

Subject K12 Policy Bill  
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### Overview

This is the kindergarten through 12<sup>th</sup> grade education bill. It amends provisions relating to graduation standards, academic standards, American Indian education, student discipline, teacher licensure, charter schools, and libraries, among others.

## Article 1: General Education

This article modifies the Online Learning Options Act, replaces Columbus Day with Indigenous Peoples' Day, increases the maximum earnings of a school board member employed by a school district, provisions relating to how American Indian students are counted, and makes other changes.

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- 1 Conduct of school on certain holidays.**  
Replaces Columbus Day with Indigenous Peoples' Day on list of holidays that a school district may conduct school. Requires at least one hour of the school program on Indigenous Peoples' Day to be devoted to observance of the day, and lists topics on which the district may provide professional development to teachers and staff, or instruction to students.
- 2 Definition. [Site decision-making; individualized learning agreement; other agreements]**  
Allows a school board to designate a facility or program within a facility or district as an "education site."
- 3 Board members' right to employment.**  
This section increases the maximum amount a school board member who is employed by the school district may earn from that employment. The current limit is \$8,000 and the bill raises it to \$20,000. The school board member must be approved by a majority of the school board to be employed by the school district.

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**4 Definitions. [Online learning option]**

Modifies definitions related to online learning. Distinguishes “supplemental online learning” from other types of online learning. Allows Tribal contract schools to offer online learning, and students in Tribal contract schools to participate in online learning. Establishes additional requirements for teachers providing online instruction.

**Effective date:** This section is effective for the 2023-2024 school year and later.

**5 Authorization; notice; limitations on enrollment. [Online learning option]**

Allows districts to offer digital learning to enrolled students without the review and reporting requirements that apply to other online learning providers. These districts would not generate online learning funds. Requires online learning courses to be reported and identified in the Minnesota Common Course catalog.

Distinguishes supplemental online learning from other online learning. Modifies supplemental online learning requirements. Makes technical changes.

**Effective date:** This section is effective for the 2023-2024 school year and later.

**6 Online learning parameters. [Online learning option]**

Modifies requirements relating to accessing online learning, including those relating to computer hardware and locations where the student may participate. Requires online learning curriculum to be aligned with state standards. Makes technical changes.

**Effective date:** This section is effective for the 2023-2024 school year and later.

**7 Department of Education. [Online learning option]**

Requires a supplemental online learning provider to notify the commissioner that it is delivering online learning and report the number of online learning students it accepts and online learning courses and programs it delivers. Requires a district providing online learning to enrolled students to create an online learning site and report student enrollment in the site. Requires online and blended learning courses to be reported in the Minnesota Common Course Catalog.

**Effective date:** This section is effective for the 2023-2024 school year and later.

**8 Crisis online learning. [Online learning option]**

Defines “crisis online learning,” “crisis learning period,” and “crisis online learning plan.” The plan must describe how crisis online learning and critical components of

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education will be provided, and meet certain other requirements. Critical components include nutrition services and teacher accessibility.

**Effective date:** This section is effective the day following final enactment. For the school year 2021-2022, the student and family notification requirement does not apply.

**9 English learner; limited or interrupted formal education. [Definitions]**

Modifies description of students who qualify as English learners with limited or interrupted formal education (SLIFE students) based on the amount of formal education they have when they enter school in the United States.

**10 Eligible pupils. [Graduation incentives program]**

Allows a student with a limited or interrupted formal education (SLIFE students) to continue to qualify for an early middle college program. The change in section 9 modifies the definition of SLIFE students; this section ensures that students who previously qualified for the program as SLIFE students will continue to do so.

**11 American Indian student. [Definitions]**

Modifies definition of “American Indian” student for purposes of the American Indian Education Act; uses the state definition, which differs from the federal definition. The state definition primarily differs from the federal definition because the state definition allows students who would otherwise be counted in the two more races category to continue to be counted as “American Indian.” The state count of American Indian students is much larger than the federal count of American Indian students.

**12 Technical assistance. [Community and commissioner participation in American Indian education.]**

Requires the commissioner to use an annual report of American Indian student data that uses the state count when providing technical assistance.

**13 Procedures. [American Indian education aid]**

Requires the state count to be used to determine whether a district, charter school, or Tribal contract school is eligible for American Indian aid. Clarifying the definition of American Indian students does not impact funding for the American Indian education aid program because the state has continued to use the state count of American Indian students since the federal definition changed.

**14 State-identified American Indian. [American Indian education aid.]**

Specifies how state determines the state-identified American Indian student counts.

