

Subject Education Omnibus

Authors Davnie

Analyst Tim Strom
Cristina Parra

Date April 5, 2021

Overview

H.F. 1065 is the House omnibus K12 finance and policy bill.

Article 1: General Education

This article increases the general education basic formula by 2 percent per year for fiscal years 2022 and 2023, increases the formula allowance for fiscal years 2024 and 2025 by 0.5 percent per year, and beginning in fiscal year 2026, increases the basic formula allowance by the annual rate of inflation. This article also increases English Learner revenue, transportation sparsity revenue and makes all of the existing voluntary prekindergarten seats permanent. The article's policy changes include amending statutes relating to school calendars and absences related to religious observance, the state count of American Indian students, and makes other changes.

Section Description – Article 1: General Education

1 Absence from school for religious observance.

Requires a school board to notify parents of the district's policy relating to absence from school for religious observance.

Effective date: This section is effective for the 2021-2022 school year and later.

2 School calendar.

Allows a school board to consider the community's religious or cultural observances when adopting a school calendar.

3 English learner.

Includes in the definition of "English learner (EL)" a child between the ages of 3 and 5 who is participating in an early childhood special education program. Includes these students in the count of EL pupils used to generate EL revenue.

Effective for fiscal year 2022 and later.

Section Description – Article 1: General Education

4 School district EL revenue.

Increases the funding for the EL program by increasing the basic allowance from \$704 per EL student to \$755 per EL student for fiscal year 2022. Increases the concentration formula allowance from \$250 per EL student to \$536 per EL student for fiscal year 2022 (this increase in the concentration formula is also affected by the change in the concentration pupil count under section 8).

Increases both the basic EL formula allowance and the EL concentration formula allowance by the growth in the general education formula allowance for FY 2023 and later.

Effective for fiscal year 2022 and later.

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

Requires the commissioner to provide an annual report of American Indian student data using the state count of American Indian students.

6 Procedures. [American Indian education aid]

Requires the state count of American Indian students to be used to calculate American Indian education aid (unlike the federally defined count, the state count does not exclude from the calculation those American Indian students who choose to report their heritage as belonging to two or more races).

7 Pupil unit.

Makes the 4,000 voluntary prekindergarten/school readiness plus seats that would otherwise expire permanent.

Effective for fiscal year 2022 and later.

8 Compensation revenue pupil units.

Eliminates the special calculation for compensatory revenue for sites with discontinued voluntary prekindergarten (VPK) seats as the expanded VPK program seats are made permanent in this bill (see article 7). Removes the concentration cap so that schools that serve more than 80 percent free and reduced-price meal eligible students continue to increase the concentration portion of the revenue for each qualifying student.

Effective for fiscal year 2022 and later.

9 EL pupil units.

Modifies the concentration formula of learning year pupil units by increasing the EL denominator from 11.5 to 16.8. [Note: This adjusted concentration revenue is

Section Description – Article 1: General Education

coupled with higher EL concentration formula under section 3 to ensure no district loses revenue through the revenue change and that more revenue flows to schools serving higher concentrations of EL students.]

Effective for fiscal year 2022 and later.

10 Basic revenue; general education.

Increases the general education basic formula allowance by \$131 per pupil unit (2.0 percent) for fiscal year 2022 and by \$265 per pupil unit more (2.0 percent) in fiscal year 2023. Increases the formula allowance by 0.5 percent per year for fiscal years 2024 and 2025 and links increases in the basic formula allowance to inflation for fiscal year 2026 and later.

Effective for fiscal year 2022 and later.

11 Extended time revenue.

Expands extended time revenue to include summer services to students who have been placed at a children's residential facility.

Defines "children's residential facility" as a residential facility for children, including a psychiatric residential treatment facility (PRTF), licensed by the Department of Human Services or the Department of Corrections and subject to Minnesota Rules, chapter 2960, or an inpatient hospitalization that includes mental health services.

Links the extended time formula allowance (currently \$5,117 per pupil) to future increases in the general education basic formula allowance beginning in fiscal year 2024.

12 Local optional revenue.

Increases local optional aid (and correspondingly lowers the local optional levy) for fiscal year 2023 and later by setting the second tier equalizing factor at \$555,000 per pupil unit for fiscal year 2023 and \$546,000 per pupil unit for fiscal years 2024 and later. [Note: The local optional revenue equalizing factors are currently set at \$880,000 per pupil unit for the first tier of local optional revenue (\$300 per pupil unit) and \$510,000 per pupil unit for the second tier of local optional revenue (\$424 per pupil unit).]

Effective for fiscal year 2023 and later.

13 Basic skills revenue.

Moves the EL concentration allowance from the basic skills revenue statute to the EL statute (see section 3).

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Effective for fiscal year 2022 and later.

14 Pupil transportation adjustment.

Increases the portion of a school district's unfunded pupil transportation expenses that are funded through state aid from 18.2 percent to 30 percent of the unfunded amount for fiscal year 2023 and later.

15 Uses of revenue [Compensatory revenue].

Requires compensatory revenue to be spent on evidence-based best practices. Authorizes a school district or charter school to transfer compensatory revenue to the school's food service fund to cover any shortages in the school's nutrition budget because of the school's participation in the Community Eligibility Provision (CEP) program (the CEP allows a school to provide free meals to all of its students without requiring families to return family income information—federal funds pay additional amounts of school lunch and breakfast aid to these schools, but for some schools, this amount is less than the school would have received if fully paid students continued to make payments for school meals).

16 Building allocation [Compensatory revenue.]

Increases from 50 percent to 80 percent the amount of compensatory revenue which must be kept at the school site where the compensatory revenue is generated.

17 Annual expenditure report [Compensatory revenue].

Requires a school district to annually report its compensatory revenue expenditures by functional category as well as by accounting categories.

18 Renewal by school board.

Authorizes a school district to renew an existing operating referendum by action of the school board. In order to renew the operating referendum by board action, four conditions must be met:

- the per pupil dollar amount of authority renewed must be no more than the existing referendum authority;
- the term of the referendum must not exceed the term of the initial referendum;
- the board must hold a hearing on the proposed renewal and allow for public comment at the hearing; and
- the board must take action by adopting a written resolution authorizing the renewal.

Effective July 1, 2021.

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- 19 **Excess tax increment.**
Clarifies the years used to calculate the aid and levy adjustments in years when the school district receives an excess tax increment financing payment.

Effective for fiscal year 2022 and later.
- 20 **Conditions for assignment. [Assignment of income tax refund]**
Amends reference to process for appeal of denial of certification of a third-party vendor’s products and services qualifying for assignment of the student’s family’s income tax refund.
- 21 **Excess increments. [Limitations]**
Amends timeline for the county auditor’s reporting on excess tax increment distributed to a school district for the preceding taxable year.
- 22 **Appropriations; Department of Education.**
See attached fiscal worksheet.

Article 2: Education Excellence

This article modifies academic standards and graduation requirements by requiring indigenous education for all students and requiring state arts standards and a physical education half-credit. This article also modifies student discipline provisions, World’s Best Workforce requirements, and American Indian education provisions, and allows districts and charter schools to provide distance and hybrid learning options without department approval in the 2021-2022 school year, and makes other changes.

Section Description – Article 2: Education Excellence

- 1 **Private data; when disclosure is permitted. [Educational data]**
Allows educational data to be disclosed to Tribal nations about Tribally enrolled or descendant students to the extent necessary for the Tribal nation to support the educational attainment of the student.

Effective July 1, 2021.
- 2 **Education records. [Compulsory instruction]**
Requires student records transmitted when a student transfers schools to include pupil withdrawals and services a student needs to prevent inappropriate behavior from recurring.

Section Description – Article 2: Education Excellence

- Effective for the 2021-2022 school year and later.
- 3 **Knowledge and skills. [Compulsory instruction]**
Amends the compulsory instruction definition of knowledge and skills to require instruction in indigenous education.
Effective July 1, 2021.
- 4 **Requirements for instructors. [Compulsory instruction]**
Modifies requirements for home school instructors.
Effective July 1, 2021.
- 5 **Education expectations for public school students.**
Requires the commissioner to modify the rule for statewide academic standards to be focused on the experiences and perspectives of all students, including Indigenous people and people of color within and beyond the United States.
Effective July 1, 2021.
- 6 **Required academic standards.**
Requires social studies standards to include indigenous education, and sets requirements for indigenous education curriculum. Requires school districts to adopt the state arts standards rather than local standards. Adds media arts to list of arts areas that districts must offer and require.
Effective July 1, 2021.
- 7 **Standards development. [Required academic standards]**
Requires the advice from stakeholders in developing rigorous core academic standards to include the advice of the Tribal Nations Education Committee and Minnesota’s Tribal Nations and communities.
Effective July 1, 2021.
- 8 **Rulemaking. [Required academic standards]**
Clarifies commissioner’s authority to amend rules on academic standards.
Effective July 1, 2021.
- 9 **Revisions and review required. [Required academic standards]**
Requires the commissioner of education to revise and embed indigenous education standards that include the contributions of American Indian Tribes and communities

Section Description – Article 2: Education Excellence

into the state academic standards and graduation requirements. Requires these standards to be consistent with recommendations from the Tribal Nations Education Committee.

