25, subdivision 1; 297I.30, subdivisions 1, 2, 7, 8, 9, 10, 11; 297I.35; 297I.40; 297I.60, subdivisions 1, 2; 297I.65; 297I.70; 297I.75; 297I.80; 297I.85; 297I.90; 462D.01; 462D.02; 462D.03; 462D.04; 462D.05; 462D.06; Minnesota Statutes 2021 Supplement, sections 275.025, subdivisions 1, 2; 290.01, subdivisions 19, 31; 290.06, subdivisions 2c, 22; 290.0671, subdivision 1; 290.0681, subdivision 10; 290.0682; 290.31, subdivision 1; 290.92, subdivisions 1, 2a, 3, 4b, 4c, 5, 5a, 19, 20; 290.923, subdivision 9; 297A.70, subdivisions 3, 13; 297A.75, subdivisions 1, 2, 3; 297F.031; 297F.04, subdivision 2; 297F.09, subdivisions 3, 4a, 7, 10; 297F.13, subdivision 4; 297F.17, subdivisions 1, 6; 297G.09, subdivision 9; 297G.16, subdivision 7; 297H.04, subdivision 2; 297H.05; 297I.20, subdivisions 4, 5.

The bill was read for the first time and referred to the Committee on Taxes.

Gomez and Lee introduced:

H. F. No. 4668, A bill for an act relating to taxation; modifying the local sales tax authority for the city of Minneapolis; modifying stadium revenues and appropriations; amending Minnesota Statutes 2020, sections 16A.726; 16A.727; 297E.021, subdivisions 3, 4; 473J.13, subdivisions 2, 4; Laws 1986, chapter 396, sections 4, subdivision 1, as amended; 5, as amended; repealing Minnesota Statutes 2020, section 297A.994, subdivisions 1, 2, 3, 4.

The bill was read for the first time and referred to the Committee on Taxes.

Schultz introduced:

H. F. No. 4669, A bill for an act relating to health; prohibiting certain conversion transactions by nonprofit health care entities; requiring a nonprofit health care entity to provide notice to the attorney general before entering into a conversion transaction; authorizing penalties and remedies; extending a moratorium on certain conversion transactions; amending Minnesota Statutes 2020, section 317A.811, by adding a subdivision; Laws 2017, First Special Session chapter 6, article 5, section 11, as amended; proposing coding for new law in Minnesota Statutes, chapters 62C; 62D.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3472, A bill for an act relating to state government; extending the operation of the Minnesota premium security plan; transferring money; appropriating money; amending Minnesota Statutes 2020, section 62E.23, subdivision 3; Laws 2017, chapter 13, article 1, section 15, as amended; Laws 2021, First Special Session chapter 7, article 15, section 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Dahms, Utke, Klein, Draheim and Dornink.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

CAL R. LUDEMAN, Secretary of the Senate

Stephenson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3472. The motion prevailed.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3472:

Stephenson, Liebling, Schultz, Kotyza-Witthuhn and O'Driscoll.

## CALENDAR FOR THE DAY

H. F. No. 3346 was reported to the House.

Lillie moved to amend H. F. No. 3346 as follows:

Page 2, after line 32, insert:

"Subd. 12. **Commissioner's Plan.** The Commissioner's Plan and Medical Specialists Addendum for fiscal years 2022 and 2023, submitted by the commissioner of management and budget to the Legislative Coordinating Commission Subcommittee on Employee Relations on March 15, 2022, are ratified.

Subd. 13. **Managerial Plan.** The Managerial Plan for fiscal years 2022 and 2023, submitted by the commissioner of management and budget to the Legislative Coordinating Commission Subcommittee on Employee Relations on March 15, 2022, is ratified.

Subd. 14. **Office of Higher Education Unclassified Personnel Compensation Plan.** The Office of Higher Education Unclassified Personnel Compensation Plan for fiscal years 2022 and 2023, submitted by the commissioner of management and budget to the Legislative Coordinating Commission Subcommittee on Employee Relations on March 15, 2022, is ratified.

Subd. 15. **MNsure Compensation Plan.** The MNsure Compensation Plan for fiscal years 2022 and 2023, submitted by the commissioner of management and budget to the Legislative Coordinating Commission Subcommittee on Employee Relations on March 15, 2022, is ratified."