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- 15      **Placement in another district; responsibility.**  
Allows a district or charter school to use an online learning program to fulfill its duties to provide special education services to a child placed in a care and treatment facility if the child or child’s parents agree to that form of instruction.
- 16      **Placement of children without disabilities; education and transportation.**  
Allows a serving school district or charter school to use an online learning program to fulfill its duties to provide education services to a child placed in a care and treatment facility if the child or child’s parents agree to that form of instruction.
- 17      **Responsibilities for providing education.**  
Allows a district to use its state-approved online learning program to fulfill its duties to provide special education services to a child placed in a care and treatment facility. If the child is enrolled in a charter school that operates a state-approved online learning provider, the district may also use that program to fulfill its duties.

## **Article 2: Education Excellence**

This article modifies provisions related to compulsory instruction, academic standards, graduation requirements, student discipline, the World’s Best Workforce, Achievement and Integration plans, and gifted and talented programming, among others.

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- 1      **Private data; when disclosure is permitted. [Educational data]**  
Allows educational data to be disclosed to Tribal Nations about Tribally enrolled or descendant students.
- 2      **Education records. [Compulsory instruction]**  
Requires student records transmitted when a student transfers schools to include pupil withdrawals and services a student needs to prevent inappropriate behavior from recurring.
- 3      **Knowledge and skills. [Compulsory instruction]**  
Adds ethnic studies to the list of subject areas in which all students must receive instruction.
- 4      **Required standard. [Definitions]**  
Adds art to list of required statewide standards. Currently, arts standards are adopted at the district level.

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- 5 Required academic standards.**  
Requires arts standards to be adopted at the state level, rather than the district level, and adds a fifth art area, media arts. Schools must offer at least three and require at least two arts areas for elementary and middle school students and offer at least three and require at least one arts area for high school students.
- 6 Standards development. [Required academic standards]**  
Requires the commissioner to consider advice from the following stakeholders, in addition to those already listed in statute: representatives from the Tribal Nations Education Committee and Minnesota’s Tribal Nations and communities; district and charter school students in kindergarten through grade 12; and other stakeholders representing the ethnic, racial, and geographic diversity of Minnesota, including diversity of gender and sexual orientation, immigrant status, and religious and linguistic background.
- 7 Rulemaking. [Required academic standards]**  
Clarifies commissioner’s authority to amend rules on academic standards.
- 8 Revisions and reviews required. [Required academic standards]**  
Requires Indigenous education standards that include the contributions of American Indian Tribes and communities to be embedded into the state’s academic standards and graduation requirements. Requires the commissioner to embed ethnic studies into state academic standards. Delays review of physical education standards by four years.
- 9 Elective standards. [Elective standards]**  
Requires a district to regularly review its career and technical education standards. Requires standards to align with Minnesota career and technical education Frameworks, standards developed by national career and technical education organizations, or recognized industry standards.
- 10 Graduation requirements. [Credits]**  
Requires arts credit to satisfy state rather than local standards. Requires the 3.5 social studies credits needed for graduation to include credit for a course in government and citizenship in grade 11 or 12 for students beginning 9<sup>th</sup> grade in the 2023-2024 school year and later. Requires students beginning 9<sup>th</sup> grade in the 2023-2024 school year and later to complete a personal finance course for credit during their senior year of high school.
- 11 Credit equivalencies. [Credits]**  
Modifies reference to a school’s agriculture program to include food and natural resources education. Changes reference to administrative rule setting standards for

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- awarding science, mathematics, or arts credit through career and technical education from subpart on ability to grant credit, to subpart on minimum standards for granting credit. The rule subpart being waived requires an instructor to have passed licensure exams for which the credit is to be granted.
- 12     **Ethnic studies curriculum.**  
Defines “ethnic studies curriculum.”
- 13     **Physical education; excusal from class.**  
Strikes language encouraging schools not to exclude students in kindergarten through grade 5 from recess as punishment or discipline.  
**Effective date:** This section is effective July 1, 2022.
- 14     **Definitions. [World’s best workforce]**  
Adds definitions for “ethnic studies curriculum,” “antiracist,” “culturally sustaining,” “institutional racism,” and “on track for graduation.”
- 15     **Performance measures. [World’s best workforce]**  
Adds performance measures in a district’s world’s best workforce plan to include (1) participation in honors or gifted and talented programming, and (2) students on track for graduation. Requires districts, beginning with the 2023-2024 school year, to report on participation and performance on advanced placement, international baccalaureate, and dual enrollment programs. Requires reporting on performance measures for student subgroups.  
  