Requires the commissioner to include ethnic studies as related to the academic standards during the review and revision of the required academic standards.

Pushes the next review of academic standards and related benchmarks for physical education back from the 2022-2023 school year to the 2026-2027 school year.

Effective July 1, 2021.

10 Graduation requirements. [Credits]

States that algebra I taken in 8th grade does not bear high school credit.

Requires social studies credits to include indigenous education. Requires arts standards to be state rather than local standards.

Requires one-half credit of physical education and reduces the number of elective credits from seven to six and one-half.

Effective July 1, 2021.

11 Definitions. [World's Best Workforce]

Defines “ethnic studies curriculum,” “anti-racist,” “culturally sustaining,” “institutional racism,” and “on track for graduation.”

Effective July 1, 2021.

12 Performance measures. [World's Best Workforce]

Adds performance measures in a district's World's Best Workforce plan to include (1) participation in honors or gifted and talented programming and (2) students on track for graduation. Requires districts, beginning with the 2023-2024 school year, to report on participation and performance on advanced placement, international baccalaureate, and dual enrollment programs. Requires reporting on performance measures for student subgroups.

Effective July 1, 2021.

13 Adopting plans and budgets. [World's Best Workforce]

Requires districts' World's Best Workforce plans to include ethnic studies curriculum, and anti-racist and culturally sustaining curriculum; modifies other plan requirements.

Section Description – Article 2: Education Excellence

Effective for all strategic plans reviewed and updated after enactment.

14 District advisory committee. [World’s Best Workforce]

Requires district advisory committee to recommend strategies regarding curriculum and learning and work environments.

Effective July 1, 2021.

15 Equitable school enhancement grants.

Subd. 1. Grant program established. Establishes a grant program to support strategies relating to equity.

Subd. 2. Definitions. Defines terms, including “anti-racist,” “equitable,” “institutional racism,” and “structural.”

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

Subd. 4. Description. Requires grants to be used to support equitable, anti-racist educational practices.

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

Effective July 1, 2021.

16 Raised academic achievement; advanced placement and international baccalaureate programs.

Subd. 1. Establishment; eligibility. Modifies requirement that school boards adopt a three-year plan to establish a new international baccalaureate program or to expand or create new advanced placement courses and exams to apply within 90 days of a district or charter receiving a grant, rather than to qualify for the grant.

Subd. 2. Application and review process; funding priority. Requires commissioner to give priority for advanced placement grants to grantees who add or expand offerings of advanced placement computer science principles.

Subd. 3. Funding; permissible funding uses. Caps grant awards at \$75,000 per district or charter school.

Effective the day following final enactment.

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17 Gifted and talented students programs and services.

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

Effective July 1, 2021.

18 Implementation of indigenous education for all curriculum.

(a) Requires any school identified for support under the federal Elementary and Secondary Education Act, and any district identified under the state’s World’s Best Workforce as needing support and improvement to:

- as part of their needs assessment, assess the quality of implementation of indigenous education for all students;
- include any proposed changes, additions, and enhancements to the implementation of indigenous education in the school’s improvement plan;
- ensure that indigenous curriculum is included in plans and activities in years two and three of the school’s or district’s improvement plan;
- engage Tribal Nations and indigenous families in the planning and implementation of improvement plans in schools and districts when a school or district has 10 or more American Indian students; and
- provide evidence to the commissioner of education that the implementation factors have been completed.

(b) Requires the commissioner of education to:

- provide monitoring and auditing personnel to coordinate within the Department of Education and with all indigenous education programs in schools and districts;
- provide professional development for teachers instituting indigenous curriculum;
- provide monitoring of curriculum materials and teaching practices regarding Tribal history, culture, and government of local Tribes for mutual awareness among Tribes and districts to aid in understanding the importance of accurate and Tribally endorsed curriculum;
- provide ongoing support to schools and districts on curriculum and best teaching practices and to school boards to identify and adopt curriculum that includes Tribal experiences and perspectives to engage indigenous students and ensure that all students learn about the history, culture, government, and experiences of their indigenous peers and neighbors;

Section Description – Article 2: Education Excellence

- refer a school or district’s noncompliance with indigenous curriculum requirements to the Minnesota Department of Human Rights;
- report to the commissioner of education by December 1, 2022, and every two years thereafter, regarding the progress made in developing effective government-to-government relations, narrowing the achievement gap, identifying and adopting curriculum including Tribal history, culture, and government, and addressing obstacles; and
- report to the education committees of the legislature and Minnesota’s Tribal leaders, including the Tribal Nations Education Committee, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council.

Effective July 1, 2021.

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

Eliminates requirement that the Minnesota Comprehensive Assessments (MCAs) include below-grade and above-grade test items, and definitions relating to above-grade and below-grade level test items.

Effective July 1, 2021.

20 Remote testing. [Statewide testing and reporting system]

Requires the commissioner to develop and publish security and privacy policies and procedures on remote testing.

Effective July 1, 2021.

21 National and international education comparisons. [Statewide testing and reporting]

Requires districts and schools selected to participate in the national assessment of educational progress or similar assessments to do so.

Effective July 1, 2021.

22 State growth target; other state measures. [Student academic achievement and growth]

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

Effective the day following final enactment. The next update to data used to determine the most populous groups must be implemented in 2026 using the 2021-2025 dataset.

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- 23 **Improving schools. [Student academic achievement and growth]**
Strikes obsolete references to dates and federal law.

Effective July 1, 2021.
- 24 **American Indian mascots prohibited.**
Subd. 1. Prohibition. Prohibits a public school from adopting a name, symbol, or image of an American Indian Tribe, custom, or tradition as a mascot, nickname, logo, letterhead, or team name of the district or school. Allows a public school to seek an exemption from the Tribal Nations Education Committee and the Indian Affairs Council. Requires a public school to seek the exemption by January 1, 2022.

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

Effective July 1, 2021.
- 25 **Suspension.**
Defines “in-school suspension” and “out-of-school suspension.” Requires an out-of-school suspension to include a readmission plan.

Effective for the 2021-2022 school year and later.
- 26 **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.**
Defines nonexclusionary disciplinary policies and practices as alternatives to removal or dismissal that require school officials to intervene in, redirect, and support a student’s behavior before removal or dismissal.

Effective for the 2021-2022 school year and later.
- 27 **Pupil withdrawal agreement.**
Defines a pupil withdrawal agreement as a verbal or written agreement between a school and a parent to withdraw the student to avoid expulsion or exclusion dismissal proceedings; limits a pupil withdrawal agreement to 12 months.

Effective for the 2021-2022 school year and later.
- 28 **Full and equitable participation in early learning.**
Prohibits dismissal of a student in kindergarten through grade three unless nonexclusionary discipline measures have been exhausted and there is an ongoing serious safety threat to the child or others.

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

Effective July 1, 2021.

29 Provision of alternative programs. [Grounds for dismissal]

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

Effective for the 2021-2022 school year and later.

30 Suspension pending expulsion or exclusion hearing. [Suspension procedures]

States that alternative education services are required when a student is suspended more than five consecutive days.

Effective for the 2021-2022 school year and later.

31 Student suspensions exceeding five consecutive school days. [Suspension procedures]

Requires an administrator to ensure alternative education services are provided when a pupil is suspended for more than five consecutive school days.

Effective for the 2021-2022 school year and later.

32 Minimum education services. [Suspension procedures]

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

Effective for the 2021-2022 school year and later.

33 Written notice. [Exclusion and expulsion procedures]

Requires written notice of intent to impose an expulsion to describe the nonexclusionary disciplinary policies and practices offered the student to avoid the expulsion. Requires a district inform parents that the department’s list of legal resources is posted on the department’s website.

Effective for the 2021-2022 school year and later.

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- 34 **Admission or readmission plan. [Exclusion and expulsion procedures]**
Requires an admission or readmission plan to include measures to improve the student’s behavior and lists optional elements of the plan. Requires the plan to include parental involvement in the admission or readmission process.

Effective for the 2021-2022 school year and later.
- 35 **Exclusions and expulsions; student withdrawals; and physical assaults. [Report to the commissioner]**
Requires districts to report on pupil withdrawal agreements and nonexclusionary disciplinary practices to the commissioner.

Effective for the 2021-2022 school year and later.
- 36 **Policies to be established.**
(a) Requires the commissioner to issue guidance on engaging stakeholders to review and revise discipline policies that are restorative and responsive. Requires policies to include nonexclusionary disciplinary policies and practices, and emphasize providing multi-tiered supports to students.

(b) Requires schools to ensure student is getting alternative educational services. Requires schools to make sure students who have been expelled or excluded, or withdrawn, are on track for readmission with peers, remain eligible for school-based or school-linked mental health services, and have information on accessing mental.

Effective for the 2021-2022 school year and later.
- 37 **Corporal punishment.**
Defines “prone restraint” and prohibits a district employee or agent, including a school resource officer, from using prone restraints to reform or punish unacceptable conduct. Prohibits a district employee or agent, including a school resource officer, from using some physical holdings.

Effective July 1, 2021.
- 38 **Discipline and removal of students from class.**
 Subd. 1. Required policy. Requires a school board to annually review and revise the school discipline policy and to include in the policy parameters for when input into discipline decisions is allowed.