Page 3, after line 9, insert:

"Subd. 3. **Unit 225 Memorandum.** The memorandum of understanding with the American Federation of State, County and Municipal Employees, Unit 225, submitted by the commissioner of management and budget to the Legislative Coordinating Commission Subcommittee on Employee Relations on March 15, 2022, is ratified."

The motion prevailed and the amendment was adopted.

H. F. No. 3346, A bill for an act relating to state government; ratifying certain labor agreements and compensation plans; ratifying certain memorandums of understanding.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hansen, R.	Kotzya-Witthuhn	Nelson, M.	Sandstede
Agbaje	Demuth	Hanson, J.	Koznick	Nelson, N.	Schomacker
Akland	Dettmer	Hassan	Lee	Noor	Schultz
Anderson	Ecklund	Hausman	Liebling	Novotny	Stephenson
Backer	Edelson	Heinrich	Lillie	O'Driscoll	Sundin
Bahner	Elkins	Her	Lippert	Olson, B.	Theis
Baker	Feist	Hollins	Lislegard	Olson, L.	Thompson
Becker-Finn	Fischer	Hornstein	Long	O'Neill	Torkelson
Bennett	Franke	Howard	Lueck	Pelowski	Urdahl
Berg	Frazier	Huot	Mariani	Petersburg	Vang
Bernardy	Frederick	Igo	Marquart	Pierson	Wazlawik
Bierman	Freiberg	Johnson	Masin	Pinto	West
Boe	Gomez	Jordan	Moller	Poston	Winkler
Boldon	Green	Jurgens	Moran	Pryor	Wolgamott
Carlson	Greenman	Keeler	Morrison	Raleigh	Xiong, J.
Christensen	Grossell	Kiel	Mueller	Reyer	Youakim
Daniels	Haley	Klevorn	Murphy	Richardson	Spk. Hortman
Davids	Hamilton	Koegel	Nash	Sandell	

Those who voted in the negative were:

Albright	Daudt	Gruenhagen	Lucero	Mortensen	Rasmusson
Bahr	Erickson	Heintzeman	McDonald	Munson	Robbins
Bliss	Franson	Hertaus	Mekeland	Pfarr	Scott
Burkel	Garofalo	Kresha	Miller	Quam	Swedzinski

The bill was passed, as amended, and its title agreed to.

H. F. No. 2774, A bill for an act relating to employment; establishing worker safety requirements; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 182.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Acomb	Carlson	Frazier	Her	Koegel	Marquart
Agbaje	Christensen	Frederick	Hollins	Kotzya-Witthuhn	Masin
Bahner	Davnie	Freiberg	Hornstein	Lee	Moller
Becker-Finn	Ecklund	Gomez	Howard	Liebling	Moran
Berg	Edelson	Greenman	Huot	Lillie	Morrison
Bernardy	Elkins	Hansen, R.	Jordan	Lippert	Murphy
Bierman	Feist	Hanson, J.	Jurgens	Lislegard	Nelson, M.
Boe	Fischer	Hassan	Keeler	Long	Noor
Boldon	Franke	Hausman	Klevorn	Mariani	Olson, L.

Pinto	Richardson	Schultz	Thompson	Winkler	Xiong, T.
Pryor	Sandell	Stephenson	Vang	Wolgamott	Youakim
Reyer	Sandstede	Sundin	Wazlawik	Xiong, J.	Spk. Hortman

Those who voted in the negative were:

Akland	Daudt	Haley	Lucero	Novotny	Raleigh
Albright	Dauids	Hamilton	Lueck	O'Driscoll	Rasmusson
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Robbins
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Schomacker
Bahr	Erickson	Hertaus	Miller	Pelowski	Scott
Baker	Franson	Igo	Mortensen	Petersburg	Swedzinski
Bennett	Garofalo	Johnson	Mueller	Pfarr	Theis
Bliss	Green	Kiel	Munson	Pierson	Torkelson
Burkel	Grossell	Koznick	Nash	Poston	Urdahl
Daniels	Gruenhagen	Kresha	Nelson, N.	Quam	West

The bill was passed and its title agreed to.

Kresha was excused for the remainder of today's session.

