

SEVENTY-NINTH DAY

St. Paul, Minnesota, Monday, April 9, 2018

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Eichorn imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Jennifer McNally.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Abeler	Draheim	Housley	Little	Rosen
Anderson, B.	Dziedzic	Ingebrigtsen	Lourey	Ruud
Anderson, P.	Eaton	Isaacson	Marty	Senjem
Bakk	Eichorn	Jasinski	Mathews	Simonson
Benson	Eken	Jensen	Miller	Sparks
Bigham	Fischbach	Johnson	Nelson	Tomassoni
Carlson	Franzen	Kent	Newman	Torres Ray
Chamberlain	Frentz	Kiffmeyer	Newton	Utke
Clausen	Gazelka	Klein	Osmek	Weber
Cohen	Goggin	Koran	Pappas	Westrom
Cwodzinski	Hall	Laine	Pratt	Wiger
Dahms	Hawj	Lang	Relph	Wiklund
Dibble	Hoffman	Limmer	Rest	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 29, 2018

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The Subcommittee on Committees met on March 22, 2018, and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes

15.0145: Council for Minnesotans of African Heritage - remove Senator Dziejczak and replace with Senator Hayden to serve at the pleasure of the appointing authority.

Sincerely,
Paul E. Gazelka
Chair, Subcommittee on Committees
State Senator, District 9

April 9, 2018

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Environment and Natural Resources Policy and Legacy Finance, to which were referred the following appointments as reported in the Journal for February 20, 2017:

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

Nicole Kessler
Norman Moody

CLEAN WATER COUNCIL

Steven Besser
Pamela Blixt
Sharon Doucette
Robert Hoefert
Douglas Losee
Rylee Main
Victoria A. Reinhardt

Sincerely,
Cal R. Ludeman
Secretary of the Senate

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2363, 3622, and 3972.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 29, 2018

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2363: A bill for an act relating to commerce; enacting and modifying the Revised Uniform Athlete Agents Act; amending Minnesota Statutes 2016, section 45.011, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 81A; repealing Minnesota Statutes 2016, sections 81A.01; 81A.02; 81A.04; 81A.05; 81A.06; 81A.07; 81A.10; 81A.11; 81A.12; 81A.13; 81A.14; 81A.19; 81A.20; 81A.21.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2399, now on General Orders.

H.F. No. 3622: A bill for an act relating to insurance; changing accreditation and certification requirements for reinsurers; amending Minnesota Statutes 2016, sections 13.7191, by adding a subdivision; 60A.092; 60A.093; 60A.096; 60A.097; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3241, now on General Orders.

H.F. No. 3972: A bill for an act relating to liquor; clarifying provisions relating to brewing and winemaking on premises; modifying off-sale hours; authorizing licenses; amending Minnesota Statutes 2016, sections 340A.33; 340A.34; Minnesota Statutes 2017 Supplement, section 340A.504, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3621, now on General Orders.

REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 3837, 3417, 3785, and 3480. The motion prevailed.

Senator Newman from the Committee on Transportation Finance and Policy, to which was referred

S.F. No. 3837: A bill for an act relating to transportation; governing transportation finance; proposing a constitutional amendment to the Minnesota Constitution, article XIV, to allocate state general sales tax revenue related to motor vehicle repair and replacement parts exclusively to fund roads; amending Minnesota Statutes 2017 Supplement, section 297A.94.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete article 1 and insert:

"ARTICLE 1

CONSTITUTIONAL AMENDMENT IMPLEMENTATION

Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIV, section 14, will read:

Sec. 14. **Road and bridge fund.** There is hereby created a road and bridge fund to be used solely for road and bridge construction and repair projects. The fund consists of the proceeds of the taxes specified under section 16 of this article. The net proceeds of the taxes shall be apportioned: four percent to a fund or account dedicated solely for construction and maintenance of city roads in cities that do not receive municipal state-aid street funds, 3.25 percent to a fund or account dedicated solely for construction and maintenance of town roads, and 1.75 percent to a fund or account dedicated solely for construction and maintenance of town bridges. The balance of the road and bridge fund shall be apportioned: 62 percent to the trunk highway construction fund, 29 percent to the county state-aid highway fund, and nine percent to the municipal state-aid street fund.