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Subd. 2. Grounds for removal from class. Eliminates mandatory grounds for removal and requires policy to instead include provisions on addressing willful conduct that endangers other persons or property.

Subd. 3. Policy components. Eliminates requirement that policy include minimum consequences for violations of the code of conduct. Requires policy to prohibit use of exclusionary practices to address attendance and truancy issues.

Effective July 1, 2022.

39 Definitions. [PSEO Act]

Prohibits an institution that makes admissions decisions based on a student's race, color, creed, and certain other grounds from enrolling PSEO students.

Effective July 1, 2021.

40 Dissemination of information; notification of intent to enroll. [PSEO Act]

Requires a student participating in PSEO to notify district of intent to enroll for fall term by May 30, and for spring term by October 30.

Effective July 1, 2021.

41 Limit on participation; PSEO.

Limits a student's participation in PSEO to the earlier of: (1) the end of the school year in which the student's graduation requirements are met; or (2) the end of the school year in which the pupil's peers graduate.

Effective July 1, 2021.

42 Financial arrangements. [PSEO Act]

Reduces the withdrawal and absence periods from first 14 to first ten business days of quarter or semester, accelerating the time that the department stops payments to a postsecondary institution when a student withdraws or stops attending a class.

Effective July 1, 2021.

43 Definitions. [Online learning option]

Defines "hybrid learning" as using blended learning in a way that combines scheduled in-person instruction and distance learning.

Effective July 1, 2021.

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44 Department of Education; online learning.

Places the \$250 fee that the Department of Education (MDE) receives from an online learning provider when MDE approves the online learning program and the \$50 fee assessed when an enrolling district challenges a course’s designation in an account in the special revenue fund. Annually appropriates the money from the account to the commissioner of education for costs associated with administering and monitoring online and digital learning programs.

Effective July 1, 2021.

45 Program established. [Learning year program to provide instruction throughout year]

Strikes reference to extended school day calendar. Eliminates provision permitting student to participate in program and accelerate attainment of grade level or graduation requirements.

Effective July 1, 2021.

46 Student planning. [Learning year program to provide instruction throughout year]

Strikes charter schools from the statute describing student planning for students participating in learning year programs (charter schools are not authorized to operate a learning year program).

Effective July 1, 2021.

47 Program described. [American Indian education programs]

Modifies description of instruction in American Indian language, literature, history, and culture by eliminating the word “supplemental.”

Effective July 1, 2021.

48 Enrollment of other children; shared time enrollment.

Requires a school district or participating school to meet the unique educational and culturally related academic needs of American Indian people and to have American Indian student accountability factors be the same or higher for American Indian students than their non-Indian peers before a district may use any of its American Indian Education aid for programs for non-Indian students.

Effective July 1, 2021.

Section Description – Article 2: Education Excellence

- 49 Parent committee. [Parent and community participation]**
Defines American Indian students for purposes of the American Indian Parent Advisory Committee (AIPAC).

Effective July 1, 2021.
- 50 Membership. [Parent and community participation]**
Requires majority of an AIPAC committee to be parents of American Indian children.

Effective July 1, 2021.
- 51 Duties; powers. [Indian Education Director]**
Clarifies that duties of Director of American Indian Education may be performed by Director’s designee with oversight by Director.

Effective July 1, 2021.
- 52 Graduation ceremonies; Tribal regalia and objects of cultural significance.**
Requires a district or charter school to allow an American Indian student to wear American Indian regalia, Tribal regalia, or objects of cultural significance at graduation ceremonies.

Effective the day following final enactment.
- 53 American Indian education aid.**
Qualifies a program operated by a cooperative unit for American Indian education aid.

For fiscal year 2024 and later, increases the American Indian education aid allowance and school district minimum by the growth in the general education basic formula allowance for that year.

Effective for fiscal year 2022 and later.
- 54 Plan implementation; components. [Achievement and integration for Minnesota]**
Modifies achievement and integration plan requirements. Requires plans to include strategies to address institutional racism.

Effective for all plans reviewed and updated after enactment.

Section Description – Article 2: Education Excellence

- 55 Restrictive procedures.**
Broadens application of restrictive procedures statutes from only students with disabilities to all students.

Effective July 1, 2021.
- 56 Standards for restrictive procedures.**
Requires an oversight committee to review additional information regarding use of restrictive procedures. Requires reporting on the use of the debriefing process that follows use of a restrictive procedure. Prohibits using a restrictive procedure on a child younger than five.

Effective July 1, 2021.
- 57 Tobacco products prohibited in public schools.**
Expands permission to light tobacco as part of a traditional Indian spiritual or cultural ceremony beyond adults. Allows an American Indian person to carry a medicine pouch containing loose tobacco in observance of traditional spiritual or cultural practices. Expands definition of “Indian” for purposes of this section.

Effective July 1, 2021.
- 58 Tribal contract school aid.**
Amends 2021 appropriation for Tribal contract school aid.

Effective the day following final enactment.
- 59 Singing-based pilot program to improve student reading.**
Cancels \$75,000 of 2020 appropriation to Rock ‘n’ Read. This amount is reappropriated in the appropriations section.

Effective the day following final enactment.
- 60 Onetime American Indian Tribal contract compensatory aid; fiscal year 2022.**
Increases American Indian Tribal contract aid for fiscal year 2022 only.

Effective for revenue for fiscal year 2022.
- 61 Extension for posting student progress and other data.**
Extends time for commissioner of education to post accountability data for the 2020-2021 school year to October 1, 2021.

Section Description – Article 2: Education Excellence

Effective the day following final enactment.

62 Instruction model working group.

Subd. 1. Working group. Establishes a working group to review distance and hybrid instruction and make recommendations to increase flexibility for school districts and charter schools to implement instruction models that meet students' learning needs.

Subd. 2. Definitions. Defines "distance instruction," "hybrid instruction," and "on-site instruction."

Subd. 3. Duties. Requires the working group to study the outcomes, challenges, and successes of distance instruction during the 2019-2020 and 2020-2021 school years. Requires the working group to report findings and recommendations. Requires the commissioner to provide the working group with technical assistance and access to data.

Subd. 4. Members. Requires the commissioner or the commissioner's designee to be part of the working group, and to name members of the working group from particular groups.

Subd. 5. Meetings. Requires the commissioner to convene the first meeting, and provide technical and administrative assistance. Prohibits the working group from receiving expenses or per diem payments for serving on the working group.

Effective the day following final enactment.

63 Distance and hybrid learning.

Subd. 1. Definitions. Defines "distance learning" and "hybrid learning."

Subd. 2. Distance and hybrid learning options. (a) Allows a district or charter school to offer distance and hybrid learning options to enrolled students who choose to participate in distance or hybrid learning.

(b) Requires a district or charter school offering distance or hybrid learning to ensure access to digital devices and in-home broadband, employ licensed teachers to provide instruction to a maximum of 40 students in an online course, have an appropriately licensed administrator overseeing the education program, provide a curriculum that meets state standards, follow the school calendar, provide special education services and English learner instruction, and provide meals for students.

Section Description – Article 2: Education Excellence

(c) Prohibits a district or charter school participating in distance learning from generating revenue as an online learning provider.

(d) Prohibits simultaneous instruction.

(e) Requires a district or charter school to provide 30 additional minutes of preparation time to a teacher providing instruction to students in person and to students doing online learning at different times.

Effective for the 2021-2022 school year only.

64 Professional development on literacy instruction.

Requires a district to use up to half a percent of its staff development revenue or its literacy incentive aid on professional development for teachers on the science of reading.

Effective for the 2021-2022 and 2022-2023 school years only.

65 Onetime American Indian Tribal contract declining enrollment aid; fiscal year 2021.

Increases American Indian Tribal contract aid for fiscal year 2021.

Effective the day following final enactment for fiscal year 2021.

66 Academic standards review and revision suspension.

Subd. 1. Social studies standards. (a) Requires the commissioner to include personal finance standards in the social studies standards that improve students' financial literacy, and sets requirements for related benchmarks.

(b) Requires the commissioner to include benchmarks in government and citizenship in 11th or 12th grade in social studies standards.

Subd. 2. Other standards. Requires the commissioner to suspend the review and revision of academic standards and benchmarks in math, and implementation of revised physical education and arts standards until June 1, 2022. Allows commissioner to support schools and districts with future implementation, continue current rulemaking activities, and develop future statewide assessments in science and reading. Requires commissioner to implement review and revision of math standards and benchmarks beginning in the 2022-2023 school year.

Effective the day following final enactment.

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- 67 **Appropriations.**
See attached fiscal worksheet.
- 68 **Revisor instruction.**
Instructs the Revisor to renumber statutory provisions relating to statewide assessments and reporting requirements.

Effective July 1, 2021.
- 69 **Repealer.**
Repeals Minnesota Statutes, section 120B.35, subdivision 5, which requires districts to develop strategies to keep students with emotional or behavioral disorders in school and increase their graduation rates.

Effective July 1, 2021.

Article 3: Teachers

This article incorporates provisions from the Increase Teachers of Color Act, amends teacher licensure and tenure provisions, clarifies requirements for the American Indian teacher preparation program, and makes other changes relating to teachers and educators.

