

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1222

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DATE
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D-PG

Introduction and first reading
Referred to E-12 Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to education; providing for prekindergarten through grade 12 education,

1.3 including general education, education excellence, teachers, special education,

1.4 self-sufficiency and lifelong learning, and libraries; amending Minnesota Statutes

1.5 2016, sections 120B.021, subdivisions 1, 3; 120B.022, subdivision 1b; 120B.12;

1.6 120B.30, subdivision 1a; 121A.22, subdivision 2; 121A.221; 123B.92, subdivision

1.7 1; 124D.09, subdivisions 3, 5, 13, by adding a subdivision; 124D.095, subdivision

1.8 3; 124D.52, subdivision 7; 124E.02; 124E.03, subdivision 2; 124E.05, subdivision

1.9 7; 124E.06, subdivisions 3, 7; 124E.10, subdivision 5; 124E.11; 124E.12,

1.10 subdivision 1; 124E.16, by adding a subdivision; 125A.0941; 125A.515; 127A.41,

1.11 subdivision 3; 127A.45, subdivision 10; 134.31, subdivision 2; proposing coding

1.12 for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes

1.13 2016, section 124D.73, subdivision 2.

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

1.15 **ARTICLE 1**

1.16 **GENERAL EDUCATION**

1.17 Section 1. Minnesota Statutes 2016, section 121A.22, subdivision 2, is amended to read:

1.18 Subd. 2. **Exclusions.** In addition, this section does not apply to drugs or medicine that
1.19 are:

1.20 (1) purchased without a prescription;

1.21 (2) used by a pupil who is 18 years old or older;

1.22 (3) used in connection with services for which a minor may give effective consent,
1.23 including section 144.343, subdivision 1, and any other law;

2.1 (4) used in situations in which, in the judgment of the school personnel who are present
2.2 or available, the risk to the pupil's life or health is of such a nature that drugs or medicine
2.3 should be given without delay;

2.4 (5) used off the school grounds;

2.5 (6) used in connection with athletics or extra curricular activities;

2.6 (7) used in connection with activities that occur before or after the regular school day;

2.7 (8) provided or administered by a public health agency to prevent or control an illness
2.8 or a disease outbreak as provided for in sections 144.05 and 144.12;

2.9 (9) prescription asthma or reactive airway disease medications self-administered by a
2.10 pupil with an asthma inhaler, consistent with section 121A.221, if the district has received
2.11 a written authorization from the pupil's parent permitting the pupil to self-administer the
2.12 medication, the inhaler is properly labeled for that student, and the parent has not requested
2.13 school personnel to administer the medication to the pupil. The parent must submit written
2.14 authorization for the pupil to self-administer the medication each school year; or

2.15 (10) epinephrine auto-injectors, consistent with section 121A.2205, if the parent and
2.16 prescribing medical professional annually inform the pupil's school in writing that (i) the
2.17 pupil may possess the epinephrine or (ii) the pupil is unable to possess the epinephrine and
2.18 requires immediate access to epinephrine auto-injectors that the parent provides properly
2.19 labeled to the school for the pupil as needed.

2.20 Sec. 2. Minnesota Statutes 2016, section 121A.221, is amended to read:

2.21 **121A.221 POSSESSION AND USE OF ASTHMA INHALERS BY ASTHMATIC**
2.22 **STUDENTS.**

2.23 (a) Consistent with section 121A.22, subdivision 2, clause (9), in a school district that
2.24 employs a school nurse or provides school nursing services under another arrangement, the
2.25 school nurse or other appropriate party must assess the student's knowledge and skills to
2.26 safely possess and use an asthma inhaler in a school setting and enter into the student's
2.27 school health record a plan to implement safe possession and use of asthma inhalers.

2.28 (b) Consistent with section 121A.22, subdivision 2, clause (9), in a school that does not
2.29 have a school nurse or school nursing services, the student's parent or guardian must submit
2.30 written verification from the prescribing professional that documents an assessment of the
2.31 student's knowledge and skills to safely possess and use an asthma inhaler in a school setting
2.32 has been completed.

3.1 Sec. 3. Minnesota Statutes 2016, section 123B.92, subdivision 1, is amended to read:

3.2 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the terms
3.3 defined in this subdivision have the meanings given to them.

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

3.6 (1) the sum of:

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

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

3.13 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as
3.14 defined in section 169.011, subdivision 71, which must be used a majority of the time for
3.15 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per
3.16 year of the cost of the type three school buses by:

3.17 (2) the number of pupils eligible for transportation in the regular category, as defined
3.18 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
3.19 (2).

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

3.22 (1) Regular transportation is:

3.23 (i) transportation to and from school during the regular school year for resident elementary
3.24 pupils residing one mile or more from the public or nonpublic school they attend, and
3.25 resident secondary pupils residing two miles or more from the public or nonpublic school
3.26 they attend, excluding desegregation transportation and noon kindergarten transportation;
3.27 but with respect to transportation of pupils to and from nonpublic schools, only to the extent
3.28 permitted by sections 123B.84 to 123B.87;

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

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

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

4.3 (v) transportation to and from school during the regular school year required under
4.4 subdivision 3 for nonresident elementary pupils when the distance from the attendance area
4.5 border to the public school is one mile or more, and for nonresident secondary pupils when
4.6 the distance from the attendance area border to the public school is two miles or more,
4.7 excluding desegregation transportation and noon kindergarten transportation.

4.8 For the purposes of this paragraph, a district may designate a licensed day care facility,
4.9 school day care facility, respite care facility, the residence of a relative, or the residence of
4.10 a person or other location chosen by the pupil's parent or guardian, or an after-school program
4.11 for children operated by a political subdivision of the state, as the home of a pupil for part
4.12 or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence,
4.13 or program is within the attendance area of the school the pupil attends.

4.14 (2) Excess transportation is:

4.15 (i) transportation to and from school during the regular school year for resident secondary
4.16 pupils residing at least one mile but less than two miles from the public or nonpublic school
4.17 they attend, and transportation to and from school for resident pupils residing less than one
4.18 mile from school who are transported because of full-service school zones, extraordinary
4.19 traffic, drug, or crime hazards; and

4.20 (ii) transportation to and from school during the regular school year required under
4.21 subdivision 3 for nonresident secondary pupils when the distance from the attendance area
4.22 border to the school is at least one mile but less than two miles from the public school they
4.23 attend, and for nonresident pupils when the distance from the attendance area border to the
4.24 school is less than one mile from the school and who are transported because of full-service
4.25 school zones, extraordinary traffic, drug, or crime hazards.

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

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

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

4.32 (ii) necessary transportation of pupils with disabilities from home or from school to
4.33 other buildings, including centers such as developmental achievement centers, hospitals,

5.1 and treatment centers where special instruction or services required by sections 125A.03 to
5.2 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
5.3 where services are provided;

5.4 (iii) necessary transportation for resident pupils with disabilities required by sections
5.5 125A.12, and 125A.26 to 125A.48;

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

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

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

5.16 (vii) transportation of pupils for a curricular field trip activity on a school bus equipped
5.17 with a power lift when the power lift is required by a student's disability or section 504 plan;
5.18 and

5.19 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities
5.20 in conjunction with a summer instructional program that relates to the pupil's individualized
5.21 education program or in conjunction with a learning year program established under section
5.22 124D.128.

5.23 For purposes of computing special education initial aid under section 125A.76, the cost
5.24 of providing transportation for children with disabilities includes (A) the additional cost of
5.25 transporting a student in a shelter care facility as defined in section 260C.007, subdivision
5.26 30, a homeless student ~~from a temporary nonshelter home~~ in another district to the school
5.27 of origin, or a formerly homeless student from a permanent home in another district to the
5.28 school of origin but only through the end of the academic year; and (B) depreciation on
5.29 district-owned school buses purchased after July 1, 2005, and used primarily for
5.30 transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii)
5.31 and (iii). Depreciation costs included in the disabled transportation category must be excluded
5.32 in calculating the actual expenditure per pupil transported in the regular and excess
5.33 transportation categories according to paragraph (a). For purposes of subitem (A), a school

6.1 district may transport a child who does not have a school of origin to the same school
 6.2 attended by that child's sibling, if the siblings are homeless or in a shelter care facility.