Sec. 2. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIV, section 15, will read:

Sec. 15. **Trunk highway construction fund.** There is hereby created a trunk highway construction fund that shall be used solely for road and bridge construction and repair projects and the payment of principal and interest of any bonds issued under the authority of section 11 of this article. All payments of principal and interest on bonds issued shall be a first charge on money coming into this fund during the year in which the principal or interest is payable. For purposes of this section, "road and bridge construction and repair projects" include costs exclusively for design, engineering, planning, acquisition of property rights, construction, or repair directly related to a road or bridge on the trunk highway system.

Sec. 3. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIV, section 16, will read:

Sec. 16. **Sales taxes; motor vehicle and trailer repair and replacement parts; rental vehicles.** Beginning July 1, 2020, 70 percent of the revenue from the general state sales and use tax that is attributed by law to the sale and purchase of repair and replacement parts for motor vehicles and trailers must be solely deposited in the road and bridge fund, then the revenue apportioned must be increased by 15 percent for each subsequent fiscal year through June 30, 2023, and then the revenue must be apportioned 100 percent for the purposes of this section after June 30, 2023. Beginning July 1, 2020, 100 percent of the revenue from rental motor vehicle sales tax and rental motor vehicle tax must be solely deposited to the road and bridge fund. Revenue under this section does not include revenue from the tax under sections 9, 12, and 13 of this article or article XI, section 15.

Sec. 4. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIV, section 17, will read:

Sec. 17. **Motor vehicle lease sales tax revenue.** Beginning July 1, 2019, 100 percent of the revenue from the motor vehicle lease sales tax imposed by the state must be apportioned in amounts established in law by the legislature to the county state-aid highway fund; to a fund or account dedicated solely to public transit in greater Minnesota; to a fund or account dedicated solely to construction, replacement, and repair of local bridges; and to the highway user tax distribution fund. No change in the apportionment of these funds may be made within six years of the last previous change.

Sec. 5. SUBMISSION TO VOTERS.

(a) The proposed amendment must be submitted to the people at the 2018 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended so that the following taxes already being collected are used exclusively for road and bridge construction and transportation purposes: sales tax on vehicle and trailer repair and replacement parts, taxes on rental vehicles, and the motor vehicle lease sales tax?"

Yes
No "

(b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the question submitted to the people under paragraph (a) shall be "Guaranteed Use of Existing Motor Vehicle Taxes for Road and Bridge Construction."

ARTICLE 2

CONSTITUTIONAL AMENDMENT IMPLEMENTATION

Section 1. Minnesota Statutes 2016, section 16A.88, subdivision 1a, is amended to read:

Subd. 1a. **Greater Minnesota transit account.** The greater Minnesota transit account is established within the transit assistance fund in the state treasury. The account consists of funds allocated under subdivision 1 and funds distributed for public transit in greater Minnesota pursuant

to Minnesota Constitution, article XIV, section 14. Money in the account is annually appropriated to the commissioner of transportation for assistance to transit systems outside the metropolitan area under section 174.24. The commissioner may use up to \$408,000 in fiscal year 2008 and \$416,000 in fiscal year 2009 and thereafter for administration of the transit program. The commissioner shall use the account for transit operations as provided in section 174.24 and related program administration.

Sec. 2. **[161.042] TRUNK HIGHWAY CONSTRUCTION FUND.**

Subdivision 1. **Composition.** The trunk highway construction fund shall consist of 62 percent of the net road and bridge fund as provided in the Minnesota Constitution, article XIV; the proceeds of the sale of any bonds authorized by the Minnesota Constitution, article XIV; money received from the federal government as aid in the construction and maintenance of trunk highways; and any other money otherwise allotted, appropriated, or legislated therefor.