Section Description – Article 3: Teachers

- 1 **Increasing the percentage of teachers of color and American Indian teachers in Minnesota.**
- Subd. 1. Purpose.** Establishes purpose of statute is to set state goals for increasing the percentage of teachers of color and American Indian teachers, and ensure all students have access to effective and diverse teachers who reflect the diversity of students.
- Subd. 2. Equitable access to racially and ethnically diverse teachers.** States goal that the percentage of teachers who are of color or American Indian should increase at least two percentage points per year.
- Subd. 3. Rights not created.** States that goal in this section does not exclude other goals or confer a right or create a claim.
- Subd. 4. Reporting.** Requires the Professional Educator Licensing and Standards Board (PELSB) to report on aggregate outcomes of state programs related to the preparation or retention of diverse teachers.

Section Description – Article 3: Teachers

Effective the day following final enactment.

2 Curriculum policy.

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

Effective July 1, 2021.

3 License required.

Requires a teacher to hold a license or permission aligned to the content area and scope of the teacher’s assignment to provide instruction in a public school or charter school.

Effective July 1, 2021.

4 Teacher.

Amends definition of “teacher” for purposes of teacher licensure statutes.

Effective July 1, 2021.

5 Field.

Adds “licensure area” to definition of “field.”

Effective July 1, 2021.

6 Shortage area.

Amends definition of “shortage area” by referencing the percentage of Indigenous teachers and teachers of color in each economic development region, and the percentage of students in kindergarten through grade 12 who are Indigenous or of color.

Effective July 1, 2021.

7 Teacher preparation program.

Amends definition of “teacher preparation program” by striking language on entities that can provide teacher preparation programs.

Effective July 1, 2021.

Section Description – Article 3: Teachers

8 Teacher preparation program provider.

States that teacher preparation program providers include postsecondary institutions and alternative teacher preparation program providers.

Effective July 1, 2021.

9 District.

Defines a “district” as a public school district or charter school for purposes of the PELSB’s activities.

Effective July 1, 2021.

10 Teacher preparation providers.

Subd. 1. Purpose. States that PELSB must approve teacher preparation providers and programs that are a means to acquire a Tier 2 license and prepare for acquiring a Tier 3 license in order to provide alternative pathways toward licensure outside of the traditional means, improve ethnic and cultural diversity in the classroom, and close the achievement gap.

Subd. 2. Eligibility. Allows the following organizations to apply to be a teacher preparation provider: Minnesota institutions of higher education, school districts, charter schools, and nonprofit corporations organized under chapter 317A for an education-related purpose.

Subd. 3. Requirements for provider approval. Requires an entity to be approved as a provider before being approved to provide programs toward licensure. Lists requirements for provider approval.

Subd. 4. Program approval. Requires PELSB to adopt and revise criteria for program approval in rule. Allows PELSB to suspend or revoke approval of provider or program that does not meet requirements in rule.

Subd. 5. Specialized credentials. Allows PELSB to adopt and revise rules creating flexible, specialized teaching licenses, credentials, and other endorsement forms.

Subd. 6. Teacher educators. Requires PELSB to adopt and revise rules requiring teacher educators to work with teachers in schools to obtain periodic exposure to teaching environments. Requires PELSB to adopt and revise rules for the qualifications of teacher educators, and allows board to use nontraditional criteria to determine qualifications of teacher educators.

Subd 7. Reading strategies. Requires teacher preparation program to teach research-based best practices in reading and include instruction on dyslexia.

Section Description – Article 3: Teachers

Subd. 8. Technology strategies. Requires all approved teacher preparation providers to train prospective teachers on technology strategies, including those needed to engage students with technology through digital and blended learning.

Subd. 9. Reports. Requires PELSB to report annually to the legislature on the performance of teacher candidates, and to submit a biennial report on alternative teacher preparation providers.

Effective July 1, 2021.

11 Teachers.

Makes technical change to definition of teachers, and states that this definition does not apply to sections 122A.05 to 122A.093, which relate to PELSB.

Effective July 1, 2021.

12 Qualified teacher defined.

Modifies definition of a “qualified teacher” by allowing a teacher to be qualified by holding either a license or a permission.

Effective July 1, 2021.

13 License to substitute teach. [Board to issue licenses]

Requires PELSB to issue licenses to substitute teach to qualifying applicants. Allows PELSB to issue a short-call substitute teaching license to an applicant who is enrolled in and making satisfactory progress in a non-Minnesota teacher program. Replaces reference to continuing education clock hours with renewal requirements.

Effective July 1, 2021.

14 Background studies. [Board to issue licenses]

Modifies background studies requirements by requiring PELSB and the Board of School Administration (BOSA) to initiate rather than obtain a background study, changing provision on obtaining background checks through the Department of Human Services (DHS) from requirement to permission, and adding BOSA to DHS provision.

Effective July 1, 2021.

15 Licensure via portfolio. [Board to issue licenses]

Limits licensure via portfolio to Tier 3 license or to add a licensure field to a Tier 3 or Tier 4 license. Changes portfolio review timeline.

Section Description – Article 3: Teachers

Effective July 1, 2021.

16 Application requirements. [Tier 1 license]

Requires application for Tier 1 license to be submitted jointly by applicant and district, and for application fee to be paid for by the district or applicant.

Effective July 1, 2021.

17 Professional requirements. [Tier 1 license]

Modifies exemption from bachelor's degree requirement for Tier 1 license by replacing reference to career and technical education (CTE) or career pathway course of study to specific exemption under state statute or rule.

Effective July 1, 2021.

18 Exemptions from a bachelor's degree. [Tier 1 license]

Establishes exemptions for bachelor's degree requirement for Tier 1 license for applicants to teach CTE courses, world languages and culture, and art; and applicants enrolled in a state-approved teacher preparation program classified as a residency model, where the model leads to a bachelor's degree.

Requires PELSB to adopt and revise rules regarding the qualifications and determinations for applicants exempt from paragraph (a).

Effective July 1, 2021.

19 Term of license and renewal. [Tier 1 license]

Eliminates provision allowing board to submit written comments to a district or charter school that requested a Tier 1 license renewal. Eliminates requirement that Tier 1 teacher take a content examination to renew license. Requires district to demonstrate professional development opportunities and other supports were provided to a Tier 1 teacher to move to a higher tier. Eliminates unlimited renewals for CTE teachers and teachers that fill shortage areas but retains exception for district or charter school showing good cause for additional renewals.

Effective July 1, 2021.

20 Application. [Tier 1 license]

Requires PELSB to review applications, and allows PELSB to begin reviewing applications before July 1. Eliminates requirement that PELSB make a decision on application within 30 days.

Effective July 1, 2021.

Section Description – Article 3: Teachers

21 Limitations on license. [Tier 1 license]

Eliminates exclusion of Tier 1 teachers from definition of “teacher,” allowing Tier 1 teachers to be in the same bargaining unit as other teachers for purposes of collective bargaining.

Effective July 1, 2021.

22 Mentorship and evaluation. [Tier 1 license]

Replaces requirement that Tier 1 teacher participate in employing district’s mentorship program and professional development with requirement that district provide Tier 1 teacher mentorship aligned to board-adopted criteria and professional development opportunities.

Effective July 1, 2021.

23, 24 Requirements; exemptions from a bachelor’s degree. [Tier 2 license]

Modifies requirements for a Tier 2 license. Current law requires an applicant to have a bachelor’s degree or to teach CTE, certain experience; and be enrolled in a Minnesota-approved teacher preparation program, have a master’s degree, or meet two of five requirements (advanced coursework, field-specific training, two years of teaching experience, passing scores on pedagogy and content exams, and complete a state-approved teacher preparation program).

These sections allow an applicant who has enrolled in a teacher preparation program approved by Minnesota or any other state to obtain a Tier 2 license without the advanced coursework, field-specific training, teaching experience, or passing scores on pedagogy and content exams.

These sections retain the bachelor’s degree exemption for CTE teachers, and expand the exemption for the following teachers: a teacher of world languages and culture who is a native speaker of the language, and an art teacher with five years of relevant work experience.

Requires PELSB to adopt and revise rules regarding the qualifications and determinations for applicants exempt from paragraph (a).

Effective July 1, 2021.

25 Term of license and renewal. [Tier 2 license]

Limits renewal of Tier 2 license to two rather than three but allows a license to teach CTE to be renewed unlimited times. Requires PELSB to adopt rules establishing good cause justifications for additional renewals. Requires a district to offer professional development opportunities and other supports to a Tier 2 teacher to have licensed

Section Description – Article 3: Teachers

- renewed, and requires a Tier 2 teacher to participate in cultural competency training and mental illness training for all renewals.
- 26 **Application. [Tier 2 license]**
Requires PELSB to review applications, and allows PELSB to begin reviewing applications before July 1. Eliminates requirement that PELSB make a decision on application within 30 days.

Effective July 1, 2021.
- 27 **Mentorship and evaluation. [Tier 2 license]**
Replaces requirement that Tier 2 teacher participate in employing district’s mentorship program and professional development with requirement that district provide Tier 2 teacher mentorship aligned to board-adopted criteria and professional development opportunities.