This section is effective July 1, 2022.
- 16     **Adopting plans and budgets. [World’s best workforce]**  
Requires districts’ world’s best workforce plans to include ethnic studies curriculum, and anti-racist and culturally sustaining curriculum; modifies other plan requirements.  
  
**Effective date:** This section is effective for all strategic plans reviewed and updated after June 30, 2023.
- 17     **District advisory committee. [World’s best workforce]**  
Requires district advisory committee to recommend strategies regarding curriculum and learning and work environments.

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**18 Closing educational opportunity gaps grants.**

**Subd. 1. Grant program established.** Establishes a grant program to support world’s best workforce strategies and collaborative efforts that address opportunity gaps.

**Subd. 2. Definitions.** Defines terms, including “antiracist,” “equitable,” “institutional racism,” “opportunity gap,” and “structural.”

**Subd. 3. Applications and grant awards.** Requires the commissioner of education to determine application procedures and deadlines, select schools to receive grants, and determine award amounts.

**Subd. 4. Description.** Requires grants to be used to support efforts that close opportunity gaps in specified ways.

**Subd. 5. Report.** Requires grant recipients to report to the commissioner.

**Effective date:** This section is effective July 1, 2022.

**19 Gifted and talented students program and services.**

Requires “services” in addition to “programs” in the gifted and talented statute. Requires identification assessments and procedures to be sensitive and equitable to underrepresented groups, and to be coordinated for optimal identification of programs and services for underrepresented groups.

**20 Statewide testing. [Statewide testing and reporting system]**

Modifies attendance measure used in statewide reporting system from average daily attendance to consistent attendance. Substitutes ACT for the American College Test.

**21 Statewide and local assessments; results. [Statewide testing and reporting system]**

Strikes definitions related to adaptive assessments and above grade level or below grade level questions.

**22 Limits on local testing.**

Modifies date by which a district or charter school must publish its testing calendar.

**23 State growth measures; other state measures. [Student academic achievement and growth]**

Modifies use of growth measures. Modifies demographic categories for student data reporting. Requires groups to be determined by a ten-year cycle using the American Community Survey, using five-year datasets. Requires the commissioner to

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implement an appropriate growth model for identifying schools and districts that demonstrate progress toward English language proficiency.

**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.

**24 Student progress and other data. [School accountability]**

Strikes growth targets from list of actions the department undertakes.

**25 American Indian mascots prohibited.**

**Subd. 1. Prohibition.** Prohibits a district from adopting a name, symbol, or image of an American Indian tribe, custom, or tradition as a mascot, nickname, logo, letterhead, or team name of the district or school. Allows a district to seek an exemption from the Tribal Nations Education Committee and the Indian Affairs Council.

**Subd. 2. Definitions.** Defines terms including “American Indian” and “mascot.”

**26 Multi-tiered system of support.**

Defines the Minnesota Multi-Tiered System of Support (MnMTSS) as a system, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. Lists required components of framework.

**27 Dismissal. [Definitions]**

Modifies definition of “dismissal” to include out-of-school suspensions, not in-school suspensions.

**28 Suspension.**

Defines “in-school suspension” and “out-of-school suspension.”

**Effective date:** This section is effective for the 2022-2023 school year and later.

**29 Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.**

Defines nonexclusionary disciplinary policies and practices as alternatives to removal or dismissal that require school officials to intervene in, redirect, and support a student’s behavior before removal or dismissal.

**Effective date:** This section is effective for the 2022-2023 school year and later.



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**30 Pupil withdrawal agreement.**

Defines a pupil withdrawal agreement as a verbal or written agreement between a school and a parent to withdraw the student to avoid expulsion or exclusion dismissal proceedings; limits a pupil withdrawal agreement to 12 months.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**31 Full and equitable participation in early learning.**

Prohibits dismissal of a student in kindergarten through grade three unless nonexclusionary discipline measures have been exhausted and there is an ongoing serious safety threat to the child or others.

“Dismissal” is defined in the Pupil Fair Dismissal Act as the denial of the current educational program to a pupil, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.