Subd. 2. **Investment of fund.** Upon the request of the commissioner, moneys in the trunk highway construction fund shall be invested by the State Board of Investment in those securities authorized for such purpose in section 11A.21. All interest and profits from such investments shall be credited to the trunk highway construction fund. The commissioner of management and budget shall be the custodian of all securities purchased under the provisions of this section.

Sec. 3. Minnesota Statutes 2016, section 161.081, subdivision 1, is amended to read:

Subdivision 1. **Distribution of five percent.** (a) Pursuant to Minnesota Constitution, article 14 ~~XIV, section 5, of the Constitution~~, five percent of the net highway user tax distribution fund is set aside, and apportioned to the county state-aid highway fund.

(b) That apportionment is further distributed as follows:

(1) 30.5 percent to the town road account created in section 162.081;

(2) 16 percent to the town bridge account, ~~which is created in the state treasury~~ section 162.082; and

(3) 53.5 percent to the flexible highway account created in subdivision 3.

Sec. 4. Minnesota Statutes 2016, section 162.081, subdivision 1, is amended to read:

Subdivision 1. **Account created.** A town road account is created in the county state-aid highway fund. The account consists of funds distributed for construction and maintenance of town roads pursuant to Minnesota Constitution, article XIV, section 14, and other funds as provided by law, and any other money donated, allotted, transferred, or otherwise provided to the account.

Sec. 5. **[162.082] TOWN BRIDGE ACCOUNT.**

A town bridge account is created in the county state-aid highway fund. The account consists of funds distributed for construction and maintenance of town bridges pursuant to Minnesota Constitution, article XIV, section 14, and other funds as provided by law, and any other money donated, allotted, transferred, or otherwise provided to the account.

Sec. 6. Minnesota Statutes 2016, section 162.145, subdivision 2, is amended to read:

Subd. 2. **Small cities assistance account.** A small cities assistance account is created in the special revenue fund. The account consists of funds distributed for construction and maintenance of city roads in cities that do not receive municipal state-aid street funds pursuant to Minnesota Constitution, article XIV, section 14, and other funds as provided by law, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account may only be expended as provided under this section.

Sec. 7. Minnesota Statutes 2016, section 174.50, subdivision 2, is amended to read:

Subd. 2. **Fund created.** A Minnesota state transportation fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts and disbursements of money appropriated from the fund to agencies and subdivisions of the state for the acquisition and betterment of public land, buildings, and capital improvements needed for the development of the state transportation system. The fund includes funds distributed for construction, replacement, and repair of local bridges pursuant to Minnesota Constitution, article XIV, section 14.

Sec. 8. Minnesota Statutes 2017 Supplement, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

Subdivision 1. Deposits. (a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of management and budget shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit in the state treasury the revenues collected under section 297A.64, subdivision 1, including interest and penalties and minus refunds, and credit them to the highway user tax distribution fund.

(e) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit of revenues under paragraph (d), the commissioner shall deposit into the state treasury and credit to the highway user tax distribution fund an amount equal to the estimated revenues derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The commissioner shall estimate the amount of sales tax revenue deposited under this paragraph based on the amount of revenue deposited under paragraph (d).

(g) ~~Starting after July 1, 2017,~~ The commissioner shall deposit ~~an amount of the remittances~~ monthly into the state treasury and credit ~~them~~ to the highway user tax distribution road and bridge fund as a portion of the estimated amount of taxes collected from the sale and purchase of motor vehicle repair and replacement parts in that month, in the amounts provided under this paragraph. For the remittances between July 1, 2017, and June 30, 2019, the monthly deposit amount is \$2,628,000. For the remittances between July 1, 2019, and June 30, 2020, the monthly deposit amount is \$15,808,000. For remittances in each subsequent fiscal year, the monthly deposit amount is ~~\$12,137,000~~ equal to 1/12 of the most recent percentage estimate for the fiscal year under subdivision 2, multiplied by the total sales tax revenues collected in the previous calendar year. For purposes of this paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, ~~and~~. For purposes of this section, "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially made of rubber and if marked according to federal regulations for highway use.

(h) 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(i) The revenue dedicated under paragraph (h) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (h) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (h) must be allocated for field operations.