Effective July 1, 2021.
- 28 **Requirements. [Tier 3 license]**
Eliminates licensure exams as requirement for Tier 3 license. Broadens exemption from bachelor’s degree to include a teacher teaching any course exempt by statute or rule.

Effective July 1, 2021.
- 29 **Coursework. [Tier 3 license]**
Allows an applicant who completed a teacher preparation program approved by another state, territory, or country, that includes field-specific student teaching to qualify for a Tier 3 license.

Limits pathway to tier three based on three years of teaching experience under a Tier 2 license and evidence of summative evaluations that did not place the teacher on an improvement process to candidates who qualify under the definition of “shortage area” as filling a shortage of teachers of color or Indigenous teachers.

Effective July 1, 2021.
- 30 **Exemptions from a bachelor’s degree. [Tier 3 license]**
Expands exemption from bachelor’s degree for the following teachers: a teacher of world languages and culture who is a native speaker of the language, and an art teacher with five years of relevant work experience.

Section Description – Article 3: Teachers

Requires PELSB to adopt and revise rules regarding the qualifications and determinations for applicants exempt from subdivision 1.

Effective July 1, 2021.

31 Term of license and renewal. [Tier 3 license]

Requires a Tier 3 teacher to meet initial teacher renewal requirements to renew license.

Effective July 1, 2021.

32 Requirements. [Tier 4 license]

Requires teaching experience to be as teacher of record. Eliminates use of teacher evaluation in licensure process. Requires applicant with Tier 3 license to complete initial teacher renewal requirements.

33 Term of license and renewal. [Tier 4 license]

Requires Tier 4 teacher to complete continuing teacher renewal requirements to renew license.

Effective July 1, 2021.

34 Tests. [Teacher licensure assessment]

Eliminates requirement that Tier 4 teacher pass skills exam, and that Tier 3 teacher pass pedagogy and content exams. Allows Tier 4 applicants to meet pedagogy and content exam requirements with a performance assessment, and to meet content exam requirement with an exam taken in another state. Allows applicants who have completed a teacher preparation program in another state and passed licensure exams in that state to obtain license without passing a similar Minnesota exam. Eliminates requirement that Tier 3 elementary school teachers pass test assessing knowledge, skill, and ability in reading instruction.

Strikes exemption from reading, writing, and math skills for nonnative English speakers applying for a license to teach in native language or world language.

Requires testing centers to provide regular opportunities for extended time content and pedagogy exams. Requires a candidate who has not passed a required exam after two attempts to be allowed to retake the exam for free.

Effective July 1, 2021.

Section Description – Article 3: Teachers

35 Remedial assistance. [Teacher licensure assessment]

Requires teacher preparation providers to report annually on supports provided to persons enrolled in their programs who do not pass license exams and request remedial assistance. Requires providers to provide remedial assistance on any licensing exam.

Allows a district to provide remedial assistance to employees who completed a teacher education program, have not passed any licensing exam, and have a teaching license.

Effective July 1, 2021.

36 Expiration and Renewal.

Subd. 1. License form requirements. Eliminates requirement that Tier 3 and Tier 4 teachers renewing licenses show satisfactory evidence of successful teaching or administrative experience for at least one school year or complete additional preparation.

Subd. 3. Professional growth. Removes cultural competence and practice in meeting the needs of English learners from professional growth requirement. Eliminates option for teacher to satisfy professional growth requirement by submitting summative evaluation.

Allows PELSB to adopt and revise rule setting criteria for Tier 3 license renewal requirements that must be completed before a teacher may move to a Tier 4 license.

Subd. 5. Reading preparation. Strikes requirement that rules on reading preparation be approved by law to take effect.

Subd. 7. Cultural competency. Requires PELSB to adopt and revise rules that require all teachers renewing a Tier 3 or 4 license to have cultural competency training.

Subd. 8. Meeting needs of multilingual learners. Requires PELSB to adopt and revise rules that require all teachers renewing a Tier 3 or 4 license to have training on meeting the needs of multilingual learners.

Subd. 9. Mandatory renewal requirements. Requires PELSB to adopt and revise rules setting standards for all mandatory renewal requirements. Requires all trainings necessary for renewal to meet board requirements. Requires training provided outside of a district, charter school, cooperative unit, or state agency to be approved by the board.

Section Description – Article 3: Teachers

Effective July 1, 2021.

- 37 **Teacher preparation programs. [Bilingual and English as a second language teachers' licenses]**
Allows teacher preparation programs for bilingual and English as a second language teachers to be provided outside of colleges or universities.
Effective July 1, 2021.
- 38 **Exceptions. [Community education teachers; licensure requirements]**
Includes community education teachers in the definition of “teachers” for purposes of tenure or continuing contract, which allows them to become tenured or have continuing contracts.
Effective July 1, 2021.
- 39 **Probationary period. [Continuing contracts (districts in cities outside the first class)]**
(f) Modifies probationary period for a teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state by allowing the teacher to obtain continuing contract status after serving a one-year probationary period.
Effective for collective bargaining agreements effective July 1, 2021 and thereafter.
(g) Allows a school board to renew a probationary teacher while placing teachers with continuing contract on unrequested leave of absence under a qualifying plan.
Effective the day following final enactment.
- 40 **Development, evaluation, and peer coaching for continuing contract. [Continuing contracts (districts in cities outside the first class)]**
Requires districts to adopt a rubric of performance standards for teacher practice, including on culturally responsive methodologies and at least three levels of performance, to determine common descriptions of effectiveness.
Effective July 1, 2023.
- 41 **Negotiated unrequested leave of absence. [Continuing contracts (districts in cities outside the first class)]**
Allows a qualifying plan to exempt up to five percent of teachers in the district from unrequested leave of absence or nonrenewal regardless of probationary status or seniority. Requires a written agreement on the plan by October 1 of each school year.

Section Description – Article 3: Teachers

Effective the day following final enactment.

42 Unrequested leave of absence exemption process. [Continuing contracts (districts in cities outside the first class)]

Requires a plan to exempt up to five percent of the teachers in the district from unrequested leave of absence or nonrenewal to establish a committee to select the teachers to receive the exemption. A teacher that receives the exemption must have excellent teaching performance, and must be a member of a protected class that is underrepresented in the district or among licensed teachers in Minnesota, and that has experienced systemic barriers to entering and remaining in the teaching profession. Sets other requirements for selection process.

Effective the day following final enactment.

43 Probationary period; discharge or demotion. [Tenure (districts in cities of the first class)]

(e) Modifies probationary period for a teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state by allowing the teacher to obtain continuing contract status after serving a one-year probationary period.

Effective for collective bargaining agreements effective July 1, 2021, and thereafter.

(f) Allows a school board to renew a probationary teacher while placing teachers with continuing contract on unrequested leave of absence under a qualifying plan.

Effective the day following final enactment.

44 Development, evaluation, and peer coaching for continuing contract. [Tenure (districts in cities of the first class)]

Requires districts to adopt a rubric of performance standards for teacher practice, including on culturally responsive methodologies and at least three levels of performance, to determine common descriptions of effectiveness.

Effective July 1, 2023.

45 Negotiated unrequested leave of absence. [Tenure (districts in cities of the first class)]

Allows a qualifying plan to exempt up to five percent of teachers in the district from unrequested leave of absence or nonrenewal regardless of probationary status or seniority. Requires a written agreement on the plan by October 1 of each school year.

Section Description – Article 3: Teachers

Effective the day following final enactment.

46 Unrequested leave of absence exemption process. [Tenure (districts in cities of the first class)]

Requires a plan to exempt up to five percent of the teachers in the district from unrequested leave of absence or nonrenewal to establish a committee to select the teachers to receive the exemption. A teacher that receives the exemption must have excellent teaching performance, and must be a member of a protected class that is underrepresented in the district or among licensed teachers in Minnesota, and that has experienced systemic barriers to entering and remaining in the teaching profession. Sets other requirements for selection process.

Effective the day following final enactment.

47 Come teach in Minnesota hiring bonuses.

Subd. 1. Purpose. States that purpose of bonus program is to support districts and schools recruiting teachers to meet staffing needs in shortage areas.

Subd. 2. Eligibility. Requires a district or school to verify that hiring bonus is given to teacher licensed in another state who qualifies for a Tier 3 or 4 license, has moved to the economic development region where the teacher was hired, and belongs to a racial or ethnic group underrepresented among teachers compared to students in the district.

Subd. 3. Bonus amount. Allows a district or school to offer a bonus of \$2,500 to \$5,000 to an eligible teacher, and a bonus of \$4,000 to \$8,000 to an eligible teacher with a license in a shortage area. Requires a teacher to be paid half of the bonus when starting employment, and half after four years of service.

Subd. 4. Administration. Requires the commissioner to establish a process for districts or schools to seek reimbursement for hiring bonuses. Allows the department to conduct a pilot program to establish feasibility. Requires the department to report to the legislature on the effectiveness of the program and recommendations for improvement.

Subd. 5. Account established. Creates a special revenue fund for hiring bonuses.

Effective for teacher contracts entered into on or after July 1, 2021.

