

# Weekly Advocate

empower, educate, engage

Week Eleven- March 15, 2021

MSBA

## The House Education Policy Omnibus Bill - What is in it and how does it impact school boards

In the past ten weeks, the House Education Policy Committee has heard a number of bills. Many were "laid over" for possible inclusion in the omnibus bill. [HF 1081](#), as amended, is the House Education Policy omnibus bill and is a compilation of the policy bills heard throughout the session thus far. House Research puts together a summary of the bill and we have reviewed and pulled the provisions that are of interest to school board members.

### HF 1081, as amended - Education Policy Omnibus Bill - Rep. Ruth Richardson

#### Article 1: General Education

This article amends statutes relating to school calendars and absences related to religious observance, the state count of American Indian students, and makes other technical changes.

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.

School calendar.

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

#### Article 2: Education Excellence

This article amends statutes governing student discipline, home school requirements, graduation requirements, academic standards, post-secondary enrollment options (PSEO), American Indian education, assessments, and other provisions relating to academic programs.

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

Graduation requirements. [Credits]

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

**Requires** a course in government and citizenship in 11th or 12th grade for students beginning 9th grade in the 2022-2023 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship; requires a district to begin offering a course for credit in government and citizenship to students in 11th and 12th grade in the 2022-2023 school year.

**Requires** arts standards to be state rather than local standards. **Requires** one credit of physical education. Reduces the number of elective credits from seven to six.

**Requires** students beginning 9th grade in the 2022-2023 school year and later to complete a personal finance course for credit during their senior year of high school.

Definitions. [World's Best Workforce]  
Defines "ethnic studies curriculum," "rigorous," "anti-racist," "culturally sustaining," "institutional racism," and "on track for graduation."

Performance measures.  
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.

Adopting plans and budgets. [World's Best Workforce]  
**Requires** districts' World's Best Workforce plans to include ethnic studies curriculum, and anti-racist and culturally sustaining curriculum; modifies other plan requirements. Effective date: This section is effective for all strategic plans reviewed and updated after enactment.

District advisory committee. [World's Best Workforce]  
**Requires** district advisory committee to recommend strategies regarding curriculum and learning and work environments.

Equitable school enhancement grants.  
Establishes a grant program to support strategies relating to equity. Defines terms, including "anti-racist," "equitable," "institutional racism," and "structural." Requires the commissioner of education to determine application procedures and deadlines, select schools to receive grants, and determine award amounts. Requires grants to be used to support equitable, anti-racist educational practices. Requires grant recipients to report to the commissioner.

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.

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

American Indian mascots prohibited.

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

Suspension.

Defines “in-school suspension” and “out-of-school suspension.” **Requires** an out-of-school suspension to include a readmission plan. This is effective for the 2021-2022 school year and later.

Non-exclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.

Defines non-exclusionary 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. This section is effective for the 2021-2022 school year and later.

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

Full and equitable participation in early learning.

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

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

Provision of alternative programs.

**Requires** a school to use non-exclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements. This section is effective for the 2021-2022 school year and later.

Suspension pending expulsion or exclusion hearing.

States that alternative education services are **required** when a student is suspended more than five consecutive days. This section is effective for the 2021-2022 school year and later.

Student suspensions exceeding five consecutive school days.

**Requires** an administrator to ensure alternative education services are provided when a pupil is suspended for more than five consecutive school days. Effective date: This section is effective for the 2021-2022 school year and later.

Minimum education services. [Suspension procedures]

**Requires** school officials to give suspended students the opportunity to complete all school work assigned during the suspension and receive full credit for the assignments.

Encourages a principal to designate a school employee as a liaison to work with the student's teachers to allow the student to receive timely course materials and complete assignments and receive feedback. Effective date: This section is effective for the 2021-2022 school year and later.

Written notice. [Exclusion and expulsion procedures]

**Requires** written notice of intent to impose an expulsion to describe the non-exclusionary 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. This section is effective for the 2021-2022 school year and later.

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

Exclusions and expulsions; student withdrawals; and physical assaults.

**Requires** districts to report on pupil withdrawal agreements and non-exclusionary disciplinary practices to the commissioner. This section is effective for the 2021-2022 school year and later.

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 non-exclusionary 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 health services. This section is effective for the 2021-2022 school year and later.

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.

Discipline and removal of students from class.

