

2019 Minnesota Senate File No. 2116, Minnesota First Regular Session of the Ninety-First Legislative Session

MINNESOTA BILL TEXT

**TITLE: Prekindergarten through grade 12 education provisions modifications**

VERSION: Introduced

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Nelson

 [Image 1 within document in PDF format.](#)

SUMMARY: Prekindergarten through grade 12 education provisions modifications

**TEXT:**

SENATE

STATE OF MINNESOTA

NINETY-FIRST SESSION S.F. No. 2116

(SENATE AUTHORS: NELSON)

DATE D-PG OFFICIAL STATUS 03/07/2019 Introduction and first reading Referred to E-12 Finance and Policy

A bill for an act

relating to education; making certain policy changes for prekindergarten through grade 12 education including general education, education excellence, nutrition, and facilities; requiring reports; amending Minnesota Statutes 2018, sections 5A.03, subdivision 2; 120A.22, subdivision 7; 121A.335, subdivisions 3, 5; 121A.41, by adding subdivisions; 121A.45, subdivision 1; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14, by adding a subdivision; 121A.53, subdivision 1; 121A.55; 123B.49, subdivision 4; 123B.571, subdivisions 1, 3, by adding a subdivision; 124D.09, subdivision 3; 124D.111, subdivision 4, by adding a subdivision; 124D.165, subdivision 2; 124D.34, subdivisions 2, 3, 4, 5, 8, 12; 124D.78, subdivision 2; 124E.13, subdivision 3; 127A.052; 471.345, subdivision 1; 626.556, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2018, sections 127A.051, subdivision 7; 127A.14.

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

ARTICLE 1

GENERAL EDUCATION

Section 1. [Minnesota Statutes 2018, section 123B.49, subdivision 4](#), is amended to read:

Subd. 4. Board control of extracurricular activities. (a) The board ~~may~~ **must** take charge of and control all extracurricular activities of the teachers and children of the public schools in the district. Extracurricular activities means all direct and personal services for pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member. The board shall allow all resident pupils receiving instruction in a home school as defined in

section 123B.36, subdivision 1, paragraph (a), to be eligible to fully participate in extracurricular activities on the same basis as public school students.

(b) Extracurricular activities have all of the following characteristics:

(1) they are not offered for school credit nor required for graduation;

(2) they are generally conducted outside school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;

(3) the content of the activities is determined primarily by the pupil participants under the guidance of a staff member or other adult.

~~(c) If the board does not take charge of and control extracurricular activities, these activities shall be self-sustaining with all expenses, except direct salary costs and indirect costs of the use of school facilities, met by dues, admissions, or other student fund-raising events. The general fund must reflect only those salaries directly related to and readily identified with the activity and paid by public funds. Other revenues and expenditures for extra curricular activities must be recorded according to the Manual for Activity Fund Accounting. Extracurricular activities not under board control must have an annual financial audit and must also be audited annually for compliance with this section.~~

~~(d) If the board takes charge of and controls extracurricular activities;~~ (c) Any or all costs of these activities may be provided from school revenues and all revenues and expenditures for these activities shall be recorded in the same manner as other revenues and expenditures of the district.

~~(e) If the board takes charge of and controls extracurricular activities;~~ (d) The teachers or pupils in the district must not participate in such activity, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the board.

**(e) A school district must reserve revenue raised for extracurricular activities and spend the revenue only for extracurricular activities.**

Sec. 2. [Minnesota Statutes 2018, section 127A.052](#), is amended to read:

127A.052 SCHOOL SAFETY TECHNICAL ASSISTANCE CENTER.

(a) The commissioner shall establish a school safety technical assistance center at the department to help districts and schools under section 121A.031 provide a safe and supportive learning environment and foster academic achievement for all students by focusing on prevention, intervention, support, and recovery efforts to develop and maintain safe and supportive schools. The center must work collaboratively with implicated state agencies identified by the center and schools, communities, and interested individuals and organizations to determine how to best use available resources.

(b) The center's services shall include:

(1) evidence-based policy review, development, and dissemination;

(2) single, point-of-contact services designed for schools, parents, and students seeking information or other help;

(3) qualitative and quantitative data gathering, interpretation, and dissemination of summary data for existing reporting systems and student surveys and the identification and pursuit of emerging trends and issues;

(4) assistance to districts and schools in using Minnesota student survey results to inform intervention and prevention programs;

(5) education and skill building;

(6) multisector and multiagency planning and advisory activities incorporating best practices and research; and

(7) administrative and financial support for school and district planning, schools recovering from incidents of violence, and school and district violence prevention education.