**Effective date:** This section is effective July 1, 2022.

**32 Provision of alternative programs. [Grounds for dismissal]**

Requires a school to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**33 Provision of alternative education services; suspension pending expulsion or exclusion hearing. [Suspension procedures]**

Requires schools to provide alternative education services to students who are suspended more than five consecutive school days.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**34 Minimum education services. [Suspension procedures]**

Requires school officials to give suspended students the opportunity to complete all school work assigned during the suspension and receive full credit for the assignments. Encourages a principal to designate a school employee as a liaison to work with the student’s teachers to allow the student to receive timely course materials and complete assignments and receive feedback.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**35 Written notice. [Exclusion and expulsion procedures]**

Requires written notice of intent to impose an expulsion to describe the nonexclusionary disciplinary policies and practices offered the student to avoid the

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expulsion. Requires a district inform parents that the department’s list of legal resources is posted on the department’s website.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**36 Admission or readmission plan. [Exclusion and expulsion procedures]**

Requires an admission or readmission plan to include measures to improve the student’s behavior and lists optional elements of the plan. Requires the plan to include parental involvement in the admission or readmission process.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**37 Exclusions and expulsions; student withdrawals; and physical assaults. [Report to the commissioner]**

Requires districts to report on pupil withdrawal agreements and nonexclusionary disciplinary practices to the commissioner.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**38 Policies to be established.**

Requires school discipline policies to include nonexclusionary disciplinary policies and practices.

Requires schools to make sure students who have been expelled or excluded, or withdrawn, are on track for readmission with peers, remain eligible for school-based or school-linked mental health services, and have information on accessing mental health services.

**Effective date:** This section is effective for the 2022-2023 school year and later.

**39 Required policy. [Discipline and removal of students from class]**

Requires a discipline policy to contain a procedure to file a complaint regarding the application of discipline policies and seek corrective action.

**40 Policy components. [Discipline and removal of students from class]**

Requires policy to include procedures to ensure victims of bullying who respond with behavior not allowed under the school’s behavior policies have access to a remedial response, consistent with the bullying statute; prohibit the use of exclusionary practices for early learners; and prohibit the use of exclusionary practices to address attendance and truancy issues.

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- 41 **Discipline complaint procedure. [Discipline and removal of students from class]**  
Requires the discipline policy to have procedures for students, parents and other guardians, and school staff to file a complaint and seek corrective action when student discipline statutes are not being implemented appropriately. Requires policy to contain specific components.
- 42 **Recess.**  
Prohibits a teacher, school employee, or agent of a district or charter school from excluding a student in elementary school from participating in recess to punish or discipline the student.  
  
**Effective date:** This section is effective July 1, 2022.
- 43 **Definitions. [Postsecondary enrollment options act (PSEO)]**  
Prohibits a postsecondary institution participating in PSEO from requiring a faith statement for a PSEO student during the application process or basing an admissions decision on a PSEO student’s race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.
- 44 **Enrollment priority. [Postsecondary Enrollment Options Act]**  
Eliminates limits on when postsecondary institutions may provide information to high school students and parents, advertise, recruit, or solicit high school students to enroll in the institution’s courses.
- 45 **Courses according to agreements. [Postsecondary Enrollment Options Act]**  
Requires a high school and a postsecondary institution that enroll students in concurrent enrollment courses to report to the commissioner the participation rates of students in the courses.
- 46 **Credits; grade point average weighting policy. [Postsecondary Enrollment Options Act]**  
Requires a school board to adopt the same weighted grade point average policy for credits earned through PSEO as it does for credits earned through concurrent enrollment courses.
- 47 **Financial arrangements. [PSEO Act]**  
Reduces the withdrawal and absence periods from first 14 to first ten business days of quarter or semester, accelerating the time that the department stops payments to a postsecondary institution when a student withdraws or stops attending a class.

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- 48 **Program established. [Learning year program to provide instruction throughout year]**  
Eliminates provision permitting student to participate in program and accelerate attainment of grade level or graduation requirements.
- 49 **Program described. [American Indian education programs]**  
Clarifies that American Indian education programs are designed to support American Indian students. Modifies description of instruction in American Indian language, literature, history, and culture.
- 50 **Enrollment of other children; shared time enrollment. [American Indian education programs]**  
Limits enrollment in American Indian education programs on a shared time basis to American Indian children.
- 51 **Location of programs. [American Indian education programs]**  
Modifies the settings where American Indian education programs may be offered on a daily basis.
- 52 **American Indian culture and language classes. [American Indian education programs]**  
Requires a district or Tribal contract school that conducts American Indian education programs under the American Indian Education Act and serves 100 or more state-identified American Indian students enrolled in the district to provide American Indian culture and language classes.
- 53 **American Indian Education program coordinators, paraprofessionals.**  
Requires districts and Tribal contract schools to employ dedicated American Indian education program coordinators, rather than community coordinators or Indian home/school liaisons.
- 54 **Parent and community participation.**
- Subd. 1. Parent committee.** Includes districts, charter schools, and Tribal contract schools in requirements relating to parent committees.
  - Subd. 2. Annual compliance.** Modifies requirements relating to American Indian parent advisory committee's vote of concurrence or nonconcurrence with offerings extended to American Indian students.
  - Subd. 3. Membership.** Modifies eligibility for membership in American Indian parent advisory committee.