H. F. No. 41, A bill for an act relating to employment; providing for earned sick and safe time; requiring a report; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 177.27, subdivisions 2, 4, 7; 181.942, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 177; 181; repealing Minnesota Statutes 2020, section 181.9413.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Thompson
Agbaje	Elkins	Her	Lillie	Noor	Vang
Bahner	Feist	Hollins	Lippert	Olson, L.	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Pinto	Winkler
Berg	Frazier	Howard	Long	Pryor	Wolgamott
Bernardy	Frederick	Huot	Mariani	Reyer	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Richardson	Xiong, T.
Boldon	Gomez	Keeler	Masin	Sandell	Youakim
Carlson	Greenman	Klevorn	Moller	Sandstede	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Schultz	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Stephenson	
Ecklund	Hassan	Lee	Murphy	Sundin	

Those who voted in the negative were:

Akland	Bahr	Boe	Dauids	Franke	Grossell
Albright	Baker	Burkel	Demuth	Franson	Gruenhagen
Anderson	Bennett	Daniels	Dettmer	Garofalo	Haley
Backer	Bliss	Daudt	Erickson	Green	Hamilton

Heinrich	Koznick	Mueller	O'Neill	Raleigh	Torkelson
Heintzeman	Lucero	Munson	Pelowski	Rasmusson	Urdahl
Hertaus	Lueck	Nash	Petersburg	Robbins	West
Igo	McDonald	Nelson, N.	Pfarr	Schomacker	
Johnson	Mekeland	Novotny	Pierson	Scott	
Jurgens	Miller	O'Driscoll	Poston	Swedzinski	
Kiel	Mortensen	Olson, B.	Quam	Theis	

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Fischer moved that the name of Reyer be added as an author on H. F. No. 157. The motion prevailed.

Kresha moved that the name of Heinrich be added as an author on H. F. No. 308. The motion prevailed.

Morrison moved that the names of Reyer, Winkler, Lippert, Agbaje and Hollins be added as authors on H. F. No. 522. The motion prevailed.

Dauids moved that his name be stricken as an author on H. F. No. 633. The motion prevailed.

Hollins moved that the name of Winkler be added as an author on H. F. No. 861. The motion prevailed.

Frazier moved that the name of Elkins be added as an author on H. F. No. 876. The motion prevailed.

Lee moved that the name of Reyer be added as an author on H. F. No. 938. The motion prevailed.

Wolgamott moved that the name of Ecklund be added as an author on H. F. No. 1710. The motion prevailed.

Jordan moved that the names of Carlson and Wazlawik be added as authors on H. F. No. 1729. The motion prevailed.

Feist moved that the name of Ecklund be added as an author on H. F. No. 1856. The motion prevailed.

Richardson moved that the names of Theis and Xiong, J., be added as authors on H. F. No. 2022. The motion prevailed.

Hornstein moved that the name of Agbaje be added as chief author on H. F. No. 2211. The motion prevailed.

Olson, L., moved that the name of Schultz be added as an author on H. F. No. 2410. The motion prevailed.

Lillie moved that the names of Olson, L., and Feist be added as authors on H. F. No. 2637. The motion prevailed.

Wolgamott moved that the name of Freiberg be added as an author on H. F. No. 2657. The motion prevailed.

Feist moved that the name of Garofalo be added as an author on H. F. No. 2671. The motion prevailed.

Edelson moved that the name of Hornstein be added as an author on H. F. No. 2725. The motion prevailed.

Stephenson moved that the name of Kotyza-Witthuhn be added as an author on H. F. No. 2767. The motion prevailed.

Ecklund moved that the name of Hausman be added as an author on H. F. No. 2814. The motion prevailed.

Davids moved that the name of Robbins be added as an author on H. F. No. 2852. The motion prevailed.

Keeler moved that the name of Morrison be added as an author on H. F. No. 2856. The motion prevailed.

Howard moved that the name of Moller be added as an author on H. F. No. 2859. The motion prevailed.

Lippert moved that the name of Fischer be added as an author on H. F. No. 2904. The motion prevailed.

Koegel moved that the name of Feist be added as an author on H. F. No. 2979. The motion prevailed.

Acomb moved that the name of Reyer be added as an author on H. F. No. 3003. The motion prevailed.

Sandstede moved that the name of Ecklund be added as an author on H. F. No. 3039. The motion prevailed.

Hanson, J., moved that the name of Hausman be added as an author on H. F. No. 3100. The motion prevailed.

Olson, L., moved that the name of Schultz be added as an author on H. F. No. 3169. The motion prevailed.