(c) The center shall:

(1) compile and make available to all districts and schools evidence-based elements and resources to develop and maintain safe and supportive schools;

(2) establish and maintain a central repository for collecting and analyzing information about prohibited conduct under section 121A.031, including, but not limited to:

(i) training materials on strategies and techniques to prevent and appropriately address prohibited conduct under section 121A.031;

(ii) model programming;

(iii) remedial responses consistent with section 121A.031, subdivision 2, paragraph (i); and

(iv) other resources for improving the school climate and preventing prohibited conduct under section 121A.031;

(3) assist districts and schools to develop strategies and techniques for effectively communicating with and engaging parents in efforts to protect and deter students from prohibited conduct under section 121A.031; and

(4) solicit input from social media experts on implementing this section.

(d) The commissioner shall provide administrative services including personnel, budget, payroll and contract services, and staff support for center activities including developing and disseminating materials, providing seminars, and developing and maintaining a website. Center staff shall include a center director, a data analyst coordinator, and trainers who provide training to affected state and local organizations under a fee-for-service agreement. The financial, administrative, and staff support the commissioner provides under this section must be based on an annual budget and work program developed by the center and submitted to the commissioner by the center director.

(e) School safety technical assistance center staff may consult with school safety center staff at the Department of Public Safety in providing services under this section.

(f) The center is voluntary and advisory. The center does not have enforcement, rulemaking, oversight, or regulatory authority.

~~(g) The center expires on June 30, 2019.~~

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

Sec. 3. **REPEALER.**

**Minnesota Statutes 2018, sections 127A.051, subdivision 7; and 127A.14, are repealed the day following final enactment.**

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. [Minnesota Statutes 2018, section 5A.03, subdivision 2](#), is amended to read:

Subd. 2. Placing Minnesota students in travel abroad programs. (a) A school district or charter school with enrolled students who participate in a foreign exchange or study or other travel abroad program **or whose enrolled students participate in a foreign exchange or study or other travel abroad program** under a written agreement between the district or charter school and the program provider must use a form developed by the Department of Education to annually report to the department by November 1 the following data from the previous school year:

(1) the number of Minnesota student deaths that occurred while Minnesota students were participating in the foreign exchange or study or other travel abroad program and that resulted from Minnesota students participating in the program;

(2) the number of Minnesota students hospitalized due to accidents and the illnesses that occurred while Minnesota students were participating in the foreign exchange or study or other travel abroad program and that resulted from Minnesota students participating in the program; and

(3) the name and type of the foreign exchange or study or other travel abroad program and the city or region where the reported death, hospitalization due to accident, or the illness occurred.

(b) School districts and charter schools must ask but must not require enrolled eligible students and the parents or guardians of other enrolled students who complete a foreign exchange or study or other travel abroad program to disclose the information under paragraph (a).

(c) When reporting the data under paragraph (a), a school district or charter school may supplement the data with a brief explanatory statement. The Department of Education annually must aggregate and publish the reported data on the department website in a format that facilitates public access to the aggregated data and include links to both the United States Department of State's Consular Information Program that informs the public of conditions abroad that may affect students' safety and security and the publicly available reports on sexual assaults and other criminal acts affecting students participating in a foreign exchange or study or other travel abroad program.

(d) School districts and charter schools with enrolled students who participate in foreign exchange or study or other travel abroad programs under a written agreement between the district or charter school and the program provider are encouraged to adopt policies supporting the programs and to include program standards in their policies to ensure students' health and safety.

(e) To be eligible under this subdivision to provide a foreign exchange or study or other travel abroad program to Minnesota students enrolled in a school district or charter school, a program provider annually must register with the secretary of state and provide the following information on a form developed by the secretary of state: the name, address, and telephone number of the program provider, its chief executive officer, and the person within the provider's

organization who is primarily responsible for supervising programs within the state; the program provider's unified business identification number, if any; whether the program provider is exempt from federal income tax; a list of the program provider's placements in foreign countries for the previous school year including the number of Minnesota students placed, where Minnesota students were placed, and the length of their placement; the terms and limits of the medical and accident insurance available to cover participating students and the process for filing a claim; and the signatures of the program provider's chief executive officer and the person primarily responsible for supervising Minnesota students' placements in foreign countries. If the secretary of state determines the registration is complete, the secretary of state shall file the registration and the program provider is registered. Registration with the secretary of state must not be considered or represented as an endorsement of the program provider by the secretary of state. The secretary of state annually must publish on its website aggregated data under paragraph (c) received from the Department of Education.