6.3 (5) "Nonpublic nonregular transportation" is:

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

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

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

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

6.16 **EFFECTIVE DATE.** This section is effective retroactively from December 10, 2016.

6.17 Sec. 4. Minnesota Statutes 2016, section 127A.41, subdivision 3, is amended to read:

6.18 Subd. 3. **Audits.** The commissioner shall establish procedures for conducting and shall
 6.19 conduct audits of district records and files for the purpose of verifying district pupil counts,
 6.20 levy limitations, and aid entitlements. The commissioner shall establish procedures for
 6.21 selecting and shall select districts to be audited. Disparities, if any, between pupil counts,
 6.22 levy limitations, or aid entitlements determined by audit of district records and files and
 6.23 data reported by districts in reports, claims and other documents shall be reviewed by the
 6.24 commissioner who shall order increases or decreases accordingly. Whenever possible, the
 6.25 commissioner shall audit at least 25 districts each year pursuant to this subdivision.

6.26 Procedures adopted under this subdivision are not subject to chapter 14 and may differ from
 6.27 the procedures under section 127A.42.

6.28 Sec. 5. Minnesota Statutes 2016, section 127A.45, subdivision 10, is amended to read:

6.29 Subd. 10. **Payments to school nonoperating funds.** Each fiscal year state general fund
 6.30 payments for a district nonoperating fund must be made at the current year aid payment
 6.31 percentage of the estimated entitlement during the fiscal year of the entitlement. This amount
 6.32 shall be paid in ~~12~~ six equal monthly installments from July through December. The amount

7.1 of the actual entitlement, after adjustment for actual data, minus the payments made during
 7.2 the fiscal year of the entitlement must be paid prior to October 31 of the following school
 7.3 year. The commissioner may make advance payments of debt service equalization aid and
 7.4 state-paid tax credits for a district's debt service fund earlier than would occur under the
 7.5 preceding schedule if the district submits evidence showing a serious cash flow problem in
 7.6 the fund. The commissioner may make earlier payments during the year and, if necessary,
 7.7 increase the percent of the entitlement paid to reduce the cash flow problem.

7.8 Sec. 6. **REPEALER.**

7.9 Minnesota Statutes 2016, section 124D.73, subdivision 2, is repealed.

7.10 **ARTICLE 2**

7.11 **EDUCATION EXCELLENCE**

7.12 Section 1. Minnesota Statutes 2016, section 120B.021, subdivision 1, is amended to read:

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

7.15 (1) language arts;

7.16 (2) mathematics;

7.17 (3) science;

7.18 (4) social studies, including history, geography, economics, and government and
 7.19 citizenship that includes civics consistent with section 120B.02, subdivision 3;

7.20 (5) physical education;

7.21 (6) health, for which locally developed academic standards apply; and

7.22 (7) the arts, for which statewide or locally developed academic standards apply, as
 7.23 determined by the school district. Public elementary and middle schools must offer at least
 7.24 three and require at least two of the following four arts areas: dance; music; theater; and
 7.25 visual arts. Public high schools must offer at least three and require at least one of the
 7.26 following five arts areas: media arts; dance; music; theater; and visual arts.

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

8.1 individualized education program team that makes this determination must establish
8.2 alternative standards.

8.3 (c) Beginning in the 2016-2017 school year, the department must adopt the most recent
8.4 ~~National Association of Sport and Physical Education~~ SHAPE America (Society of Health
8.5 and Physical Educators) kindergarten through grade 12 standards and benchmarks for
8.6 physical education as the required physical education academic standards. The department
8.7 may modify and adapt the national standards to accommodate state interest. The modification
8.8 and adaptations must maintain the purpose and integrity of the national standards. The
8.9 department must make available sample assessments, which school districts may use as an
8.10 alternative to local assessments, to assess students' mastery of the physical education
8.11 standards beginning in the ~~2018-2019 school year~~ that the standards must be implemented
8.12 by all schools as determined through the rulemaking process.

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

8.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and
8.17 is retroactive to July 1, 2016.

8.18 Sec. 2. Minnesota Statutes 2016, section 120B.021, subdivision 3, is amended to read:

8.19 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section
8.20 and section 120B.022, must adopt statewide rules under section 14.389 for implementing
8.21 statewide rigorous core academic standards in language arts, mathematics, science, social
8.22 studies, physical education, and the arts. After the rules authorized under this subdivision
8.23 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new
8.24 rules on the same topic without specific legislative authorization. ~~The academic standards~~
8.25 ~~for language arts, mathematics, and the arts must be implemented for all students beginning~~
8.26 ~~in the 2003-2004 school year. The academic standards for science and social studies must~~
8.27 ~~be implemented for all students beginning in the 2005-2006 school year.~~

8.28 Sec. 3. Minnesota Statutes 2016, section 120B.022, subdivision 1b, is amended to read:

8.29 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to strive
8.30 for the world's best workforce under sections 120B.11 and 124E.03, subdivision 2, paragraph
8.31 (i), and close the academic achievement and opportunity gap under sections 124D.861 and
8.32 124D.862, voluntary state bilingual and multilingual seals are established to recognize high
8.33 school students in any Minnesota public, charter, or nonpublic school who demonstrate an

9.1 advanced-low level or an intermediate high level of functional proficiency in listening,
9.2 speaking, reading, and writing on either assessments aligned with American Council on the
9.3 Teaching of Foreign Languages' (ACTFL) proficiency guidelines or on equivalent valid
9.4 and reliable assessments in one or more languages in addition to English. American Sign
9.5 Language is a language other than English for purposes of this subdivision and a world
9.6 language for purposes of subdivision 1a.

9.7 (b) In addition to paragraph (a), to be eligible to receive a seal:

9.8 (1) students must satisfactorily complete all required English language arts credits; and

9.9 (2) students must demonstrate mastery of Minnesota's English language proficiency
9.10 standards.

9.11 (c) Consistent with this subdivision, a high school student who demonstrates an
9.12 intermediate high ACTFL level of functional proficiency in one language in addition to
9.13 English is eligible to receive the state bilingual gold seal. A high school student who
9.14 demonstrates an intermediate high ACTFL level of functional native proficiency in more
9.15 than one language in addition to English is eligible to receive the state multilingual gold
9.16 seal. A high school student who demonstrates an advanced-low ACTFL level of functional
9.17 proficiency in one language in addition to English is eligible to receive the state bilingual
9.18 platinum seal. A high school student who demonstrates an advanced-low ACTFL level of
9.19 functional proficiency in more than one language in addition to English is eligible to receive
9.20 the state multilingual platinum seal.

9.21 (d) School districts and charter schools may give students periodic opportunities to
9.22 demonstrate their level of proficiency in listening, speaking, reading, and writing in a
9.23 language in addition to English. Where valid and reliable assessments are unavailable, a
9.24 school district or charter school may rely on evaluators trained in assessing under ACTFL
9.25 proficiency guidelines to assess a student's level of foreign, heritage, or indigenous language
9.26 proficiency under this section. School districts and charter schools must maintain appropriate
9.27 records to identify high school students eligible to receive the state bilingual or multilingual
9.28 gold and platinum seals. The school district or charter school must affix the appropriate seal
9.29 to the transcript of each high school student who meets the requirements of this subdivision
9.30 and may affix the seal to the student's diploma. A school district or charter school must not
9.31 charge the high school student a fee for this seal.

9.32 (e) A school district or charter school may award elective course credits in world
9.33 languages to a student who demonstrates the requisite proficiency in a language other than
9.34 English under this section.