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**Subd. 4. Alternate committee.** Replaces reference to American Indian school with reference to Tribal contract school.

**Subd. 5. State-identified American Indian.** Establishes how count of state-identified American Indian students is determined.

**55 Duties; powers. [Indian education director]**

Modifies duties of the American Indian director and references to parties with whom the director must work collaboratively and in conjunction with.

**56 Graduation ceremonies; tribal regalia and objects of cultural significance.**

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

**Effective date:** This section is effective the day following final enactment.

**57 American Indian education aid.**

Clarifies that charter schools may receive American Indian education aid.

**58 Records. [American Indian education aid.]**

Strikes “pilot” from description of American Indian education programs.

**59 Achievement and integration; plan implementation; components.**

Modifies achievement and integration plan requirements. Requires plans to include strategies to validate, affirm, embrace, and integrate cultural and community strengths; and to address institutional racism. Requires districts to use local data to the extent practicable to develop plan components and strategies. Requires districts to implement interventions to eliminate academic disparities for students impacted by racial, gender, linguistic, and economic inequities.

**Effective date:** This section is effective for all plans reviewed and updated after the day following final enactment.

**60 Restrictive procedures.**

Broadens application of restrictive procedures statutes from only students with disabilities to all students.

**61 Restrictive procedures plan. [Standards for restrictive procedure]**

Broadens the role of the oversight committee to review the use of restrictive procedures for disproportionality, racial disparities, usage of restrictive procedures, involvement of school resource officers, student documentation of whether staff

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- followed the appropriate standards, and whether restrictive procedures are contraindicated for the student.
- 62     **Restrictive procedures. [Standards for restrictive procedures]**  
Modifies requirement for IEP meeting, depending on whether student is a student with a disability.
- 63     **Physical holding or seclusion. [Standards for restrictive procedures]**  
Requires a debriefing process following the use of a restrictive procedure.
- 64     **Tobacco products prohibited in public schools.**  
Allows an American Indian student to carry a medicine pouch containing loose tobacco intended in observance of traditional spiritual or cultural practices. Defines an American Indian as a person having origins in any of the original peoples of North America who maintain cultural identification through Tribal affiliation or community recognition.
- 65     **National and international education comparisons. [Statewide testing and reporting]**  
Requires districts and schools selected to participate in the national assessment of educational progress or similar assessments to do so.
- 66     **Revisor instruction.**  
Instructs the Revisor to renumber statutory provisions relating to statewide assessments and reporting requirements.
- 67     **Repealer.**  
Repeals Minnesota Statutes, section 120B.35, subdivision 5, which requires districts to develop strategies to keep students with emotional or behavioral disorders in school and increase their graduation rates.

### **Article 3: Teachers**

This article modifies provisions relating to teacher licensure, reporting shortages of teachers, tenure or continuing contract, teacher and principal evaluations, teacher preparation time, and programs intended to increase the number of teachers who are of color or American Indian, among others.

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**1 Increasing the percentage of teachers of color and American Indian teachers in Minnesota.**

**Subd. 1. Purpose.** Establishes purpose of statute is to set state goals for increasing the percentage of teachers of color and American Indian teachers, and ensure all students have access to effective and diverse teachers who reflect the diversity of students.

**Subd. 2. Equitable access to racially and ethnically diverse teachers.** States goal that the percentage of teachers who are of color or American Indian should increase at least two percentage points per year to have a teaching workforce that more closely reflects the student population and ensure students have equitable access to effective and diverse teachers by 2040.

**Subd. 3. Rights not created.** States that goal in this section does not exclude other goals or confer a right or create a claim.

**Subd. 4. Reporting.** Requires the Professional Educator Licensing and Standards Board (PELSB) to report on aggregate outcomes of state programs related to the preparation or retention of diverse teachers.

**Effective date:** This section is effective the day following final enactment.

**2 Curriculum policy.**

Requires a school board to adopt a written policy that prohibits discrimination or discipline for a teacher or principal for incorporating into curriculum contributions by persons in a protected class.

**3 Shortage area.**

Requires PELSB to identify teacher shortage areas based on the number of assignments a 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.

**Effective date:** This section is effective July 1, 2022.

**4 Survey of districts.**

Requires the teacher supply and demand report to include district data on the number of teachers hired in the preceding two years, the number of teachers hired holding a license at each tier level, and the number of assignments the district was unable to fill with a licensed teacher, and licenses and permissions for license fields with a board-approved preparation program by economic development regions.