(f) Program providers, annually by August 1, must provide the data required under paragraph (a), clauses (1) to (3), to the districts and charter schools with enrolled students participating in the provider's program.

(g) The Department of Education must publish the information it has under paragraph (c), but it is not responsible for any errors or omissions in the information provided to it by a school district or charter school. A school district or charter school is not responsible for omissions in the information provided to it by students and programs.

Sec. 2. [Minnesota Statutes 2018, section 120A.22, subdivision 7](#), is amended to read:

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

Sec. 3. **[121A.35] SCHOOL SAFETY ASSESSMENT.**

**Subdivision 1. School safety assessment.** "School safety assessment" means a fact-based process using an integrated team approach that helps schools evaluate and assess potentially threatening situations or individuals whose behavior may pose a threat to the safety of the school, staff or students, or self.

**Subd. 2. Policy.** A school board must adopt a policy to establish safety assessment teams to conduct school safety assessments consistent with subdivision 1. A safety assessment policy must be consistent with district policies in section 121A.035 and with any guidance provided by the Department of Public Safety's School Safety Center. A safety assessment policy must include procedures for referrals to mental health centers or health care providers for evaluation or treatment when appropriate. A safety assessment policy must require notice to the parent or guardian of a student whose behavior is assessed under this section unless notice to the parent or guardian is not in the minor's best interests, consistent with sections 13.02, subdivision 8, and 13.32, subdivision 2. Nothing in this subdivision shall preclude school personnel from acting immediately to address an imminent threat. Based on information collected, the school safety assessment team shall determine strategies to mitigate the threat and provide intervention and assistance to those involved, as needed, including the person making the threat as well as the target of the threat.

**Subd. 3. Oversight.** The superintendent of a school district must establish a committee or individual charged with oversight of the safety assessment teams operating within the district, which may be an existing committee established by the school board.

**Subd. 4. Safety assessment teams.** (a) The superintendent of a school district must establish for each school a safety assessment team that includes, to the extent practicable, school officials with expertise in counseling, school administration, students with disabilities, and law enforcement. A safety assessment team may serve one or more schools, as determined by the superintendent.

(b) A safety assessment team must:

(1) provide guidance to school staff and students regarding recognition of threatening or unusual behavior that may represent a threat to the school, staff or students, or self, and the members of the school to whom threatening or unusual behavior should be reported;

(2) consider whether there is sufficient information to determine whether an individual poses a threat;

(3) implement a policy adopted by the school board under subdivision 2; and

(4) report summary data on its activities to the superintendent.

(c) Upon a preliminary determination that an individual poses a threat of violence or physical harm to self or others, a safety assessment team must immediately report its determination to the district superintendent or the superintendent's designee. The superintendent or the superintendent's designee must notify the parent or legal guardian, consistent with district policy. The safety assessment team must consider services to address the individual's underlying behavioral or mental health issues, which may include counseling, social work services, character education consistent with section 120B.232, evidence-based

academic and positive behavioral interventions and supports, mental health services, and referrals for special education or section 504 evaluations.

(d) Upon determining that a student exhibits suicidal ideation or self-harm, a school safety assessment team must follow the district's suicide prevention policy or protocol or refer the student to an appropriate school-linked mental health professional or other support personnel. Access to information regarding a student exhibiting suicidal ideation or self-harm is subject to section 13.32, subdivision 2.

(e) Nothing in this section precludes a school district official or employee from acting immediately to address an imminent threat.

**Subd. 5. Redisclosure.** (a) A safety assessment team member must not redisclose educational records or use any record of an individual beyond the purpose for which the disclosure was made to the safety assessment team. A school district employee who has access to information related to a safety assessment is subject to this subdivision.

(b) Nothing in this section prohibits the disclosure of educational data as described in section 13.32, subdivision 3.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 4. [Minnesota Statutes 2018, section 121A.41](#), is amended by adding a subdivision to read:

**Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavioral interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for Title I services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4, paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph (q); 122A.627, clause (3); and 123A.56.

**EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

Sec. 5. [Minnesota Statutes 2018, section 121A.41](#), is amended by adding a subdivision to read:

**Subd. 13. Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal or written agreement between a school or district administrator and a pupil's parent or guardian to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement may be no longer than 12 months.

**EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

Sec. 6. [Minnesota Statutes 2018, section 121A.45, subdivision 1](#), is amended to read:

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

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 7. [Minnesota Statutes 2018, section 121A.46](#), is amended by adding a subdivision to read:

**Subd. 5. Suspensions exceeding five consecutive school days. A school administrator must ensure that when a pupil is suspended for more than five consecutive school days, alternative education services are provided.**

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 8. [Minnesota Statutes 2018, section 121A.46](#), is amended by adding a subdivision to read:

**Subd. 6. Minimum education services. School officials must give a suspended pupil the opportunity to complete all school work assigned during the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.**

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 9. [Minnesota Statutes 2018, section 121A.47](#), is amended by adding a subdivision to read:

**Subd. 1a. Safety assessment requirement. Prior to providing notice of expulsion or exclusion under subdivision 2 or accepting a pupil withdrawal agreement, a school's integrated threat assessment team must conduct a school safety assessment of the pupil consistent with section 121A.35. The assessment must address the pupil's underlying issues that led to the expulsion, exclusion, or pupil withdrawal agreement in order to prevent behaviors from recurring.**

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 10. [Minnesota Statutes 2018, section 121A.47, subdivision 2](#), is amended to read:

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

- (a) **(1)** be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) **(2)** contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) **(3)** state the date, time, and place of the hearing;
- (d) **(4)** be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) **(5)** describe alternative educational services **the nonexclusionary disciplinary policies and practices** accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) **(6)** inform the pupil and parent or guardian of the right to:



- (1) (i) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall **must** advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education **and is posted on its website**;
- (2) (ii) examine the pupil's records before the hearing;
- (3) (iii) present evidence; and
- (4) (iv) confront and cross-examine witnesses.

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 11. [Minnesota Statutes 2018, section 121A.47, subdivision 14](#), is amended to read:

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

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

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 12. [Minnesota Statutes 2018, section 121A.53, subdivision 1](#), is amended to read:

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

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 13. [Minnesota Statutes 2018, section 121A.55](#), is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

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

(b) The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The **school is responsible for ensuring that the** alternative educational services, if **provided to** the pupil wishes to take advantage of them, must be **are** adequate to allow the pupil to make progress towards **toward** meeting the graduation standards adopted under section 120B.02 and **, help prepare the pupil for readmission, and are consistent with section 121A.46, subdivision 6.**

(c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as defined in section 121A.41, subdivision 14:

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

(2) **if school-based mental health services are provided in the district under section 245.4889, pupils continue to be eligible for those services until they are enrolled in a new district; and**

(3) **The school district must provide to the pupil's parent or guardian a list of mental health and counseling services available to the pupil after expulsion. The list must also be posted on the district's website.**

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

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

**EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.**

Sec. 14. [Minnesota Statutes 2018, section 124D.09, subdivision 3](#), is amended to read:

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

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by the ~~North Central Association of Colleges and Schools~~ **an accreditor recognized by the United States Department of Education**, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

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

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

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

Sec. 15. [Minnesota Statutes 2018, section 124D.165, subdivision 2](#), is amended to read:

Subd. 2. Family eligibility. (a) For a family to receive an early learning scholarship, parents or guardians must meet the following eligibility requirements:

(1) have an eligible child; and

(2) have income equal to or less than 185 percent of federal poverty level income in the current calendar year, or be able to document their child's current participation in the free and reduced-price lunch program or Child and Adult Care Food Program, National School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota family investment program under chapter 256J; child care assistance programs under chapter 119B; the supplemental nutrition assistance program; or placement in foster care under section 260C.212. **Parents or guardians are not required to provide income verification under this clause if the child is an eligible child under paragraph (b), clause (4) or (5).**

(b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

(1) at least three but not yet five years of age on September 1 of the current school year;

(2) a sibling from birth to age five of a child who has been awarded a scholarship under this section provided the sibling attends the same program as long as funds are available;

(3) the child of a parent under age 21 who is pursuing a high school degree or a course of study for a high school equivalency test; or

~~(4) homeless, in foster care, or in need of child protective services.~~

**(4) a child in need of protective services or in foster care as defined under section 260C.007; or**

**(5) designated as homeless under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.**

(c) A child who has received a scholarship under this section must continue to receive a scholarship each year until that child is eligible for kindergarten under section 120A.20 and as long as funds are available.