10.1 (f) A school district or charter school may award community service credit to a student
 10.2 who demonstrates an intermediate high or advanced-low ACTFL level of functional
 10.3 proficiency in listening, speaking, reading, and writing in a language other than English
 10.4 and who participates in community service activities that are integrated into the curriculum,
 10.5 involve the participation of teachers, and support biliteracy in the school or local community.

10.6 (g) The commissioner must list on the Web page those assessments that are aligned to
 10.7 ACTFL proficiency guidelines.

10.8 (h) By August 1, 2015, the colleges and universities of the Minnesota State Colleges
 10.9 and Universities system must establish criteria to translate the seals into college credits
 10.10 based on the world language course equivalencies identified by the Minnesota State Colleges
 10.11 and Universities faculty and staff and, upon request from an enrolled student, the Minnesota
 10.12 State Colleges and Universities may award foreign language credits to a student who receives
 10.13 a Minnesota World Language Proficiency Certificate under subdivision 1a. A student who
 10.14 demonstrated the requisite level of language proficiency in grade 10, 11, or 12 to receive a
 10.15 seal or certificate and is enrolled in a Minnesota State Colleges and Universities institution
 10.16 must request college credits for the student's seal or proficiency certificate within three
 10.17 academic years after graduating from high school. The University of Minnesota is encouraged
 10.18 to award students foreign language academic credits consistent with this paragraph.

10.19 Sec. 4. Minnesota Statutes 2016, section 120B.12, is amended to read:

10.20 **120B.12 READING PROFICIENTLY NO LATER THAN THE END OF GRADE**
 10.21 **3.**

10.22 Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or
 10.23 above grade level no later than the end of grade 3, including English learners, students
 10.24 receiving literacy interventions under section 125A.56, and students in an approved program
 10.25 under section 125A.50, and that teachers provide comprehensive, scientifically based reading
 10.26 instruction consistent with section 122A.06, subdivision 4.

10.27 Subd. 1a. **Definitions.** (a) For the purposes of this section, the terms defined in this
 10.28 subdivision have the meanings given them.

10.29 (b) "Core reading instruction" means the curriculum, assessments, materials, and
 10.30 instructional practices with which all students are actively engaged to achieve and exceed
 10.31 proficiency standards.

10.32 (c) "Diagnostic" means assessment intended to identify students' specific areas of need
 10.33 related to literacy to inform instructional decisions.

11.1 (d) "Evidence-based" means demonstrating a statistically significant effect on improving
11.2 student outcomes or other relevant outcomes based on strong evidence from one or more
11.3 quality experimental studies, moderate evidence from one or more quasi-experimental
11.4 studies, or promising evidence from one or more correlational studies with statistical controls
11.5 for selection bias.

11.6 (e) "Fidelity" means the extent to which a practice, program, or strategy is implemented
11.7 as designed.

11.8 (f) "Multisensory instruction" means instruction that incorporates opportunities to practice
11.9 that include seeing, hearing, saying, and physically doing.

11.10 (g) "Multitiered system of supports" means a framework to improve outcomes for all
11.11 students that organizes district-level resources to address each individual student's needs,
11.12 such as academic or behavior needs or both, that includes: screening of all students using
11.13 valid and reliable measures; tiers of instruction that vary in intensity; collaborative teams
11.14 that review data, problem solve, and organize instruction; frequent progress monitoring
11.15 using valid and reliable measures to determine the impact of evidence-based interventions;
11.16 and a system to ensure that instruction including interventions are evidence-based and
11.17 implemented with fidelity. For the purposes of this section, the multitiered system applies
11.18 to the development of literacy to increase the number of students meeting proficiency
11.19 standards.

11.20 (h) "Progress monitoring" means frequent assessment to examine a student's rate of
11.21 progress on specific skills in order to guide decisions regarding the effectiveness of
11.22 intervention programs, as well as assisting in making additional instructional decisions for
11.23 a student.

11.24 (i) "Screening" means systematically assessing all students on literacy indicators for the
11.25 purpose of identifying students who may require additional support and who are at risk of
11.26 poor learning outcomes. Screening assessments are typically brief, conducted with all
11.27 students at a grade level, and followed by additional testing or short-term progress monitoring
11.28 to corroborate students' risk status.

11.29 (j) "Supplemental and intensive instruction" means instruction that increases the intensity
11.30 and practice of an activity, which is accomplished primarily by increasing the instructional
11.31 time, reducing the size of the group, and focusing the instruction.

11.32 (k) "Systematic and explicit instruction" means instruction that logically builds from
11.33 the smallest to more complex concepts such that there is no confusion or doubt and includes
11.34 specific design and delivery procedures.

12.1 Subd. 2. **Identification; report.** (a) Each school district shall identify before the end of
 12.2 kindergarten, grade 1, and grade 2 students who are not reading at grade level before the
 12.3 end of the current school year. ~~Reading~~ The district must use locally adopted,
 12.4 developmentally appropriate, and culturally responsive screening and diagnostic assessments
 12.5 in English; and in the predominant languages of district students, where practicable, must
 12.6 to identify and evaluate students' areas of academic need related to literacy. The district
 12.7 also must monitor the progress and provide reading instruction appropriate to the specific
 12.8 needs of English learners. The district must ~~use a locally adopted, developmentally~~
 12.9 ~~appropriate, and culturally responsive assessment and~~ annually report each of the following
 12.10 to the commissioner by July 1:

12.11 (1) a summary of assessment results to the commissioner by July 1; and

12.12 (2) ~~The district also must annually report~~ a summary of the district's efforts to screen
 12.13 and identify students ~~with~~ likely to have dyslexia consistent with section 125A.01 or
 12.14 convergence insufficiency disorder to the commissioner by July 1.

12.15 (b) A student identified under this subdivision, including English learners, students with
 12.16 identified reading disorders, and students with disabilities, must be provided with alternate
 12.17 ~~instruction under section 125A.56, subdivision 1~~ additional evidence-based literacy practices
 12.18 such as through a system of multitiered supports or specially designed instructional services
 12.19 as identified in an individualized education program.

12.20 Subd. 2a. **Parent notification and involvement.** Schools, at least annually, must give
 12.21 the parent of each student who is not reading at or above grade level timely information
 12.22 about:

12.23 (1) the student's reading proficiency as measured by a locally adopted assessment;

12.24 (2) reading-related services currently being provided to the student and the student's
 12.25 progress; and

12.26 (3) strategies for parents to use at home in helping their student succeed in becoming
 12.27 grade-level proficient in reading in English and in their native language.

12.28 A district may not use this section to deny a student's right to a special education
 12.29 evaluation.

12.30 Subd. 3. **Intervention.** (a) For each student identified under subdivision 2, the district
 12.31 shall provide reading intervention, such as through a multitiered system of supports, to
 12.32 accelerate student growth and reach the goal of reading at or above grade level by the end
 12.33 of the current grade and school year consistent with sections 125A.50 and 125A.56,

13.1 subdivision 2. Reading instruction and interventions must be appropriate to the specific
13.2 needs of English learners.

13.3 (b) District intervention methods shall encourage family engagement and, where possible,
13.4 collaboration with appropriate school and community programs.

13.5 (c) Intervention ~~methods~~ delivery options may include, but are not limited to, requiring
13.6 attendance in summer school, intensified reading instruction that may require that the student
13.7 be removed from the regular classroom for part of the school day, specially designed
13.8 instruction for students who qualify for special education services, extended-day programs,
13.9 or programs that strengthen students' cultural connections.

13.10 (d) Intervention methods matched to the needs, stage of development, and culture of the
13.11 students engaging with the instruction must include, but are not limited to:

13.12 (1) evidence-based practices delivered with fidelity;

13.13 (2) systematic, explicit, multisensory instruction with sufficient practice;

13.14 (3) provision of timely error correction and positive feedback to students;

13.15 (4) use of progress monitoring data for decision making; and

13.16 (5) supplemental and intensive instruction.