48 Eligible students. [American Indian teacher preparation programs]

Clarifies the definition of eligible student for purposes of the American Indian teacher preparation grant program.

Section Description – Article 3: Teachers

- Effective July 1, 2021.
- 49 **Eligible programming. [American Indian teacher preparation programs]**
Authorizes program funding under the American Indian teacher preparation program to be used for eligible American Indian student scholarships.
- Effective July 1, 2021.
- 50 **Grant program administration and report. [Collaborative urban and greater Minnesota educators of color grant program]**
Requires grants to be awarded for a two-year grant period.
- Effective July 1, 2021.
- 51 **Report. [Collaborative urban and greater Minnesota educators of color grant program]**
Modifies reporting dates.
- Effective July 1, 2021.
- 52 **Teacher mentorship and retention of effective teachers.**
Modifies eligibility for mentorship program grants. Requires PELSB to prioritize grants for efforts to induct, mentor, and retain Tier 2 or 3 teachers who are of color or American Indian, and Tier 2 or 3 teachers in licensure shortage areas. Allows grants to be awarded for up to 24 months. Modifies reporting deadline.
- Effective July 1, 2021.
- 53 **Concurrent enrollment teacher partnership.**
Modifies the concurrent enrollment teacher training statute by clarifying the partnership members, fiscal host, and funding uses.
- Effective July 1, 2021.
- 54 **Duties, evaluation. [Principals]**
Requires principal evaluations to support and improve principal’s culturally responsive leadership practices.
- Effective July 1, 2023.

Section Description – Article 3: Teachers

55 Individualized education programs.

Requires a paraprofessional assigned to work alone with a student with a disability to be given paid time or time during the school day to review the student’s individualized education program or be briefed on the student’s specific needs.

Requires a paraprofessional and certain other district staff employed to support students with disabilities to be provided at least 16 hours of paid orientation or professional development annually.

Effective July 1, 2021.

56 Paraprofessional training aid.

Establishes paraprofessional training aid starting in fiscal year 2022. Aid equals \$196 per paraprofessional, Title I aide, and other instructional support staff. Aid must be used for training under section 125A.08.

Effective for fiscal year 2022 and later.

57 Terms and conditions of employment.

Adds class sizes, student testing, and student to personnel ratios in Minnesota school districts to the mandatory terms of collective bargaining under Minnesota’s Public Employees Labor Relations Act (PELRA). Requires school districts and union representatives of school district public employees to meet and negotiate over these terms. Also applies to charter school class sizes.

Effective July 1, 2021.

58 Grants for grow your own programs.

Subd. 1. Establishment. Establishes grants for three types of Grow Your Own programs to develop teaching workforce that more closely reflects diverse student population and ensure equitable access to effective and diverse teachers.

Subd. 2. Definitions. Defines terms, including “eligible district” and “Grow Your Own program.”

Subd. 3. Grants for residency programs. Allows eligible districts to apply for grants to develop, maintain, or expand residency programs. Provides requirements and allowable grant uses for programs established by a district and a teacher preparation program provider that uses a cohort model.

Subd. 4. Grants for programs serving adults. Allows eligible districts or Head Start programs to apply for grants to support persons of color or American Indian

Section Description – Article 3: Teachers

persons to become licensed teachers or preschool teachers. Provides allowable grant uses.

Subd. 5. Grants for programs serving secondary school students. Allows school districts and charter schools to apply for grants for dual-credit “Introduction to Teaching” courses and other programs that encourage secondary school students to pursue teaching. Provides allowable grant uses.

Subd. 6. Grant procedure. Requires the commissioner to give priority to districts or Head Start programs with the highest number or percentage of students who are of color or American Indian. Establishes grant application and review timelines.

Subd. 7. Account established. Establishes an account in the special revenue fund for Grow Your Own programs.

Subd. 8. Report. Requires grant recipients to report to the commissioner.

Effective July 1, 2021.

59 Appropriations; Department of Education.

See attached fiscal worksheet.

60 Appropriations; Professional Educator Licensing and Standards Board.

See attached fiscal worksheet.

61 Repealer.

Repeals the following:

- Section 122A.091, subdivisions 3 (requires school districts to report information on probationary teachers and principals) and 6 (requires PELSB to report to legislature by January 1, 2019, on implementation of tiered licensure)
- Section 122A.092 (requires PELSB to adopt rules on teacher preparation programs and establishes requirements for teacher preparation programs; some of these requirements are similar to those in the new section on teacher preparation providers, section 10 above)
- Section 122A.18, subdivision 7c (establishes a temporary military license)
- Section 122A.184, subdivision 3 (requires a Tier 4 teacher to participate in the employing district’s mentorship and evaluation program)
- Section 122A.23, subdivision 3 (teacher licensure agreements with other states)

Section Description – Article 3: Teachers

- Section 122A.2451 (establishes alternative teacher preparation providers and programs)

Effective July 1, 2021.

Article 4: Charter Schools

This article amends the list of requirements charter schools must comply with, establishes definitions of charter management and education management organizations, amends authorizer requirements, and requires a market demand study for new or expanded charter schools, and modifies other charter school requirements.

Section Description – Article 4: Charter Schools

1 Definitions.

Defines “charter management organization,” “education management organization,” and “online education service provider.”

Effective July 1, 2021.

2 Certain federal, state, and local requirements. [Applicable law]

Requires charter schools to comply with statute on alternatives to suspension, and uniform municipal contracting law.

Effective July 1, 2021.

3 English learners. [Applicable law]

Requires charter schools to comply with the Education for English Learners Act.

Effective July 1, 2021.

4 Corporal punishment. [Applicable law]

Requires charter schools to comply with corporal punishment statute.

Effective July 1, 2021.

5 Application content. [Authorizers]

Makes term of a charter school authorizer open-ended instead of being limited to five years.

Effective July 1, 2021.

Section Description – Article 4: Charter Schools

- 6 Corrective action. [Authorizers]**
Limits the length of a corrective plan the commissioner can impose on an authorizer and modifies requirements an authorizer on a corrective plan must fulfill to resolve the basis for corrective action.

Effective July 1, 2021.
- 7 Withdrawal. [Authorizers]**
Amends authorizer withdrawal requirements.

Effective July 1, 2021.
- 8 Individuals eligible to organize. [Forming a school]**
Requires an application to establish a charter school must include a market need and demand study that quantifies demand for the new school, grade or site expansion, or preschool program, and includes other market need and demand information.

Effective July 1, 2021.
- 9 Authorizer’s affidavit; approval process. [Forming a school]**
Requires an authorizer’s affidavit to include in its affidavit market research on the need, demand, and potential market for a proposed charter school.

Effective July 1, 2021.
- 10 Adding grades or sites. [Forming a school]**
Requires an authorizer approving a school’s application to add grades or primary enrollment sites to include a market need and demand study in the supplemental affidavit filed with the commissioner.

Effective July 1, 2021.
- 11 Admission requirements and enrollment.**
Requires charter school admission to be free to a resident of Minnesota, and gives enrollment preference to Minnesota residents over out-of-state residents.

Effective July 1, 2021.
- 12 Teachers. [Employment]**
Changes statutory definition of “teacher” referenced in requirement to employ necessary teachers, and allows charter schools to contract with a cooperative to provide necessary teachers.

Section Description – Article 4: Charter Schools

- Effective July 1, 2021.
- 13 **Leased space. [Facilities]**
Requires a charter school to lease space from the owner of the space instead of subleasing the space.

Effective July 1, 2021.
- 14 **Audit report. [Reports]**
Requires a charter management organization or educational management organization to submit an audit report to the commissioner annually by December 31.

Effective July 1, 2021.
- 15 **School closures; payments. [Payment of aids to charter schools]**
Strikes an obsolete reference to chapter on cooperatives.

Effective July 1, 2021.

Article 5: Special Education

This article increases each school’s special education cross subsidy aid, requires charter schools to engage in third-party billing for health related services, as practicable, in the same manner as school districts, and sets hourly reimbursement caps on the services that may be charged back to the resident school district through the tuition billing process.

The article also creates a process for schools to follow to amend students’ individual education programs (IEPs) in order to provide recovery services to students for services and time lost due to the pandemic.

The article also creates a process to determine how additional third-party payments can be accessed for certain health-related services.

Section Description – Article 5: Special Education

- 1 **Special education aid [charter schools].**
Creates a tuition adjustment aid for charter schools that softens the impact of the hourly service cap rate proposed in section 7 for three years, beginning in fiscal year

Section Description – Article 5: Special Education

2024. Sets the phase out amounts at 75 percent of the gap in FY 24, 50 percent of the gap in FY 25, and 25 percent of the gap in FY 26 and later.
- 2 Obligation to pay.**
Clarifies that a third party has an obligation to pay for certain health related services whether the service was provided by a qualified school district, charter school, or cooperative unit.
- 3 Third-party reimbursement.**
Encourages charter schools, to the extent practicable, to seek third-party reimbursements for health related services in the same manner as school districts. Authorizes the commissioner of education to provide training and technical assistance to charter schools to help with the third-party reimbursements.