(d) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

(e) A child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service, who has received developmental screening under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district, and whose family meets the criteria of paragraph (a) is eligible for an early learning scholarship under this section.

Sec. 16. [Minnesota Statutes 2018, section 124D.34, subdivision 2](#), is amended to read:

Subd. 2. Creation of foundation. There is created the Minnesota Foundation for Student Organizations. The purpose of the foundation is to promote ~~vocational~~ **career and technical** student organizations and applied leadership opportunities in Minnesota public and nonpublic schools through public-private partnerships. The foundation is a nonprofit organization. The board of directors of the foundation and activities of the foundation are under the direction of the commissioner of education.

Sec. 17. [Minnesota Statutes 2018, section 124D.34, subdivision 3](#), is amended to read:

Subd. 3. Board of directors. The board of directors of the Minnesota Foundation for Student Organizations consists of:

(1) seven members appointed by the board of directors of the ~~school-to-work~~ **career and technical** student organizations and chosen so that each represents one of the following career areas: agriculture, family and consumer sciences, service occupations, health occupations, marketing, business, and technical/industrial;

(2) seven members from business, industry, and labor appointed by the governor to staggered terms and chosen so that each represents one of the following career areas: agriculture, family and consumer sciences, service occupations, health occupations, marketing, business, and technical/industrial;

(3) five students or alumni of ~~school-to-work~~ **career and technical** student organizations representing diverse career areas, three from secondary student organizations, and two from postsecondary student organizations. The students or alumni shall be appointed by the criteria and process agreed upon by the executive directors of the ~~student-to-work~~ **career and technical** organizations; and

(4) four members from education appointed by the governor to staggered terms and chosen so that each represents one of the following groups: school district level administrators, secondary school administrators, middle school administrators, and postsecondary administrators.

Executive directors of ~~vocational~~ **career and technical** education student organizations are ex officio, nonvoting members of the board.

Sec. 18. [Minnesota Statutes 2018, section 124D.34, subdivision 4](#), is amended to read:

Subd. 4. Foundation programs. The foundation shall advance applied leadership and intracurricular ~~vocational~~ **career and technical** learning experiences for students. These may include, but are not limited to:

(1) recognition programs and awards for students demonstrating excellence in applied leadership;

(2) summer programs for student leadership, career development, applied academics, and mentorship programs with business and industry;

- (3) recognition programs for teachers, administrators, and others who make outstanding contributions to school-to-work **career and technical** programs;
- (4) outreach programs to increase the involvement of urban and suburban students;
- (5) organized challenges requiring cooperation and competition for secondary and postsecondary students;
- (6) assistance and training to community teams to increase career awareness and empowerment of youth as community leaders; and
- (7) assessment and activities in order to plan for and implement continuous improvement.

To the extent possible, the foundation shall make these programs available to students in all parts of the state.

Sec. 19. [Minnesota Statutes 2018, section 124D.34, subdivision 5](#), is amended to read:

Subd. 5. Powers and duties. The foundation may:

- (1) identify and plan common goals and priorities for the various school-to-work **career and technical** student organizations in Minnesota;
- (2) publish brochures or booklets relating to the purposes of the foundation and collect reasonable fees for the publications;
- (3) seek and receive public and private money, grants, and in-kind services and goods from nonstate sources for the purposes of the foundation, without complying with section 16A.013, subdivision 1;
- (4) contract with consultants on behalf of the school-to-work **career and technical** student organizations;
- (5) plan, implement, and expend money for awards and other forms of recognition for school-to-work **career and technical** student programs; and
- (6) identifying an appropriate name for the foundation.

Sec. 20. [Minnesota Statutes 2018, section 124D.34, subdivision 8](#), is amended to read:

Subd. 8. Public funding. The state shall identify and secure appropriate funding for the basic staffing of the foundation and individual student school-to-work **career and technical** student organizations at the state level.

Sec. 21. [Minnesota Statutes 2018, section 124D.34, subdivision 12](#), is amended to read:

Subd. 12. Student organizations. Individual boards of vocational **career and technical** education student organizations shall continue their operations in accordance with section 124D.355 and applicable federal law.