13.17 Subd. 4. **Staff development.** Each district shall use the data under subdivision 2 to
13.18 identify the staff development needs so that:

13.19 (1) elementary teachers are able to implement comprehensive, scientifically based reading
13.20 and oral language instruction in the five reading areas of phonemic awareness, phonics,
13.21 fluency, vocabulary, and comprehension as defined in section 122A.06, subdivision 4, and
13.22 other literacy-related areas including writing until the student achieves grade-level reading
13.23 proficiency;

13.24 (2) elementary teachers have sufficient training to provide comprehensive, scientifically
13.25 based reading and oral language instruction that meets students' developmental, linguistic,
13.26 and literacy needs using the intervention methods or programs selected by the district for
13.27 the identified students;

13.28 (3) licensed teachers employed by the district have regular opportunities to improve
13.29 reading and writing instruction;

13.30 (4) licensed teachers recognize students' diverse needs in cross-cultural settings and are
13.31 able to serve the oral language and linguistic needs of students who are English learners by
13.32 maximizing strengths in their native languages in order to cultivate students' English language

14.1 development, including oral academic language development, and build academic literacy;
 14.2 and

14.3 (5) licensed teachers are well trained in culturally responsive pedagogy that enables
 14.4 students to master content, develop skills to access content, and build relationships.

14.5 Subd. 4a. **Local literacy plan.** (a) Consistent with this section, a school district must
 14.6 adopt a local literacy plan to have every child reading at or above grade level no later than
 14.7 the end of grade 3, including English learners. The plan must be consistent with section
 14.8 122A.06, subdivision 4, and include the following:

14.9 (1) a process to assess students' level of reading proficiency and data to support the
 14.10 effectiveness of an assessment used to screen and identify a student's level of reading
 14.11 proficiency;

14.12 (2) a process to notify and involve parents;

14.13 (3) a description of how schools in the district will determine the proper reading
 14.14 intervention strategy for a student and the process for intensifying or modifying the reading
 14.15 strategy in order to obtain measurable reading progress;

14.16 (4) evidence-based intervention methods for students who are not reading at or above
 14.17 grade level and progress monitoring to provide information on the effectiveness of the
 14.18 intervention; and

14.19 (5) identification of staff development needs, including a program to meet those needs.

14.20 (b) The district must post its literacy plan on the official school district Web site.

14.21 Subd. 5. **Commissioner.** The commissioner shall recommend to districts multiple
 14.22 assessment tools to assist districts and teachers with identifying students under subdivision
 14.23 2. The commissioner shall also make available examples of nationally recognized and
 14.24 research-based instructional methods or programs to districts to provide comprehensive,
 14.25 scientifically based reading instruction and intervention under this section.

14.26 **EFFECTIVE DATE.** This section is effective for fiscal year 2018 and later.

14.27 Sec. 5. Minnesota Statutes 2016, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

15.27 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through
15.28 8, and high school reading, writing, and mathematics tests; and

15.29 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades
15.30 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
15.31 commissioner must not require students to achieve a passing score on high school science
15.32 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

16.17 (f) Reporting of state assessment results must:

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

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

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

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

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

17.1 Sec. 6. Minnesota Statutes 2016, section 124D.09, subdivision 3, is amended to read:

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

17.4 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
17.5 nonprofit two-year trade and technical school granting associate degrees, an opportunities
17.6 industrialization center accredited by the North Central Association of Colleges and Schools,
17.7 or a private, residential, two-year or four-year, liberal arts, degree-granting college or
17.8 university located in Minnesota.

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

17.10 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
17.11 subdivision 5 enrolls to earn both secondary and postsecondary credits, are taught by a
17.12 secondary teacher or a postsecondary faculty member, and are offered at a high school for
17.13 which the district is eligible to receive concurrent enrollment program aid under section
17.14 124D.091.

17.15 Sec. 7. Minnesota Statutes 2016, section 124D.09, subdivision 5, is amended to read:

17.16 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary,
17.17 an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal
17.18 contract or grant school eligible for aid under section 124D.83, except a foreign exchange
17.19 pupil enrolled in a district under a cultural exchange program, may apply to an eligible
17.20 institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that
17.21 postsecondary institution. ~~Notwithstanding any other law to the contrary, a 9th or 10th grade~~
17.22 ~~pupil enrolled in a district or an American Indian-controlled tribal contract or grant school~~
17.23 ~~eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district~~
17.24 ~~under a cultural exchange program, may apply to enroll in nonsectarian courses offered~~
17.25 ~~under subdivision 10, if (1) the school district and the eligible postsecondary institution~~
17.26 ~~providing the course agree to the student's enrollment or (2) the course is a world language~~
17.27 ~~course currently available to 11th and 12th grade students, and consistent with section~~
17.28 ~~120B.022 governing world language standards, certificates, and seals.~~ If an institution
17.29 accepts a secondary pupil for enrollment under this section, the institution shall send written
17.30 notice to the pupil, the pupil's school or school district, and the commissioner ~~within ten~~
17.31 ~~days of acceptance.~~ The notice must indicate the course and hours of enrollment of that
17.32 pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify
17.33 the pupil about payment in the customary manner used by the institution.

18.1 Sec. 8. Minnesota Statutes 2016, section 124D.09, is amended by adding a subdivision to
18.2 read:

18.3 Subd. 5b. **Authorization; 9th or 10th grade pupil.** Notwithstanding any other law to
18.4 the contrary, a 9th or 10th grade pupil enrolled in a district or an American Indian-controlled
18.5 tribal contract or grant school eligible for aid under section 124D.83, except a foreign
18.6 exchange pupil enrolled in a district under a cultural exchange program, may apply to enroll
18.7 in nonsectarian courses offered under subdivision 10, if: (1) the school district and the
18.8 eligible postsecondary institution providing the course agree to the student's enrollment; or
18.9 (2) the course is a world language course currently available to 11th and 12th grade students,
18.10 and consistent with section 120B.022 governing world language standards, certificates, and
18.11 seals.

18.12 Sec. 9. Minnesota Statutes 2016, section 124D.09, subdivision 13, is amended to read:

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

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

18.22 A postsecondary institution shall receive the following:

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

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

18.29 The department must pay to each postsecondary institution 100 percent of the amount
18.30 in clause (1) or (2) within ~~30~~ 45 days of receiving initial enrollment information each quarter
18.31 or semester. If changes in enrollment occur during a quarter or semester, the change shall
18.32 be reported by the postsecondary institution at the time the enrollment information for the
18.33 succeeding quarter or semester is submitted. At any time the department notifies a

19.1 postsecondary institution that an overpayment has been made, the institution shall promptly
19.2 remit the amount due.

19.3 Sec. 10. Minnesota Statutes 2016, section 124D.095, subdivision 3, is amended to read:

19.4 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may apply
19.5 for full-time enrollment in an approved online learning program under section 124D.03 or
19.6 124D.08 or chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter
19.7 124E, procedures for enrolling in supplemental online learning are as provided in this
19.8 subdivision. A student age 17 or younger must have the written consent of a parent or
19.9 guardian to apply. No school district or charter school may prohibit a student from applying
19.10 to enroll in online learning. In order to enroll in online learning, the student and the student's
19.11 parents must submit an application to the online learning provider and identify the student's
19.12 reason for enrolling. An online learning provider that accepts a student under this section
19.13 must notify the student and the enrolling district in writing within ten days if the enrolling
19.14 district is not the online learning provider. The student and the student's parent must notify
19.15 the online learning provider of the student's intent to enroll in online learning within ten
19.16 days of being accepted, at which time the student and the student's parent must sign a
19.17 statement indicating that they have reviewed the online course or program and understand
19.18 the expectations of enrolling in online learning. The online learning provider must use a
19.19 form provided by the department to notify the enrolling district of the student's application
19.20 to enroll in online learning.