(j) The commissioner must deposit the revenues, including interest and penalties minus any refunds, derived from the sale of items regulated under section 624.20, subdivision 1, that may be sold to persons 18 years old or older and that are not prohibited from use by the general public under section 624.21, in the state treasury and credit:

- (1) 25 percent to the volunteer fire assistance grant account established under section 88.068;
- (2) 25 percent to the fire safety account established under section 297I.06, subdivision 3; and
- (3) the remainder to the general fund.

For purposes of this paragraph, the percentage of total sales and use tax revenue derived from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be sold to persons 18 years old or older and are not prohibited from use by the general public under section 624.21, is a set percentage of the total sales and use tax revenues collected in the state, with the percentage determined under section 39.

(k) The revenues deposited under paragraphs (a) to (j) do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

Subd. 2. Motor vehicle repair and replacement parts estimation; legislative report. (a) Beginning June 30, 2020, and by June 30 of every second year or more frequently thereafter, the commissioner must estimate the percentage of total sales tax revenues, including interest and penalties, collected in the previous calendar year that is attributable to sales and purchases of motor vehicle repair and replacement parts, based on federal data and department consumption models. Beginning July 1 following a percentage estimate revision, the estimate is effective for deposits under subdivision 1, paragraph (g).

(b) By November 1 in a fiscal year in which a revised estimate becomes effective, the commissioner must submit a report on the estimate and estimation methodology to the chairs and ranking minority members of the legislative committees with jurisdiction over taxes and transportation policy and finance.

Sec. 9. **EFFECTIVE DATE.**

This article is effective June 30, 2019, if the constitutional amendment in article 1 is ratified."

Renumber the articles and sections in sequence

Amend the title as follows:

Page 1, line 4, after "to" insert "rental vehicles and"

Page 1, line 5, before the semicolon, insert "and to allocate state general sales tax revenue for leased vehicles exclusively to transportation purposes"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Newman from the Committee on Transportation Finance and Policy, to which was re-referred

S.F. No. 3418: A bill for an act relating to transportation finance; modifying and establishing various transportation finance, budgeting, appropriations, accounting, fiscal planning, and reporting provisions related to the Metropolitan Council; amending Minnesota Statutes 2016, sections 16A.88, subdivision 2; 473.13, subdivisions 1, 4, by adding subdivisions; 473.146, subdivisions 1, 3; Minnesota Statutes 2017 Supplement, section 3.972, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 21, after the stricken "calendar" insert "fiscal"

Page 4, line 17, after "transportation" insert "and transit"

Page 5, line 4, delete "Department" and insert "commissioner"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Newman from the Committee on Transportation Finance and Policy, to which was referred

S.F. No. 3146: A bill for an act relating to taxation; authorizing certain cities in Hennepin County to receive a portion of the transportation sales and use tax to spend on roads and bridges within city limits; amending Minnesota Statutes 2016, section 297A.993, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete the first "board" and insert "council"

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Newman from the Committee on Transportation Finance and Policy, to which was re-referred

S.F. No. 2977: A bill for an act relating to public safety; modifying provisions governing passing emergency vehicles stopped on a roadway; amending Minnesota Statutes 2016, section 169.18, subdivisions 11, 12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was referred

S.F. No. 3463: A bill for an act relating to public safety; creating liability and vicarious liability for trespass to critical infrastructure; creating a crime for recruiting or educating individuals to trespass on or damage critical infrastructure; amending Minnesota Statutes 2016, sections 609.594, subdivision 2; 609.6055, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 604.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete sections 1 and 2 and insert:

"Section 1. [604.135] CRITICAL INFRASTRUCTURE; JOINT AND SEVERAL LIABILITY.

(a) A person who is convicted of trespass under section 609.6055 or damage to property under section 609.594, or is arrested for a violation of one or both of those sections and convicted of another offense arising out of the same behavioral incident, may be held liable for any damages to personal or real property committed by the person while trespassing or causing damage to property.

(b) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels, conspires with, or otherwise procures another for the purpose of trespassing or causing damage to property as described in paragraph (a) may also be jointly and severably liable for the damages under paragraph (a).