Sec. 22. [Minnesota Statutes 2018, section 124D.78, subdivision 2](#), is amended to read:

Subd. 2. Resolution of concurrence. Prior to March 1, the school board or American Indian school must submit to the department a copy of a resolution adopted by the American Indian education parent advisory committee. The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian students offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted **directly to the school board** with the resolution. By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations.

Sec. 23. [Minnesota Statutes 2018, section 124E.13, subdivision 3](#), is amended to read:

Subd. 3. Affiliated nonprofit building corporation. (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. **An affiliated nonprofit building corporation may only serve one charter school.** A charter school may organize an affiliated nonprofit building corporation if the charter school:

- (1) has operated for at least six consecutive years;
  - (2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;
  - (3) has long-range strategic and financial plans that include enrollment projections for at least five years;
  - (4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and
  - (5) has a plan that describes project parameters and budget.
- (b) An affiliated nonprofit building corporation under this subdivision must:
- (1) be incorporated under section 317A;
  - (2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;
  - (3) post on the school website the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;
  - (4) submit to the commissioner a copy of its annual audit by December 31 of each year; and
  - (5) comply with government data practices law under chapter 13.
- (c) An affiliated nonprofit building corporation must not serve as the leasing agent for property or facilities it does not own. A charter school that leases a facility from an affiliated nonprofit building corporation that does not own the leased facility is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.
- (d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.

Sec. 24. [Minnesota Statutes 2018, section 626.556, subdivision 2](#), is amended to read:

Subd. 2. Definitions. As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

(b) "Commissioner" means the commissioner of human services.

(c) "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H, 245D, or 245H;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

(d) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(e) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve sexual abuse or substantial child endangerment, and for reports of maltreatment in facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

(f) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(g) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(h) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.



This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(i) "Operator" means an operator or agency as defined in section 245A.02.

(j) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(k) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following:

- (1) throwing, kicking, burning, biting, or cutting a child;
- (2) striking a child with a closed fist;
- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;
- (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;
- (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
- (10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

(n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree), **or 609.352 (solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children)**. Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

(o) "Substantial child endangerment" means a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm as defined in section 260C.007, subdivision 14;

(2) abandonment under section 260C.301, subdivision 2;

(3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(5) manslaughter in the first or second degree under section 609.20 or 609.205;

(6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(7) solicitation, inducement, and promotion of prostitution under section 609.322;

(8) criminal sexual conduct under sections 609.342 to 609.3451;

(9) solicitation of children to engage in sexual conduct under section 609.352;

(10) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(11) use of a minor in sexual performance under section 617.246; or

(12) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

(p) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (j), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (q) from the Department of Human Services.

(q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (p), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(r) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

### ARTICLE 3

### NUTRITION

Section 1. [Minnesota Statutes 2018, section 124D.111, subdivision 4](#), is amended to read:

Subd. 4. No fees. A participant that receives school lunch aid under this section must make lunch available without charge **and must not deny a school lunch** to all participating students who qualify for free or reduced-price meals. The participant must also ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program. **, whether or not a student has an outstanding balance in the student's meals account attributable to a la carte purchases or for any other reason.**

Sec. 2. [Minnesota Statutes 2018, section 124D.111](#), is amended by adding a subdivision to read:

**Subd. 5. Respectful treatment. (a) A participant must provide meals to students in a respectful manner according to the policy adopted under subdivision 1. A participant must ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize a student in the school lunch program, including but not limited to dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps, or pins. A participant must not impose any restrictions prohibited under section 123B.37 due to an unpaid student meal balance. A participant must not limit a student's participation in any school activities, including graduation ceremonies or other graduation activities, field trips, athletics, activity clubs, other extracurricular activities or access to materials, technology, or other items provided to students, due to an unpaid student meal balance.**

**(b) If the commissioner or the commissioner's designee determines a participant has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the participant. The participant is required to respond and, if applicable, remedy the practice within 30 days.**

#### ARTICLE 4

#### FACILITIES

Section 1. [Minnesota Statutes 2018, section 121A.335, subdivision 3](#), is amended to read:

Subd. 3. Frequency of testing. **(a) The plan under subdivision 2 must include a testing schedule for every building serving prekindergarten through grade 12 students. The schedule must require that each building be tested at least once every five years. A school district or charter school must begin testing school buildings by July 1, 2018, and complete testing of all buildings that serve students within five years.**