19.21 (b) The supplemental online learning notice to the enrolling district when a student
19.22 applies to the online learning provider will include the courses or program, credits to be
19.23 awarded, and the start date of the online course or program. An online learning provider
19.24 must make available the supplemental online course syllabus to the enrolling district. Within
19.25 15 days after the online learning provider makes information in this paragraph available to
19.26 the enrolling district, the enrolling district must notify the online provider whether the
19.27 student, the student's parent, and the enrolling district agree or disagree that the course meets
19.28 the enrolling district's graduation requirements. A student may enroll in a supplemental
19.29 online learning course up to the midpoint of the enrolling district's term. The enrolling
19.30 district may waive this requirement for special circumstances and with the agreement of
19.31 the online provider. An online learning course or program that meets or exceeds a graduation
19.32 standard or the grade progression requirement of the enrolling district as described in the
19.33 provider's online course syllabus meets the corresponding graduation requirements applicable
19.34 to the student in the enrolling district. If the enrolling district does not agree that the course
19.35 or program meets its graduation requirements, then:

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

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

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

20.8 (d) An online learning provider may limit enrollment if the provider's school board or
20.9 board of directors adopts by resolution specific standards for accepting and rejecting students'
20.10 applications. Limits to enrollment must not discriminate against any group under chapter
20.11 363A.

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

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

20.21 Sec. 11. Minnesota Statutes 2016, section 124E.02, is amended to read:

20.22 **124E.02 DEFINITIONS.**

20.23 (a) For purposes of this chapter, the terms defined in this section have the meanings
20.24 given them.

20.25 (b) "Affidavit" means a written statement the authorizer submits to the commissioner
20.26 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to
20.27 its review and approval process before chartering a school.

20.28 (c) "Affiliate" means a person that directly or indirectly, through one or more
20.29 intermediaries, controls, is controlled by, or is under common control with another person.

20.30 (d) "Control" means the ability to affect the management, operations, or policy actions
20.31 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

21.1 (e) "Education service provider," "charter management organization," "educational
 21.2 management organization," or "school management organization" means any for-profit or
 21.3 nonprofit entity that a charter school contracts with to provide, manage, or oversee all or
 21.4 substantially all of the charter school's educational, financial, business, operational, or
 21.5 administrative functions.

21.6 ~~(e)~~ (f) "Immediate family" means an individual whose relationship by blood, marriage,
 21.7 adoption, or partnership is no more remote than first cousin.

21.8 ~~(f)~~ (g) "Person" means an individual or entity of any kind.

21.9 ~~(g)~~ (h) "Related party" means an affiliate or immediate relative of the other interested
 21.10 party, an affiliate of an immediate relative who is the other interested party, or an immediate
 21.11 relative of an affiliate who is the other interested party.

21.12 ~~(h)~~ (i) For purposes of this chapter, the terms defined in section 120A.05 have the same
 21.13 meanings.

21.14 Sec. 12. Minnesota Statutes 2016, section 124E.03, subdivision 2, is amended to read:

21.15 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
 21.16 meet all federal, state, and local health and safety requirements applicable to school districts.

21.17 (b) A school must comply with statewide accountability requirements governing standards
 21.18 and assessments in chapter 120B.

21.19 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
 21.20 123B.34 to 123B.39.

21.21 (d) A charter school is a district for the purposes of tort liability under chapter 466.

21.22 (e) A charter school must comply with the Pledge of Allegiance requirement under
 21.23 section 121A.11, subdivision 3.

21.24 (f) A charter school and charter school board of directors must comply with chapter 181
 21.25 governing requirements for employment.

21.26 (g) A charter school must comply with continuing truant notification under section
 21.27 260A.03.

21.28 (h) A charter school must develop and implement a teacher evaluation and peer review
 21.29 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and
 21.30 paragraph (d). The teacher evaluation process in this paragraph does not create any additional
 21.31 employment rights for teachers.

22.1 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
22.2 section 120B.11, to review curriculum, instruction, and student achievement and strive for
22.3 the world's best workforce.

22.4 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
22.5 sections 121A.40 to 121A.56.

22.6 Sec. 13. Minnesota Statutes 2016, section 124E.05, subdivision 7, is amended to read:

22.7 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw
22.8 as an approved authorizer for a reason unrelated to any cause under section 124E.10,
22.9 subdivision 4, the authorizer must notify all its chartered schools, all families whose children
22.10 attend charter schools in its portfolio, and the commissioner in writing by March 1 of its
22.11 intent to withdraw as an authorizer on June 30 in the next calendar year, regardless of when
22.12 the authorizer's five-year term of approval ends. The commissioner may approve the transfer
22.13 of a charter school to a new authorizer under section 124E.10, subdivision 5.

22.14 Sec. 14. Minnesota Statutes 2016, section 124E.06, subdivision 3, is amended to read:

22.15 Subd. 3. **Requirements.** (a) The primary focus of a charter school must be to provide
22.16 a comprehensive program of instruction for at least one grade or age group from ages five
22.17 through 18 years. A charter school may provide instruction to people older than 18 years
22.18 of age.

22.19 (b) A charter school may offer a free or fee-based preschool or prekindergarten that
22.20 meets high-quality early learning instructional program standards aligned with Minnesota's
22.21 early learning standards for children. The hours a student is enrolled in a fee-based
22.22 prekindergarten program do not generate pupil units under section 126C.05 and must not
22.23 be used to calculate general education revenue under section 126C.10.

22.24 (c) A charter school must be nonsectarian in its programs, admission policies, employment
22.25 practices, and all other operations. An authorizer may not authorize a charter school or
22.26 program that is affiliated with a nonpublic sectarian school or a religious institution.

22.27 (d) A charter school must not be used to provide education or generate revenue for
22.28 home-schooled students. This paragraph does not apply to shared time aid under section
22.29 126C.19.

22.30 (e) This chapter does not provide a means to keep open a school that a school board
22.31 decides to close. However, a school board may endorse or authorize establishing a charter
22.32 school to replace the school the board decided to close. Applicants seeking a charter under

23.1 this circumstance must demonstrate to the authorizer that the charter sought is substantially
 23.2 different in purpose and program from the school the board closed and that the proposed
 23.3 charter satisfies the requirements of section 124E.01, subdivision 1. If the school board that
 23.4 closed the school authorizes the charter, it must document in its affidavit to the commissioner
 23.5 that the charter is substantially different in program and purpose from the school it closed.

23.6 (f) A school authorized by a school board may be located in any district, unless the
 23.7 school board of the district of the proposed location disapproves the location by written
 23.8 resolution.

23.9 (g) Except as provided in paragraph (b), a charter school may not charge tuition.

23.10 (h) The authorizer may prevent an approved charter school from opening for operation
 23.11 if, among other grounds, the charter school violates this chapter or does not meet the
 23.12 ready-to-open standards that are part of (1) the authorizer's oversight and evaluation process
 23.13 or (2) stipulated in the charter school contract.

23.14 (i) A charter school may not enter into a contract with a for-profit entity or a nonprofit
 23.15 entity that is headquartered outside of Minnesota and described in section 124E.02, paragraph
 23.16 (e).

23.17 (j) A charter school's educational staff must be employed by or on contract with the
 23.18 charter school's board of directors. An entity described in section 124E.02, paragraph (e),
 23.19 may not employ, or contract for services, a charter school's educational staff.

23.20 Sec. 15. Minnesota Statutes 2016, section 124E.06, subdivision 7, is amended to read:

23.21 Subd. 7. **Merger.** (a) Two or more charter schools may merge under chapter 317A. The
 23.22 effective date of a merger must be July 1. The merged school must continue under the
 23.23 identity of one of the merging schools. The authorizer and the merged school must execute
 23.24 a new charter contract under section 124E.10, subdivision 1, by July 1. The authorizer must
 23.25 submit to the commissioner a copy of the new signed charter contract within ten business
 23.26 days of executing the contract.