**Effective date:** This section is effective July 1, 2022.

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- 5 Mental illness. [Duties of Board of School Administrators]**  
Requires the board to adopt rules that require school administrators renewing a license to have at least two hours of mental illness training, including at least one hour of suicide prevention training and one additional hour on specified topics.
- 6 Limitations on license. [Tier 1 license]**  
Eliminates exclusion of Tier 1 teachers from definition of “teacher,” allowing Tier 1 teachers to be in the same bargaining unit as other teachers for purposes of collective bargaining.
- 7 Requirements. [Tier 3 license]**  
Requires PELSB to issue a Tier 3 license to a candidate who either: (1) completed a teacher preparation program from a culturally specific minority serving institution and is eligible for a teacher license in another state; or (2) completed a university teacher preparation program in another country and has taught at least two years. Requires candidate to have completed student teaching comparable to Minnesota requirements.
- 8 Requirements. [Tier 4 license]**  
Allows candidate for Tier 4 license to meet teaching experience requirement with experience in another state.
- 9 Tests. [Teacher licensure assessment]**  
Paragraphs (a) and (b) strike the skill test requirements for Tier 4 license. Eliminates Tier 3 and Tier 4 pedagogy and content exam requirements for candidates who have completed board-approved preparation programs, and candidates who have completed preparation programs in other states where they have passed licensure examinations. Requires PELSB to adopt rules allowing for a performance assessment to be used in place of an examination.  
  
Paragraph (c) requires testing centers to provide monthly opportunities for untimed content and pedagogy exams. Requires a candidate who has not passed a required exam after two attempts to be allowed to retake the exam for free.
- 10 Hiring, dismissing. [Employment contracts; terms and conditions (districts in cities outside the first class)]**  
Requires a district to report all new teacher hires and terminations by race and ethnicity annually to the Department of Education.

**Effective date:** This section is effective the day following final enactment.



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- 11 Probationary period. [Employment contracts; terms and conditions (districts in cities outside the first class)]**  
Modifies probationary period for a teacher who has taught for three consecutive years in a single district or charter school in Minnesota or another state by allowing the teacher to obtain continuing contract status after serving a one-year probationary period rather than a three-year period.  
**Effective date:** This section is effective for collective bargaining agreements effective July 1, 2023, and later.
- 12 Development, evaluation, and peer coaching for continuing contract teachers. [Employment contracts; terms and conditions (districts in cities outside the first class)]**  
Requires districts to use a rubric or performance standards for teacher practice that includes teachers’ cultural responsiveness, and to have common descriptions of effectiveness using at least three levels of performance.
- 13 Probationary period; discharge or demotion. [Teacher Tenure Act; cities of the first class]**  
Modifies probationary period for a teacher who has taught for three consecutive years in a single district or charter school in Minnesota or another state by allowing the teacher to obtain tenure with a one-year probationary period rather than a three-year period.  
**Effective date:** This section is effective for collective bargaining agreements effective July 1, 2023, and later.
- 14 Development, evaluation, and peer coaching for continuing contract teachers.**  
Requires districts to use a rubric or performance standards for teacher practice that includes teachers’ cultural responsiveness, and to have common descriptions of effectiveness using at least three levels of performance.
- 15 Hiring and dismissal. [Teacher tenure act; cities of the first class]**  
Requires a district to report all new teacher hires and terminations by race and ethnicity annually to the Department of Education.  
**Effective date:** This section is effective the day following final enactment.
- 16 Preparation time.**  
Requires collective bargaining agreements for teachers to include provisions for due process forms and procedures for teachers working with students receiving special education services. If the parties cannot agree on the language, the agreement must by default include a provision giving teachers an average of 60 minutes per day for

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due process forms and procedures in addition to the required preparation time. The requirement would begin to apply in the 2022-2023 school year.

**Effective date:** This section is effective the day following final enactment.

**17 Collaborative urban and greater Minnesota educators of color grant program.**

**Subd. 1. Establishment.** Modifies purpose of grant.

**Subd. 2. Competitive grants.** Requires applicants to submit a plan describing how it will use grant funds, and modifies priority order for criteria.

**Subd. 3. Grant program administration.** Requires PELSB to establish a standard allowable dollar range for the amount of direct financial assistance an institution may provide to a candidate, and describes how range must be established.

**Subd. 4. Report.** Modifies reporting requirement for institutions awarded grants.

**18 Teacher mentorship and retention of effective teachers.**

Modifies uses of grant funds. Requires PELSB to prioritize grants for efforts to induct, mentor, and retain Tier 2 or 3 teachers who are of color or American Indian, and Tier 2 or 3 teachers in licensure shortage areas. Allows grants to be awarded for up to 24 months. Modifies reporting deadline.