Removes an obsolete date.
- 4 Cross subsidy reduction aid.**
Increases special education cross subsidy aid from 6.43 percent of the cross subsidy to 9.33 percent of the cross subsidy for fiscal year 2022 and 12.11 percent of the cross subsidy for fiscal year 2023 and later.

Effective for fiscal year 2022 and later.
- 5 Alternative attendance programs.**
Limits a charter school’s tuition reimbursement amounts for charter schools that exceed the state average cost per service hour of service. Limits the reimbursement amounts to 200 percent of the statewide service rate for fiscal year 2024, 175 percent of the statewide service rate for fiscal year 2025, 150 percent of the statewide service rate for fiscal year 2026, and 125 percent of the statewide service rate for fiscal year 2027 and later. Creates three rate structures, depending on where a charter school is located; a statewide rate, a rate for charter schools located in Minneapolis, and a rate for charter schools located in St. Paul.

Authorizes the Department of Education to disallow a tuition expense if the department determines that the charter school has failed to pursue third-party billing for qualifying health-related special education services.
- 6 Special education recovery services and supports.**
Subd. 1. Special education recovery. Requires the commissioner of education, school districts, and charter schools to collaborate with the families of students with disabilities to address the impact of learning disruptions due to COVID-19.

Section Description – Article 5: Special Education

Subd. 2. Special education services and supports. (a) Requires districts and charter schools to invite the parents of a student with a disability to a meeting of the individualized education program (IEP) team by December 1, 2021, to determine whether services and supports are necessary to address lack of progress on IEP goals or loss of learning or skills due to disruptions related to COVID-19. Additional services and supports must be included in the IEP, and the district or charter school must report to the commissioner the cost of providing the services.

(b) Requires the IEP team to consider specific factors when determining what supports the student needs.

(c) Requires the IEP team to consider when and how to deliver supports to students. Allows the IEP team to determine that providers other than the district or charter school staff are most appropriate to provide the supports and services.

(d) Requires a district or charter school to make available the services included in the IEP until the IEP team determines they are no longer necessary.

(e) Clarifies that school districts providing special education services on a shared time basis to nonpublic students must offer the nonpublic student services and supports in accordance with this section.

(f) Requires the commissioner to identify if federal special education funds under the American Rescue Plan (the third COVID relief act passed by Congress) could be used to fund the services required by this section. If allowable, authorizes the commissioner to allocate the federal funds to cover 100 percent of the costs of these services.

7 Third-party reimbursement.

Requires the commissioners of education and human services to consult with stakeholders to identify strategies to streamline access and reimbursement for behavioral health services for children who are enrolled in medical assistance and have IEPs or individualized family service plans (IFSPs) to avoid duplication of services and procedures.

Requires the commissioners to review other states' models and identify strategies to reduce administrative burdens and ensure continuity of care for students accessing services when not in school. Requires the commissioners to report their findings to the legislature by November 1, 2021.

Section Description – Article 5: Special Education

8 Appropriations.

Appropriates funds for special education programs. See attached fiscal worksheet.

Article 6: Health and Safety

This article requires mental health instruction and social-emotional learning standards, defines multi-tiered system of supports, requires a seizure action plan, establishes student support personnel aid, and makes other changes.

Section Description – Article 6: Health and Safety

1 Mental health education.

Replaces encouragement for districts to provide mental health instruction with requirement. Requires a district or charter school providing instruction on preventing suicide or self-harm to use the resources provided by the commissioner or other evidence-based instruction.

Effective July 1, 2022.

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

Requires districts to provide instruction to help students identify, prevent, and reduce prohibited conduct; and take other action to create a safe and supportive school environment.

Effective July 1, 2021.

3 State model policy. [School student bullying policy]

Requires the commissioner to develop and maintain resources to help districts and schools implement strategies for a positive school climate and use social-emotional learning. Requires the commissioner to develop and adopt state-level social-emotional learning standards.

Effective July 1, 2021.

4 School mental health systems.

Defines mental health, and describes comprehensive school mental health systems.

Effective July 1, 2021.

Section Description – Article 6: Health and Safety

5 Multi-tiered system of supports.

Defines the Minnesota multi-tiered system of supports as a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. Lists required components of framework.

Effective July 1, 2021.

6 Seizure action plan.

Subd. 1. Seizure training and action plan. Requires a school district or charter school where a student with a seizure disorder and prescribed seizure medication is enrolled to have a seizure action plan. The action plan must identify a school nurse or designated individual who can administer seizure medication and require training on seizures.

Subd. 2. Training requirements. Requires a school district or charter school to provide all licensed school nurses or other designated individuals, and other staff with self-study materials on seizure disorders.

Effective for the 2022-2023 school year and later.

7 Student support personnel aid.

Creates a new state school aid for student support personnel.

Subd. 1. Definitions. Defines “new position” and “student support services personnel” to include school counselors, school psychologists, school social workers, school nurses, and chemical dependency counselors.

Subd. 2. Purpose. States the purposes of the student support personnel aid program.

Subd. 3. Aid eligibility and application. Makes a school district, charter school, and a cooperative unit (including an intermediate school district) eligible for aid. Charges the commissioner with prescribing the form and manner of the application process for the aid.

Subd. 4. Student support personnel aid. Establishes the aid for school districts equal to the greater of \$31,500 (for smaller school districts) or \$20 times the number of pupils enrolled in the district on October 1 of the previous year. Sets the aid for charter schools equal to \$20 per pupil. Sets the aid for cooperative programs equal to \$6 per pupil times the pupil count enrolled in the cooperative unit’s member school districts. Limits the aid to no more than the school’s actual spending on new support personnel.

Section Description – Article 6: Health and Safety

Subd. 5. Allowed uses; match requirements. Requires the aid to be used to hire student support personnel in newly created positions. Transfers the cooperative unit's aid from the member districts to the cooperative unit. Allows school districts, charter schools, and cooperative units to contract for services if the school is unable to hire a new full-time equivalent position with the student support personnel aid provided under this section.

Subd. 6. Report required. Requires each school district, charter school, and cooperative unit receiving aid under this section to submit a written report to the commissioner of education indicating how the new positions affected at least two of the following measures:

- school climate;
- attendance rates;
- academic achievement;
- career and college readiness; and
- postsecondary completion rates.

Effective July 1, 2021.

8 Appropriations.

See attached fiscal worksheet.

Article 7: Facilities

Creates additional levy authority for school districts in greater Minnesota for certain facilities' costs of cooperative units such as special education cooperatives, education districts, and Service Cooperatives to parallel the levy authority that metro-area school districts have for intermediate school district special education facilities.

Requires a school to notify staff, students, and parents when the school receives notice of environmental hazards from the Department of Health or the Pollution Control Agency.

Section Description – Article 7: Facilities

1 Notification of environmental hazards.

Requires a school district, charter school, or nonpublic school to notify school staff, students, and parents when it receives notice of environmental hazards from the Department of Health or Pollution Control Agency.

Section Description – Article 7: Facilities

- 2 Intermediate districts and other cooperative units.**
Expands the list of cooperative units that may issue deferred maintenance bonds backed by the member school districts LTFM revenue to include other types of joint powers agreements.
- 3 To lease building or land.**
Authorizes a school district to levy up to \$65 per pupil per year for facilities needs for cooperative school units and school joint powers districts (under current law, this authority is currently available only for school districts that are members of an intermediate school district).
- 4 Safe schools levy.**
Requires school districts to report safe school expenses by functional area in the form and manner specified by the commissioner (current law requires spending to be reported only by UFARS accounting category).

Effective for fiscal year 2022 and later.
- 5 Appropriations.**
Appropriates money for school facilities purposes. See attached fiscal worksheet.

Article 8: Nutrition and Libraries

Adds language to the school nutrition statutes to prohibit lunch shaming. Qualifies all early childhood special education students for free breakfasts.

This article also increases state aid to the 12 Regional Library systems by \$2 million per year and modifies the formula for distributing the aid to the individual Regional Library systems.

Section Description – Article 8: Nutrition and Libraries

- 1 School meal policy; lunch aid; food service accounting.**
Subd. 1. School meal policy. Requires sponsors in the school lunch or breakfast program to adopt and post a school meal policy. Lists required elements of policy, including a prohibition on withdrawing a meal from a student's tray.

Subd. 1a. School lunch aid amounts. Makes technical changes.

Subd. 2. Application. Makes a technical change.

Section Description – Article 8: Nutrition and Libraries

Subd. 4. No fees. Prohibits a sponsor that receives lunch aid from denying a school lunch or breakfast to a student who qualifies for free or reduced-price meals even if the student has an outstanding balance in a meal account.

Subd. 5. Respectful treatment. Requires a sponsor to provide meals to students in a respectful manner, and prohibits a sponsor from imposing certain restrictions or limiting a student’s participation in certain activities due to an unpaid student meal debt. Requires the commissioner to send a letter of noncompliance to a sponsor violating respectful treatment requirement; sponsor must respond and remedy the practice.

Subd. 6. Definition. Defines “a la carte” and “school meal.”

Effective date: This section is effective July 1, 2021.

2 School breakfast program.

Makes school breakfast free for each early childhood special education student participating in the voluntary prekindergarten/school readiness program and reimburses school districts \$1.30 for each breakfast served to the students. (Note: This parallels the free breakfast funding available for all kindergarten pupils.)