23.27 (b) Two or more charter schools that intend to merge and are overseen by different
 23.28 authorizers must submit a change in authorizer request to the commissioner under section
 23.29 124E.10, subdivision 5. If the change in authorizer request is approved, the merging charter
 23.30 schools must be approved to serve the grades and sites of the merged school under section
 23.31 124E.06, subdivision 5. If the proposed merger is between two or more charter schools in
 23.32 the same authorizer's portfolio and the merging schools do not serve the same grades or

24.1 propose to operate at additional sites, the merged school must comply with section 124E.06,
 24.2 subdivision 5.

24.3 ~~(b)~~ (c) Each merging school approved to merge must submit a separate year-end report
 24.4 for the previous fiscal year ~~for that school only~~. After the final fiscal year of the premerger
 24.5 schools is closed out, each of those schools must transfer the fund balances and debts to the
 24.6 merged school.

24.7 ~~(e)~~ (d) For its first year of operation, the merged school is eligible to receive aid from
 24.8 programs requiring approved applications equal to the sum of the aid of all of the merging
 24.9 schools. For aids based on prior year data, the merged school is eligible to receive aid for
 24.10 its first year of operation based on the combined data of all of the merging schools.

24.11 Sec. 16. Minnesota Statutes 2016, section 124E.10, subdivision 5, is amended to read:

24.12 Subd. 5. **Mutual nonrenewal.** If the authorizer and the charter school board of directors
 24.13 mutually agree not to renew the contract, or if the governing board of an approved authorizer
 24.14 votes to withdraw as an approved authorizer for a reason unrelated to any cause under
 24.15 subdivision 4, a change in authorizers is allowed. The authorizer must notify families of
 24.16 children that attend the charter school of the date of the withdrawal and outline the process
 24.17 to change authorizers and the possible outcomes of that process. The authorizer and the
 24.18 school board must jointly submit a written and signed letter of their intent to the
 24.19 commissioner to mutually not renew the contract. The authorizer that is a party to the existing
 24.20 contract must inform the proposed authorizer about the fiscal, operational, and student
 24.21 performance status of the school, including unmet contract outcomes and other outstanding
 24.22 contractual obligations. The charter contract between the proposed authorizer and the school
 24.23 must identify and provide a plan to address any outstanding obligations from the previous
 24.24 contract. The proposed authorizer must submit the proposed contract at least 105 business
 24.25 days before the end of the existing charter contract. The commissioner has 30 business days
 24.26 to review and make a determination on the change in authorizer. The proposed authorizer
 24.27 and the school have 15 business days to respond to the determination and address any issues
 24.28 identified by the commissioner. The commissioner must make a final determination no later
 24.29 than 45 business days before the end of the current charter contract. If the commissioner
 24.30 does not approve a change in authorizer, the school and the current authorizer may withdraw
 24.31 their letter of nonrenewal and enter into a new contract. If the commissioner does not approve
 24.32 a change in authorizer and the current authorizer and the school do not withdraw their letter
 24.33 and enter into a new contract, the school must be dissolved according to applicable law and
 24.34 the terms of the contract.

25.1 Sec. 17. Minnesota Statutes 2016, section 124E.11, is amended to read:

25.2 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

25.3 (a) A charter school, including its free preschool or prekindergarten program established
25.4 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

25.5 (1) pupils within an age group or grade level;

25.6 (2) pupils who are eligible to participate in the graduation incentives program under
25.7 section 124D.68; or

25.8 (3) residents of a specific geographic area in which the school is located when the
25.9 majority of students served by the school are members of underserved populations.

25.10 (b) A charter school, including its free preschool or prekindergarten program established
25.11 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who
25.12 submits a timely application, unless the number of applications exceeds the capacity of a
25.13 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
25.14 charter school must develop and publish, including on its Web site, a lottery policy and
25.15 process that it must use when accepting pupils by lot.

25.16 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
25.17 and to a foster child of that pupil's parents and may give preference for enrolling children
25.18 of the school's staff before accepting other pupils by lot. A charter school that is located in
25.19 Duluth township in St. Louis County and admits students in kindergarten through grade 6
25.20 must give enrollment preference to students residing within a five-mile radius of the school
25.21 and to the siblings of enrolled children. A charter school may give enrollment preference
25.22 to children currently enrolled in the school's free preschool or prekindergarten program
25.23 under section 124E.06, subdivision 3, paragraph (a), who are eligible to enroll in kindergarten
25.24 in the next school year.

25.25 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless
25.26 the pupil is at least five years of age on September 1 of the calendar year in which the school
25.27 year for which the pupil seeks admission commences; or (2) as a first grade student, unless
25.28 the pupil is at least six years of age on September 1 of the calendar year in which the school
25.29 year for which the pupil seeks admission commences or has completed kindergarten; except
25.30 that a charter school may establish and publish on its Web site a policy for admission of
25.31 selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b)
25.32 and (c).

26.1 (e) Except as permitted in paragraph (d), a charter school, including its free preschool
26.2 or prekindergarten program established under section 124E.06, subdivision 3, paragraph
26.3 (b), may not limit admission to pupils on the basis of intellectual ability, measures of
26.4 achievement or aptitude, or athletic ability and may not establish any criteria or requirements
26.5 for admission that are inconsistent with this section.

26.6 (f) The charter school shall not distribute any services or goods of value to students,
26.7 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
26.8 school.

26.9 (g) Once a student is enrolled in the school, the student is considered enrolled in the
26.10 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
26.11 Act in sections 121A.40 to 121A.56. ~~A charter school is subject to and must comply with~~
26.12 ~~the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.~~

26.13 (h) A charter school with at least 90 percent of enrolled students who are eligible for
26.14 special education services and have a primary disability of deaf or hard-of-hearing may
26.15 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
26.16 paragraph (a), and must comply with the federal Individuals with Disabilities Education
26.17 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
26.18 (iv).

26.19 Sec. 18. Minnesota Statutes 2016, section 124E.12, subdivision 1, is amended to read:

26.20 Subdivision 1. **Teachers.** A charter school must employ or contract with necessary
26.21 teachers, as defined by section 122A.15, subdivision 1, who hold valid licenses to perform
26.22 the particular service for which they are employed in the school. The commissioner may
26.23 reduce the charter school's state aid under section 127A.43 if the school employs a teacher
26.24 who is not appropriately licensed or approved by the Board of Teaching. The school may
26.25 employ necessary employees who are not required to hold teaching licenses to perform
26.26 duties other than teaching and may contract for other services. The school's educational
26.27 staff must be employed by or on contract with the charter school's board of directors. The
26.28 school may discharge teachers and nonlicensed employees. The charter school board is
26.29 subject to section 181.932 governing whistle-blowers. When offering employment to a
26.30 prospective employee, a charter school must give that employee a written description of
26.31 the terms and conditions of employment and the school's personnel policies.

27.1 Sec. 19. Minnesota Statutes 2016, section 124E.16, is amended by adding a subdivision
27.2 to read:

27.3 Subd. 3. **Reporting management organization contracts.** A charter school entering
27.4 into a contract with a for-profit or nonprofit entity under section 124E.02, paragraph (e),
27.5 must annually submit all contracts and contract amendments to the Department of Education.
27.6 Contracts must include assurance that there are no conflicts of interest, that all assets
27.7 purchased on behalf of the charter school using public funds remain assets of the school,
27.8 and that the for-profit or nonprofit entity under section 124E.02, paragraph (e), will not
27.9 have access to personally identifiable information.