**Effective date:** This section is effective July 1, 2022.

**19 Principals; duties, evaluation.**

Requires principal evaluations to support and improve principal's culturally responsive leadership practices.

**Effective date:** This section is effective July 1, 2023.

**20 Teacher supply and demand report.**

Requires the Professional Educator Licensing and Standards Board to include in the 2023 supply and demand report the number of teacher openings, by school district, for teachers with licenses in specified fields. For each field, the report must include the number of teachers hired, by district, at each license level, and the number of teacher assignments the district was unable to fill with a licensed teacher.

**Effective date:** This section is effective the day following final enactment.

## Article 4: Charter Schools

This article defines new terms, requires market need and demand studies, modifies admissions requirements, and makes other changes.

### Section Description – Article 4: Charter Schools

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- 1     **Definitions.**  
Defines “charter management organization,” “education management organization,” “market need and demand study,” and “online education service provider.”  
  
**Effective date:** This section is effective July 1, 2022.
- 2     **Certain federal, state, and local requirements. [Applicable law]**  
Requires charter schools to comply with statute on alternatives to suspension.
- 3     **English learners. [Applicable law]**  
Requires charter schools to comply with the Education for English Learners Act.
- 4     **Application content. [Authorizers]**  
Makes term of a charter school authorizer open-ended instead of being limited to five years.
- 5     **Withdrawal. [Authorizers]**  
Amends authorizer withdrawal requirements.
- 6     **Individuals eligible to organize. [Forming a school]**  
Requires an authorizer application to include a market need and demand study; strikes requirement that application include a statement of assurances of legal compliance.
- 7     **Authorizer’s affidavit; approval process. [Forming a school]**  
Requires an authorizer affidavit to include a market need and demand study.
- 8     **Adding grades or sites. [Forming a school]**  
Requires an authorizer approving a school’s application to add grades or primary enrollment sites to include a market need and demand study in the supplemental affidavit filed with the commissioner.
- 9     **Membership criteria. [Board of directors]**  
Requires teachers serving on a charter school board of directors to meet the definition of licensed teacher under section 122A.06, subdivision 2.

**Section Description – Article 4: Charter Schools**

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**10 Admission requirements and enrollment.**

Requires charter school admission to be free to a resident of Minnesota, and gives enrollment preference to Minnesota residents over out-of-state residents. Requires students enrolled in a charter school’s prekindergarten program to apply for entry into kindergarten without receiving an enrollment preference.

Modifies admissions preferences for charter schools that serve 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. The charter school would be able to give an enrollment preference to students who are eligible for special education services and have that same primary disability. The school would not be able to limit admission based on the child’s eligibility for other special education services.

**11 Leased space. [Facilities]**

Requires a charter school to lease space from the owner of the space instead of subleasing the space.

**12 Affiliated nonprofit building corporation. [Facilities]**

Prohibits an affiliated building corporation from supporting more than one charter school.

**13 Audit report. [Reports]**

Requires a charter management organization or educational management organization to submit an audit report to the commissioner annually by December 31.

**14 School closures; payments. [Payment of aids to charter schools]**

Strikes an obsolete reference to chapter on cooperatives.

## **Article 5: Health and Safety**

This article encourages schools to provide substance misuse awareness and prevention instruction, modifies the student bullying statute, requires school boards to address malicious and sadistic conduct, and requires districts and charter schools to maintain a supply of opiate antagonists.

**Section Description – Article 5: Health and Safety**

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**1 Substance misuse awareness and prevention.**

This section strongly encourages school districts and charter schools to provide substance misuse awareness and prevention instruction at least once to students in

**Section Description – Article 5: Health and Safety**

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grades 6 through 8. Instruction must include the role of social media in substance misuse and in the distribution of illegal drugs. The section encourages schools to provide instruction to students in higher grades, and to use peer-to-peer education programs to provide the instruction.

“Substance misuse” means the use of any psychoactive or mood-altering substance, without compelling medical reason, in a manner that results in mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior and that results in psychological dependence or physiological addiction as a function of continued use. Substance misuse has the same meaning as drug abuse or abuse of drugs.

**2 Safe and supportive schools programming. [School student bullying policy]**

Strikes language encouraging districts and schools to provide instruction to reduce prohibited conduct, and take other actions. Replaces encouragement with requirement that districts engage students in creating a safe and supportive school environment, and take other actions.

**3 State model policy. [School student bullying policy]**

Requires the commissioner to develop procedures for reviewing district and school programs and policies on evidence-based social-emotional learning; and maintain resources to help schools implement strategies to create a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct. Requires the commissioner to develop and adopt state-level social-emotional learning standards.