Howard moved that the name of Reyer be added as an author on H. F. No. 3265. The motion prevailed.

Hansen, R., moved that the name of Hausman be added as an author on H. F. No. 3273. The motion prevailed.

Edelson moved that the name of Acomb be added as an author on H. F. No. 3300. The motion prevailed.

Lippert moved that the name of Berg be added as an author on H. F. No. 3302. The motion prevailed.

Koegel moved that the name of Christensen be added as an author on H. F. No. 3552. The motion prevailed.

Lislegard moved that the names of Poston and Masin be added as authors on H. F. No. 3603. The motion prevailed.

Kresha moved that the name of Heinrich be added as an author on H. F. No. 3641. The motion prevailed.

Huot moved that the name of Frazier be added as an author on H. F. No. 3725. The motion prevailed.

Nelson, M., moved that the name of Berg be added as an author on H. F. No. 3771. The motion prevailed.

Sandstede moved that the name of Berg be added as an author on H. F. No. 3773. The motion prevailed.

Olson, L., moved that the name of Schultz be added as an author on H. F. No. 3783. The motion prevailed.

Koegel moved that the name of West be added as an author on H. F. No. 3831. The motion prevailed.

Koegel moved that the name of West be added as an author on H. F. No. 3832. The motion prevailed.

Kresha moved that the name of Heinrich be added as an author on H. F. No. 3884. The motion prevailed.



Hassan moved that the name of Morrison be added as an author on H. F. No. 3918. The motion prevailed.

Sandstede moved that the names of Heinrich, Berg and Boe be added as authors on H. F. No. 3942. The motion prevailed.

Morrison moved that the name of Hausman be added as an author on H. F. No. 3958. The motion prevailed.

Bliss moved that the name of Franke be added as an author on H. F. No. 3959. The motion prevailed.

Hassan moved that the name of Keeler be added as an author on H. F. No. 3966. The motion prevailed.

Christensen moved that the name of Dettmer be added as an author on H. F. No. 3978. The motion prevailed.

Jordan moved that the name of Moller be added as an author on H. F. No. 4115. The motion prevailed.

Nelson, M., moved that the name of Vang be added as an author on H. F. No. 4131. The motion prevailed.

Jordan moved that the name of Berg be added as an author on H. F. No. 4132. The motion prevailed.

Olson, L., moved that the name of Schultz be added as an author on H. F. No. 4139. The motion prevailed.

Richardson moved that the name of Boldon be added as an author on H. F. No. 4161. The motion prevailed.

Long moved that the name of Franke be added as an author on H. F. No. 4183. The motion prevailed.

Scott moved that the name of Boe be added as an author on H. F. No. 4187. The motion prevailed.

Bahr moved that the name of Jurgens be added as an author on H. F. No. 4189. The motion prevailed.

Kotzya-Witthuhn moved that the name of O'Driscoll be added as an author on H. F. No. 4394. The motion prevailed.

Murphy moved that the name of Ecklund be added as an author on H. F. No. 4421. The motion prevailed.

Jordan moved that the name of Reyer be added as an author on H. F. No. 4429. The motion prevailed.

Schultz moved that the name of Elkins be added as an author on H. F. No. 4447. The motion prevailed.

Franson moved that the name of Bliss be added as an author on H. F. No. 4466. The motion prevailed.

Keeler moved that the name of Hollins be added as an author on H. F. No. 4539. The motion prevailed.

Lucero moved that the names of Bliss, Bahr and Drazkowski be added as authors on H. F. No. 4574. The motion prevailed.

Lislegard moved that the name of Pelowski be added as an author on H. F. No. 4591. The motion prevailed.

Heintzeman moved that the name of Poston be added as an author on H. F. No. 4597. The motion prevailed.

Haley moved that the name of Boe be added as an author on H. F. No. 4605. The motion prevailed.

Grossell moved that the name of Boe be added as an author on H. F. No. 4614. The motion prevailed.

Poston moved that the names of Davids and Boe be added as authors on H. F. No. 4618. The motion prevailed.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 12:10 p.m., Wednesday, March 30, 2022. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and Speaker pro tempore Wolgamott declared the House stands adjourned until 12:10 p.m., Wednesday, March 30, 2022.

PATRICK D. MURPHY, Chief Clerk, House of Representatives