27.10 **ARTICLE 3**

27.11 **TEACHERS**

27.12 Section 1. **[122A.417] ALTERNATIVE TEACHER COMPENSATION REVENUE**
27.13 **FOR ST. CROIX RIVER EDUCATION DISTRICT.**

27.14 Notwithstanding sections 122A.414, 122A.415, and 126C.10, the St. Croix River
27.15 Education District, No. 6009-61, is eligible to receive alternative teacher compensation
27.16 revenue. To qualify for alternative teacher compensation revenue, the St. Croix River
27.17 Education District must meet all of the requirements of sections 122A.414 and 122A.415
27.18 that apply to cooperative units, must report its staffing as of October 1 of each year to the
27.19 department in a manner determined by the commissioner, and must annually report by
27.20 November 30 its expenditures for the alternative teacher professional pay system consistent
27.21 with the uniform financial accounting and reporting standards to the department.

27.22 Sec. 2. **[122A.627] POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.**

27.23 "Positive behavioral interventions and supports" or "PBIS" means an evidence-based
27.24 framework for preventing problem behavior, providing instruction and support for positive
27.25 and prosocial behaviors, and supporting social, emotional, and behavioral needs for all
27.26 students. Schoolwide implementation of PBIS requires training, coaching, and evaluation
27.27 for school staff to consistently implement the key components that make PBIS effective for
27.28 all students, including:

27.29 (1) establishing, defining, teaching, and practicing three to five positively stated
27.30 schoolwide behavioral expectations that are representative of the local community and
27.31 cultures;

28.1 (2) developing and implementing a consistent system used by all staff to provide positive
 28.2 feedback and acknowledgment for students who display schoolwide behavioral expectations;

28.3 (3) developing and implementing a consistent and specialized support system for students
 28.4 who do not display behaviors representative of schoolwide positive expectations;

28.5 (4) developing a system to support decisions based on data related to student progress,
 28.6 effective implementation of behavioral practices, and screening for students requiring
 28.7 additional behavior supports;

28.8 (5) using a continuum of evidence-based interventions that is integrated and aligned to
 28.9 support academic and behavioral success for all students; and

28.10 (6) using a team-based approach to support effective implementation, monitor progress,
 28.11 and evaluate outcomes.

28.12 **ARTICLE 4**

28.13 **SPECIAL EDUCATION**

28.14 Section 1. Minnesota Statutes 2016, section 125A.0941, is amended to read:

28.15 **125A.0941 DEFINITIONS.**

28.16 (a) The following terms have the meanings given them.

28.17 (b) "Emergency" means a situation where immediate intervention is needed to protect
 28.18 a child or other individual from physical injury. Emergency does not mean circumstances
 28.19 such as: a child who does not respond to a task or request and instead places his or her head
 28.20 on a desk or hides under a desk or table; a child who does not respond to a staff person's
 28.21 request unless failing to respond would result in physical injury to the child or other
 28.22 individual; or an emergency incident has already occurred and no threat of physical injury
 28.23 currently exists.

28.24 (c) "Physical holding" means physical intervention intended to hold a child immobile
 28.25 or limit a child's movement, where body contact is the only source of physical restraint, and
 28.26 where immobilization is used to effectively gain control of a child in order to protect a child
 28.27 or other individual from physical injury. The term physical holding does not mean physical
 28.28 contact that:

28.29 (1) helps a child respond or complete a task;

28.30 (2) assists a child without restricting the child's movement;

28.31 (3) is needed to administer an authorized health-related service or procedure; or

29.1 (4) is needed to physically escort a child when the child does not resist or the child's
29.2 resistance is minimal.

29.3 (d) "Positive behavioral interventions and supports" means interventions and strategies
29.4 to improve the school environment and teach children the skills to behave appropriately,
29.5 including the key components under section 122A.627.

29.6 (e) "Prone restraint" means placing a child in a face down position.

29.7 (f) "Restrictive procedures" means the use of physical holding or seclusion in an
29.8 emergency. Restrictive procedures must not be used to punish or otherwise discipline a
29.9 child.

29.10 (g) "Seclusion" means confining a child alone in a room from which egress is barred.
29.11 Egress may be barred by an adult locking or closing the door in the room or preventing the
29.12 child from leaving the room. Removing a child from an activity to a location where the
29.13 child cannot participate in or observe the activity is not seclusion.

29.14 Sec. 2. Minnesota Statutes 2016, section 125A.515, is amended to read:

29.15 **125A.515 PLACEMENT OF STUDENTS; APPROVAL OF EDUCATION**
29.16 **PROGRAM.**

29.17 Subdivision 1. **Approval of on-site education programs.** The commissioner shall
29.18 approve on-site education programs for placement of children and youth in residential
29.19 facilities including detention centers, before being licensed by the Department of Human
29.20 Services or the Department of Corrections. Education programs in these facilities shall
29.21 conform to state and federal education laws including the Individuals with Disabilities
29.22 Education Act (IDEA). This section applies only to placements in children's residential
29.23 facilities licensed by the Department of Human Services or the Department of Corrections.
29.24 For purposes of this section, "on-site education program" means the educational services
29.25 provided directly on the grounds of the ~~care and treatment~~ children's residential facility to
29.26 children and youth placed for care and treatment.

29.27 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
29.28 residential facility is located must provide education services, including special education
29.29 if eligible, to all students placed in a facility.

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

30.1 Subd. 3a. **Students without a disability from other states.** A school district is not
30.2 required to provide education services under this section to a student who:

30.3 (1) is not a resident of Minnesota;

30.4 (2) does not have an individualized education program; and

30.5 (3) does not have a tuition arrangement or agreement to pay the cost of education from
30.6 the placing authority.

30.7 Subd. 4. **Education services required.** (a) Education services must be provided to a
30.8 student beginning within three business days after the student enters the ~~care and treatment~~
30.9 children's residential facility. The first four days of the student's placement may be used to
30.10 screen the student for educational and safety issues.

30.11 (b) If the student does not meet the eligibility criteria for special education, regular
30.12 education services must be provided to that student.

30.13 Subd. 5. **Education programs for students placed in children's residential facilities.**

30.14 (a) When a student is placed in a children's residential facility ~~approved~~ under this section
30.15 that has an on-site education program, the providing district, upon notice from the ~~care and~~
30.16 ~~treatment~~ children's residential facility, must contact the resident district within one business
30.17 day to determine if a student has been identified as having a disability, and to request at
30.18 least the student's transcript, and for students with disabilities, the most recent individualized
30.19 education program (IEP) and evaluation report, ~~and to determine if the student has been~~
30.20 ~~identified as a student with a disability~~. The resident district must send a facsimile copy to
30.21 the providing district within two business days of receiving the request.

30.22 (b) If a student placed under this section has been identified as having a disability and
30.23 has an individualized education program in the resident district:

30.24 (1) the providing agency must conduct an individualized education program meeting to
30.25 reach an agreement about continuing or modifying special education services in accordance
30.26 with the current individualized education program goals and objectives and to determine if
30.27 additional evaluations are necessary; and

30.28 (2) at least the following people shall receive written notice or documented phone call
30.29 to be followed with written notice to attend the individualized education program meeting:

30.30 (i) the person or agency placing the student;

30.31 (ii) the resident district;

30.32 (iii) the appropriate teachers and related services staff from the providing district;

31.1 (iv) appropriate staff from the children's residential facility;

31.2 (v) the parents or legal guardians of the student; and

31.3 (vi) when appropriate, the student.

31.4 (c) For a student who has not been identified as a student with a disability, a screening
31.5 must be conducted by the providing districts as soon as possible to determine the student's
31.6 educational and behavioral needs and must include a review of the student's educational
31.7 records.

31.8 **Subd. 6. Exit report summarizing educational progress.** If a student has been placed
31.9 in a facility under this section for 15 or more business days, the providing district must
31.10 prepare an exit report summarizing the regular education, special education, evaluation,
31.11 educational progress, and service information and must send the report to the resident district
31.12 and the next providing district if different, the parent or legal guardian, and any appropriate
31.13 social service agency. For students with disabilities, this report must include the student's
31.14 IEP.