**4 Malicious and sadistic conduct.**

Defines “malicious and sadistic conduct,” and requires school boards to prohibit malicious and sadistic conduct involving race, religion, disability, sexual harassment, sexual orientation, and sexual exploitation by a district or school staff member or student against another staff member or student. The new statute references the student bullying statute, which requires public schools to adopt a policy that addresses bullying. “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.

**5 Child abuse hotline number.**

To the extent a school board or charter school receives nonpublic funds or in-kind contributions for posters with the national child abuse hotline number, it must display the posters in each school building or otherwise provide students notice of the hotline number.

**Section Description – Article 5: Health and Safety**

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**6 Opiate antagonists.**

Requires school districts and charter schools to maintain a supply of opiate antagonists at each site. The district or charter school can enter into an arrangement with suppliers to obtain the opiate antagonists at fair market, free, or reduced prices; a third party may also pay for the supply.

An “opiate antagonist” is defined as naloxone hydrochloride or any similarly acting drug approved by the Federal Drug Administration for the treatment of a drug overdose. An opiate antagonist may be administered by the persons authorized in Minnesota Statutes, section 151.37, subdivision 12. This statute allows a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant to authorize certain individuals, including a licensed school nurse or certified public health nurse, to administer an opiate antagonist under certain circumstances.

**Effective date:** This section is effective July 1, 2022.

## **Article 6: Nutrition and Libraries**

This article modifies provisions relating to the Summer Food Service Program and Child and Adult Care Food Program and library services; and it substitutes references to “free and reduced-price lunches” with “free and reduced-price meals.”

**Section Description – Article 6: Nutrition and Libraries**

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**1 Student performance data. [System accountability and statistical adjustments]**

Changes the name of the student category used to disaggregate student data from free or reduced-price lunch to free or reduced-price meals.

**2 Designating and approving a center.**

Changes the name of the student category in area learning center statute from eligible to receive free or reduced-price lunch, to free or reduced-price meals.

**3 Summer Food Service Program and Child and Adult Care Food Program.**

**Subd. 1. Summer Food Service Program replacement aid.** Makes technical change.

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

**Section Description – Article 6: Nutrition and Libraries**

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**Subd. 3. Child and Adult Care Food Program and Summer Food Service Program training.** Requires a nongovernmental organization to provide documentation to the Department of Education verifying that staff members have completed program-specific training before applying to sponsor a Child and Adult Care Food Program and Summer Food Service Program site.

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

- 4 **Eligibility. [School readiness programs.]**  
Changes the name of the student eligibility category by changing free or reduced-price lunch to free or reduced-price meals.
- 5 **Application process; priority for high poverty schools. [Voluntary prekindergarten program]**  
Modifies references to free or reduced-price lunch to free or reduced-price meals.
- 6 **Amount of aid. [School readiness aid]**  
Changes references to free or reduced-price lunch to free or reduced-price meals.
- 7 **Full-service community school program. [Full-service community schools]**  
Changes references to free or reduced-price lunch to free or reduced-price meals.
- 8 **Free or reduced-price meal eligibility. [Prekindergarten through grade 12 parental rights coded elsewhere.]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.
- 9 **School libraries and media centers.**  
Lists characteristics of a school library or school library media center.
- 10 **Special education initial aid. [Special education aid]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.
- 11 **Compensation revenue pupil units. [Definition of pupil units]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.
- 12 **Free and reduced-price meals. [Definition of pupil units]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.

**Section Description – Article 6: Nutrition and Libraries**

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- 13     **Library service. [Department of Education; library responsibilities]**  
Substitutes “resident” for “citizen” in provision regarding the responsibility of the state to provide library services.
- 14     **Services to people with visual and physical disabilities. [Department of Education; library responsibilities]**  
Makes technical change to name of National Library Service.
- 15     **Special project grants. [Department of Education; library responsibilities]**  
Substitutes “English language learners” for “Spanish-speaking” in list of examples of innovative and experimental library programs.
- 16     **Local support levels. [Regional library basic system support aid; requirements]**  
Requires regional library basic system support aid recipients to comply with reduced maintenance of effort requirements.
- 17     **Developmental education reporting. [Intervention for college attendance program grants]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.
- 18     **Eligible students. [Intervention for college attendance program grants.]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.
- 19     **Application assistance. [Minnesota health care programs outreach]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.
- 20     **Application assistance and information availability. [Application procedures]**  
Changes reference to free or reduced-price lunch to free or reduced-price meals.



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