**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. Eliminates mandatory grounds for removal and **requires** policy to instead include provisions on addressing willful conduct that endangers other persons or property. 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. This section is effective July 1, 2022.

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.

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.

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. This section is effective the day following final enactment.

Plan implementation; components. [Achievement and integration for Minnesota]  
**Requires** plans to include strategies to address institutional racism. This section is effective for all plans reviewed and updated after enactment.

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.

Academic standards review and revision suspension.  
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 rule-making 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. This section is effective the day following final enactment.

### **Article 3: Teachers**

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

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.

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.

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.

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.

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.

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.

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.

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.

Requirements; exemptions from a bachelor's degree. [Tier 2 license]

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.

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 renewed, and requires a Tier 2 teacher to participate in cultural competency training and mental illness training for all renewals.

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.

Requires PELSB to issue a Tier 3 license to an applicant who completed student teaching comparable to Minnesota requirements, and either (1) completed a teacher preparation program from a culturally specific minority serving institution and is eligible for a teacher license in another state, or (2) completed a university teacher preparation program in another country and has taught at least two years.

Coursework. [Tier 3 license]

Eliminates option for applicant to meet coursework requirements with 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. With the exception of applicants who fill a shortage area.

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.

Term of license and renewal. [Tier 3 license]

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

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.

Term of license and renewal. [Tier 4 license]

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

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.

Expiration and Renewal.

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.



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.

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.

Probationary period. [Continuing contracts (districts in cities outside the first class)]  
Modifies probationary period for a teacher who has taught for three consecutive years in one state by allowing the teacher to obtain continuing contract status after serving a one-year probationary period in a Minnesota school district instead of three years. This section is effective for collective bargaining agreements effective July 1, 2021 and thereafter

Development, evaluation, and peer coaching for continuing contract.  
**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. This section is effective July 1, 2023.

Probationary period; discharge or demotion. [Tenure (districts in cities of the first class)]  
Allows a district to negotiate a contract with a one-year probationary period for a teacher who has obtained tenure or completed three consecutive years of employment for at least 120 days per year with a single employer. This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter.

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 comm

Grants for grow your own programs.  
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. 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.  
Allows eligible districts or Head Start programs to apply for grants to support persons of color or American Indian persons to become licensed teachers or preschool teachers. Provides allowable grant uses. 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.



Duties, evaluation. [Principals]

Requires principal evaluations to support and improve principal's culturally responsive leadership practices. This section is effective July 1, 2023.

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.

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.

### **Article 5: Special Education**

This article amends requirements for American Sign Language interpreters, and requirements relating to students with disabilities affected by disruptions to on-site learning due to COVID- 19.

Students with disabilities.

**Requires** a school board developing or updating a plan to provide on-site instruction to students to prioritize instruction for a student with disabilities whose individualized education programs (IEPs) requires instruction in a federal level three or four program or who is not demonstrating progress on the IEP while not receiving on-site instruction, and for a student with disabilities who is also an English learner. Allows a district to provide services required by an IEP to a student at the student's home, and allows those services to qualify for special education funding. **Requires** a district providing the home visit services to negotiate the terms and conditions of employment with the union of the staff performing the services in accordance with the Public Employment Labor Relations Act. **Requires** a school district to consider how a student's disability may affect the student's ability to engage in distance instruction when determining whether to refer the student for truancy programs and services or reporting educational neglect. Encourages districts to connect families with county-based services, excluding truancy services, if a student is struggling with attendance. **Requires** a district to allow a student participating in a special education transitions program for students ages 18 to 21, who was expected to participate in employment or training during the 2020-2021 school year in accordance with the student's IEP, to participate during the 2021-2022 school year even if the student would otherwise age out, as long as the IEP team finds participation would be appropriate. This section is effective immediately following enactment and sunsets at the end of the 2021-2022 school year.

### **Article 6: Health and Safety**

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

Mental health education.

**Requires** districts to provide mental health instruction. This section is effective July 1, 2022.

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.

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.

Seizure 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 designee who can administer seizure medication and require training on seizures.

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

#### **Article 7: Nutrition and Libraries**

This article requires sponsors in the meals program to adopt a school meals policy and provide meals to students in a respectful manner, and amends a library support aid requirement.

School meal policy; lunch aid; food service accounting.

**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. **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. **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. This section is effective July 1, 2021.

#### **Article 8: Facilities**

This article requires school staff, students, and parents to be notified of environmental hazards.

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.