31.15 **Subd. 7. Minimum educational services required.** When a student is placed in a
31.16 children's residential facility ~~approved~~ under this section, at a minimum, the providing
31.17 district is responsible for:

31.18 (1) the education necessary, including summer school services, for a student who is not
31.19 performing at grade level as indicated in the education record or IEP; and

31.20 (2) a school day, of the same length as the school day of the providing district, unless
31.21 the unique needs of the student, as documented through the IEP or education record in
31.22 consultation with treatment providers, requires an alteration in the length of the school day.

31.23 **Subd. 8. Placement, services, and due process.** When a student's treatment and
31.24 educational needs allow, education shall be provided in a regular educational setting. The
31.25 determination of the amount and site of integrated services must be a joint decision between
31.26 the student's parents or legal guardians and the treatment and education staff. When
31.27 applicable, educational placement decisions must be made by the IEP team of the providing
31.28 district. Educational services shall be provided in conformance with the least restrictive
31.29 environment principle of the Individuals with Disabilities Education Act. The providing
31.30 district and ~~care and treatment~~ children's residential facility shall cooperatively develop
31.31 discipline and behavior management procedures to be used in emergency situations that
31.32 comply with the Minnesota Pupil Fair Dismissal Act and other relevant state and federal
31.33 laws and regulations.

32.1 Subd. 9. **Reimbursement for education services.** (a) Education services provided to
 32.2 students who have been placed under this section are reimbursable in accordance with
 32.3 special education and general education statutes.

32.4 (b) Indirect or consultative services provided in conjunction with regular education
 32.5 prereferral interventions and assessment provided to regular education students suspected
 32.6 of being disabled and who have demonstrated learning or behavioral problems in a screening
 32.7 are reimbursable with special education categorical aids.

32.8 (c) Regular education, including screening, provided to students with or without
 32.9 disabilities is not reimbursable with special education categorical aids.

32.10 Subd. 10. **Students unable to attend school but not covered under this section.**
 32.11 Students who are absent from, or predicted to be absent from, school for 15 consecutive or
 32.12 intermittent days, and placed at home or in facilities not licensed by the Departments of
 32.13 Corrections or Human Services are entitled to regular and special education services
 32.14 consistent with this section or Minnesota Rules, part 3525.2325. These students include
 32.15 students with and without disabilities who are home due to accident or illness, in a hospital
 32.16 or other medical facility, or in a day treatment center.

32.17 ARTICLE 5

32.18 SELF-SUFFICIENCY AND LIFELONG LEARNING

32.19 Section 1. Minnesota Statutes 2016, section 124D.52, subdivision 7, is amended to read:

32.20 Subd. 7. **Performance tracking system.** (a) ~~By July 1, 2000, each approved adult basic~~
 32.21 ~~education program must develop and~~ The commissioner of education must annually
 32.22 implement a performance tracking system to provide information necessary to comply with
 32.23 federal law and serve as one means of assessing the effectiveness of adult basic education
 32.24 programs. For required reporting, longitudinal studies, and program improvement, the
 32.25 tracking system must be designed to collect data on the following core outcomes for learners,
 32.26 including English learners, who have completed participating in the adult basic education
 32.27 program:

32.28 (1) demonstrated improvements in literacy skill levels in reading, writing, speaking the
 32.29 English language, numeracy, problem solving, English language acquisition, and other
 32.30 literacy skills;

32.31 (2) placement in, retention in, or completion of postsecondary education, training,
 32.32 unsubsidized employment, or career advancement;

33.1 (3) receipt of a secondary school diploma or its recognized equivalent; and

33.2 (4) reduction in participation in the ~~diversionary work program~~, Minnesota family
33.3 investment program; and food support education and training program.

33.4 (b) A district, group of districts, state agency, or private nonprofit organization providing
33.5 an adult basic education program ~~may meet this requirement by developing a tracking system~~
33.6 ~~based on either or both of the following methodologies:~~ must

33.7 ~~(1) conducting a reliable follow-up survey; or~~

33.8 ~~(2) submitting~~ submit student information, including collected Social Security numbers
33.9 for data matching.

33.10 ~~Data related to obtaining employment must be collected in the first quarter following~~
33.11 ~~program completion or can be collected while the student is enrolled, if known. Data related~~
33.12 ~~to employment retention must be collected in the third quarter following program exit. Data~~
33.13 related to any ~~other~~ of the specified outcome outcomes may be collected at any time during
33.14 a program year.

33.15 (c) When a student in a program is requested to provide the student's Social Security
33.16 number, the student must be notified in a written form easily understandable to the student
33.17 that:

33.18 (1) providing the Social Security number is optional and no adverse action may be taken
33.19 against the student if the student chooses not to provide the Social Security number;

33.20 (2) the request is made under section 124D.52, subdivision 7;

33.21 (3) if the student provides the Social Security number, it will be used to assess the
33.22 effectiveness of the program by tracking the student's subsequent career; and

33.23 (4) the Social Security number will be shared with the Department of Education;
33.24 Minnesota State Colleges and Universities; Office of Higher Education; Department of
33.25 Human Services; and Department of Employment and Economic Development in order to
33.26 accomplish the purposes described in paragraph (a) and will not be used for any other
33.27 purpose or reported to any other governmental entities.

33.28 (d) Annually a district, group of districts, state agency, or private nonprofit organization
33.29 providing programs under this section must forward the ~~tracking data collected~~ data elements
33.30 specified by the Department of Education to the Department of Education. For the purposes
33.31 of longitudinal studies on the employment status of former students under this section, the
33.32 Department of Education must forward the Social Security numbers to the Department of

34.1 Employment and Economic Development to electronically match the Social Security numbers
34.2 of former students with wage detail reports filed under section 268.044. The results of data
34.3 matches must, for purposes of this section and consistent with the requirements of the ~~United~~
34.4 ~~States Code, title 29, section 2871, of the Workforce Investment Act of 1998~~ Workforce
34.5 Innovation and Opportunity Act, be compiled in a longitudinal form by the Department of
34.6 Employment and Economic Development and released to the Department of Education in
34.7 the form of summary data that does not identify the individual students. The Department
34.8 of Education may release this summary data. State funding for adult basic education programs
34.9 must not be based on the number or percentage of students who decline to provide their
34.10 Social Security numbers or on whether the program is evaluated by means of a follow-up
34.11 survey instead of data matching.

34.12 **ARTICLE 6**

34.13 **LIBRARIES**

34.14 Section 1. Minnesota Statutes 2016, section 134.31, subdivision 2, is amended to read:

34.15 Subd. 2. **Advice and instruction.** The Department of Education shall give advice and
34.16 instruction to the managers of any public library or to any governing body maintaining a
34.17 library or empowered to do so by law upon any matter pertaining to the organization,
34.18 maintenance, or administration of libraries. The department may also give advice and
34.19 instruction, as requested, to postsecondary educational institutions, public school districts
34.20 or charter schools, state agencies, governmental units, nonprofit organizations, or private
34.21 entities. It shall assist, to the extent possible, in the establishment and organization of library
34.22 service in those areas where adequate services do not exist, and may aid in improving
34.23 previously established library services. The department shall also provide assistance to
34.24 school districts, regional library systems, and member libraries interested in offering joint
34.25 library services at a single location.

APPENDIX
Article locations in 17-0347

ARTICLE 1	GENERAL EDUCATION	Page.Ln 1.15
ARTICLE 2	EDUCATION EXCELLENCE	Page.Ln 7.10
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APPENDIX
Repealed Minnesota Statutes: 17-0347

124D.73 DEFINITIONS.

Subd. 2. **American Indian child.** "American Indian child" means any child, living on or off a reservation, who is enrolled or eligible for enrollment in a federally recognized tribe.