Effective for fiscal year 2022 and later.

3 School libraries and media centers.

Creates a statutory definition of a school district or charter school library or media center. Lists the characteristics of the library/media center including:

- equitable access to resources;
- ensuring the library/media center has collection development policy;
- centrally located physical space that provides an environment for expanded learning;
- technology tools and broadband access; and
- a licensed school library media specialist or licensed school librarian.

4 Local support levels. [Regional library basic system support aid; requirements]

States that library basic system support aid provided to a regional public library system is subject to the reduced maintenance of effort requirements in section 275.761.

Section Description – Article 8: Nutrition and Libraries

- 5 **Basic aid distribution.**
Increases the percentage of the total regional public library aid paid equally to each system from five to 15 percent. Note that the Regional Library Basic System Support aid is increased in the appropriations section by \$2 million per year.
- 6 **Adjusted net tax capacity distribution.**
Decreases the portion of regional public library system aid based upon the region’s relative tax base from 25 to 15 percent of the total allocation. Lags by one more year, the measure of tax base used so that the tax base ratios are final when the aid is calculated.
- 7 **Population calculation.**
Clarifies that the population used to compute population aid is the most recently available population count.
- 8 **Appropriations.**
Appropriates money for school meals and regional library services. See attached fiscal worksheet.

Article 9: Community Education and Lifelong Learning

Statutorily resets the statutory statewide amount of adult basic education (ABE) aid at \$51,781,000 (this is the current law amount). Ensures that a reduction in contact hours will not reduce the statewide amount of ABE aid. Adds an additional option for growth in the ABE aid by linking the statewide amount of ABE to increases in the general education basic formula allowance.

Makes permanent the requirement that the commissioner of education pay for one full battery of high school equivalency tests (like the GED test) for a test taker not more than once per year.

Section Description – Article 9: Community Education and Lifelong Learning

- 1 **State total ABE aid.**
Ensures that state total ABE aid does not decline from one year to the next. [Note: The current inflator allows an increase in the state total ABE aid of up to 3 percent per year, based on the change in total contact hours over the previous ten-year period, but does not prevent ABE aid from decreasing if total contact hours (hours of instruction provided to students) fall.]

Effective July 1, 2021.

Section Description – Article 9: Community Education and Lifelong Learning

- 2 Commissioner-selected high school equivalency test (GED) fees.**
Makes permanent the requirement that the commissioner of education pay for one full battery of high school equivalency tests (like the GED test) for a test taker not more than once per year (under current law the rate falls back to 60 percent of the test costs for fiscal year 2022 and later).
- 3 Appropriations.**
See attached fiscal worksheet.

Article 10: State Agencies

This article provides funding for state agencies, including the Department of Education (MDE), the Professional Educator Licensing and Standards Board (PELSB), the Minnesota State Academies in Faribault, and the Perpich Center of Arts Education.

The article also requires all preK-12 education grants awarded after July 1, 2022, to be awarded through a framework that encourages the goals of the grants to be aligned to Minnesota's world's best workforce and the federal government's student accountability systems. Requires grant recipients to use evidence-based practices and report on their activities to the commissioner of education and the legislature.

Section Description – Article 10: State Agencies

- 1 Appointment of members. [PELSB membership]**
Increases the number of PELSB members from 11 to 13. Prohibits a member from serving more than two consecutive terms.

Effective July 1, 2021.
- 2 Eligibility; board composition. [PELSB membership]**
Increases the minimum number of teachers on the board from six to seven, and modifies the teacher member qualifications. Adds two teachers in licensure areas that represent current or emerging trends in education and an educator currently teaching in a Minnesota-approved teacher preparation program. Clarifies qualifications for superintendent and principal positions on the board.

Effective July 1, 2021.
- 3 Administration. [PELSB membership]**
Eliminates obsolete language relating to PELSB office space.

Section Description – Article 10: State Agencies

- Effective July 1, 2021.
- 4 Licensing. [Duties]**
Requires PELSB to approve teacher preparation providers seeking to prepare candidates for teacher licensure in Minnesota.
Effective July 1, 2021.
- 5 Register of persons licensed. [Duties]**
Amends requirements for register of licensed teachers.
Effective July 1, 2021.
- 6 PELSB must adopt and revise rules. [Duties]**
Require PELSB to revise rules, and adds sections that require rulemaking. Strikes requirement that PELSB adopt rules relating to grade levels a licensed teacher may teach.
Effective July 1, 2021.
- 7 Permissions. [Duties]**
Eliminates annual review requirement for permission for alternative education program teacher to teach in other content areas.
Effective July 1, 2021.
- 8 Teacher and administrator preparation and performance data; report.**
Changes date that PELSB must post report on teacher preparation programs from June to July. Modifies required summary data program providers must include.
Effective July 1, 2021.
- 9 Teacher preparation program reporting.**
Clarifies reporting requirement on number of candidates who have not passed a content or pedagogy exam, and modifies requirement to disaggregate data by eligibility for financial aid.
Effective July 1, 2021.
- 10 Licensure applications.**
Increases the teacher license application fee from \$57 to \$85 (most licenses are valid for five years). Creates an \$8 fee charged to each applicant who uses the online teacher licensing system. Deposits the \$8 fee in a special revenue fund and requires

Section Description – Article 10: State Agencies

the funds in the special revenue fund to be used only for technology projects, services, and support.

Effective July 1, 2021.

11 Evidence-based education grants.

Requires all preK-12 education grants awarded after July 1, 2022, to be awarded through a framework that encourages the goals of the grants to be aligned to Minnesota’s world’s best workforce and the federal government’s student accountability systems. Requires grant recipients to use evidence-based practices and report on their activities to the commissioner of education and the legislature.

Effective July 1, 2022.

12 Limitations of order effective January 1, 2015, and later. [Petition to expunge criminal records]

Strikes obsolete reference to the licensing division of the Department of Education.

Effective July 1, 2021.

13 MDE; 2020-2021 appropriations.

Cancels \$2 million of the \$4.7 million appropriation in fiscal year 2020 from the amount set aside for litigation expenses and cancels \$1.252 million of the fiscal year 2021 general agency operations appropriation.

Effective day following final enactment.

14 Appropriations; MDE 2022-2023.

Appropriates \$36,684,000 in fiscal year 2022 and \$33,099,000 in fiscal year 2023 from the general fund to MDE for agency operations. Appropriations riders include:

- \$319,000 per year for transfer to the Board of School Administrators;
- \$1,000,000 per year for the regional centers of excellence;
- \$250,000 per year to the School Finance Division to enhance financial data analysis;
- \$720,000 per year for implementing Minnesota’s Learning for English Academic Proficiency (LEAPS) Act programs;
- \$123,000 per year for a dyslexia specialist;
- \$480,000 per year for the mainframe computer update;
- \$4,500,000 in fiscal year 2022 for legal fees and costs associated with litigation;

Section Description – Article 10: State Agencies

- \$455,000 in fiscal year 2022 and \$865,000 in fiscal year 2023 for data analytics for the state count of American Indian children (sets the base amounts for this program at \$510,000 in fiscal year 2024, \$355,000 for fiscal year 2025, and \$133,000 for fiscal year 2026 and later);
- \$3,279,000 in fiscal year 2022 and \$4,484,000 in fiscal year 2023 for modernizing district data submissions (sets the base amount for this program at \$3,252,000 for fiscal year 2024 and later);
- \$340,000 in each year for VPK program administration;
- \$3,000,000 each year for translation services (sets aside \$2,000,000 per year for grants to school districts and charter schools); and
- \$144,000 in fiscal year 2022 and \$148,000 in fiscal year 2023 for MDE’s costs in incorporating ethnic studies into the state’s curriculum standards.

Approves and appropriates the expenditure of federal grants and aids as shown in the biennial budget document and its supplements.

Effective for fiscal year 2022 and later.

15 Appropriations; Minnesota State Academies.

Appropriates \$14,056,000 in fiscal year 2022 and \$14,317,000 in fiscal year 2023 from the general fund to the Minnesota State Academies for the Deaf and Blind for the agency’s operations.

Effective for fiscal years 2022 and 2023.

16 Appropriations; Perpich Center for Arts Education.

Appropriates \$7,406,000 in fiscal year 2022 and \$7,527,000 in fiscal year 2023 from the general fund to the Perpich Center for Arts Education for the agency’s operations.

Effective for fiscal years 2022 and 2023.

17 Appropriations; PELSB.

Appropriates \$4,542,000 in fiscal year 2022 and \$4,581,000 in fiscal year 2023 from the general fund to PELSB for the agency’s operations funds. Appropriates \$34,000 per year from the licensure by portfolio special revenue fund to PELSB for licensure by portfolio activities.

Effective for fiscal years 2022 and 2023.

Article 11: Forecast Adjustments

Makes adjustments to fiscal year 2021 appropriations to match the February 2021 Forecast data to match the best estimates of the state aid required for each K12 appropriation. Generally, a change in the estimated pupil counts, or a change in program participation is the most likely cause of a forecast adjustment. The changes in the appropriations are real, but they have no fiscal impact when measured against the K12 budget because the changes are built into the forecast estimate of the budget base.



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