**(b) The commissioner of education must, in consultation with the commissioner of health, establish and maintain guidelines and recommendations for reducing the hazards of lead in school drinking water at various concentrations. A school district or charter school that finds lead at a specific location providing cooking or drinking water within a facility shall formulate, make publicly available, and implement a plan that is consistent with established guidelines and recommendations to ensure that student exposure to lead is minimized.**

Sec. 2. [Minnesota Statutes 2018, section 121A.335, subdivision 5](#), is amended to read:

Subd. 5. Reporting. A school district **or charter school** that has tested its buildings for the presence of lead shall make the results of the testing available to the public for review and must notify parents of the availability of the information. **If a test conducted under subdivision 3, paragraph (a), reveals the presence of lead, the school district or charter school must directly notify parents of the test result and any steps taken to remediate the water source, make the water source unavailable, or otherwise reduce the hazard.**

Sec. 3. [Minnesota Statutes 2018, section 123B.571, subdivision 1](#), is amended to read:

Subdivision 1. Voluntary plan. The commissioners of health and education may jointly develop a plan to encourage school districts **and charter schools** to accurately and efficiently test for the presence of radon in public school buildings serving students in kindergarten through grade 12. To the extent possible, the commissioners shall base the plan on the standards established by the United States Environmental Protection Agency.

Sec. 4. [Minnesota Statutes 2018, section 123B.571, subdivision 3](#), is amended to read:

Subd. 3. Reporting. A school district ~~that has tested~~ **or charter school must test** its school buildings for the presence of radon shall **and must** report the results of its tests to the Department of Health in a form and manner prescribed by the commissioner of health. A school district that has tested for the presence of radon shall **must** also report the results of its testing at a school board meeting.

Sec. 5. [Minnesota Statutes 2018, section 123B.571](#), is amended by adding a subdivision to read:

**Subd. 4. Testing requirements Short-term tests must be conducted on school days only between November 1 and March 31. Long-term tests must be conducted in a manner where at least half the test duration is between November 1 and March 31. Tests must be conducted with certified radon testing devices as listed by either the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB). Tests must test all frequently occupied rooms, including rooms with ground contact and rooms immediately above unoccupied spaces that are in contact with the ground, such as crawl spaces and tunnels. Schools must conduct follow-up testing in all frequently occupied rooms that have a radon level above 4 pCi/L and must mitigate or take corrective measures in frequently occupied rooms that have radon above 4 pCi/L following ANSI/AARST Radon Mitigation Standards for Schools and Large Buildings (ANSI/AARST RMS-LB). Schools must retest after corrective measures to show radon reductions.**

Sec. 6. [Minnesota Statutes 2018, section 471.345, subdivision 1](#), is amended to read:

Subdivision 1. Municipality defined. For purposes of this section, "municipality" means a county, town, city, school district, **charter school**, or other municipal corporation or political subdivision of the state authorized by law to enter into contracts.

## APPENDIX

Repealed Minnesota Statutes: 19-3561

### 127A.051 SCHOOL SAFETY TECHNICAL ASSISTANCE COUNCIL.

Subd. 7. Expiration. The council expires on June 30, 2019.

### 127A.14 COMMISSIONER PURCHASE OF ANNUITY FOR EMPLOYEES.

Subdivision 1. Purchase of annuity contract; allocation of portion of employee compensation. At the request of an employee, the commissioner of education may negotiate and purchase an individual annuity contract from a company licensed to do business in the state of Minnesota for an employee for retirement or other purposes and may allocate a portion of the compensation otherwise payable to the employee as salary for the purpose of paying the entire premium due or to become due under such contract. The allocation shall be made in a manner which will qualify the annuity

premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and the employee's rights thereunder shall be nonforfeitable except for failure to pay premiums.

Subd. 2. Annuity account; appropriation. All amounts so allocated shall be deposited in an annuity account which is hereby established in the state treasury. There is annually appropriated from the annuity account in the state treasury to the commissioner of education all moneys deposited therein for the payment of annuity premiums when due or for other application in accordance with the salary agreement entered into between the employee and the commissioner of education. The moneys in the annuity account in the state treasury are not subject to the budget, allotment, and incumbrance system provided for in chapter 16A and any act amendatory thereof.

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