EFFECTIVE DATE. This section is effective on August 1, 2018, and applies to causes of action arising on or after that date."

Page 2, delete lines 24 to 27 and insert:

"(c) Unless a greater penalty is provided elsewhere, whoever violates this section with intent to damage, destroy, or tamper with equipment, or significantly impede or inhibit operation, is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both."

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was re-referred

S.F. No. 3417: A bill for an act relating to health; establishing the Minnesota Health Policy Commission; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 5, insert:

"ARTICLE 1

MINNESOTA HEALTH POLICY COMMISSION"

Page 3, line 17, after "agency" insert "de-identified"

Page 3, line 18, delete everything after the period

Page 3, delete line 19

Page 3, line 20, delete everything before "For"

Page 3, line 26, delete "liaison"

Page 4, line 11, delete everything after "13D"

Page 4, line 12, delete everything before the period

Page 4, line 16, delete "2034" and insert "2024"

Page 4, after line 31, insert:

"ARTICLE 2

HEALTH-RELATED PROFESSIONS

Section 1. Minnesota Statutes 2016, section 214.075, subdivision 1, is amended to read:

Subdivision 1. **Applications.** (a) ~~By January 1, 2018, Each health-related licensing board, as defined in section 214.01, subdivision 2, shall require applicants for initial licensure, licensure by endorsement, or reinstatement or other relicensure after a lapse in licensure, as defined by the individual health-related licensing boards, the following individuals~~ to submit to a criminal history records check of state data completed by the Bureau of Criminal Apprehension (BCA) and a national criminal history records check, including a search of the records of the Federal Bureau of Investigation (FBI):

(1) applicants for initial licensure or licensure by endorsement. An applicant is exempt from this paragraph if the applicant submitted to a state and national criminal history records check as described in this paragraph for a license issued by the same board;

(2) applicants seeking reinstatement or relicensure, as defined by the individual health-related licensing board, if more than one year has elapsed since the applicant's license or registration expiration date; or

(3) licensees applying for eligibility to participate in an interstate licensure compact.

(b) An applicant must complete a criminal background check if more than one year has elapsed since the applicant last submitted a background check to the board. An applicant's criminal background check results are valid for one year from the date the background check results were received by the board. If more than one year has elapsed since the results were received by the board, then an applicant who has not completed the licensure, reinstatement, or relicensure process must complete a new background check.

Sec. 2. Minnesota Statutes 2016, section 214.075, subdivision 4, is amended to read:

Subd. 4. **Refusal to consent.** (a) The health-related licensing boards shall not issue a license to any applicant who refuses to consent to a criminal background check or fails to submit fingerprints ~~within 90 days~~ after submission of an application for licensure. Any fees paid by the applicant to the board shall be forfeited if the applicant refuses to consent to the criminal background check or fails to submit the required fingerprints.

(b) The failure of a licensee to submit to a criminal background check as provided in subdivision 3 is grounds for disciplinary action by the respective health-related licensing board.

Sec. 3. Minnesota Statutes 2016, section 214.075, subdivision 5, is amended to read:

Subd. 5. **Submission of fingerprints to the Bureau of Criminal Apprehension.** The health-related licensing board or designee shall submit applicant or licensee fingerprints to the BCA. The BCA shall perform a check for state criminal justice information and shall forward the applicant's or licensee's fingerprints to the FBI to perform a check for national criminal justice information regarding the applicant or licensee. The BCA shall report to the board the results of the state and national criminal ~~justice information~~ history records checks.

Sec. 4. Minnesota Statutes 2016, section 214.075, subdivision 6, is amended to read:

Subd. 6. **Alternatives to fingerprint-based criminal background checks.** The health-related licensing board may require an alternative method of criminal history checks for an applicant or licensee who has submitted at least ~~three~~ two sets of fingerprints in accordance with this section that have been unreadable by the BCA or the FBI.

Sec. 5. Minnesota Statutes 2016, section 214.077, is amended to read:

214.077 TEMPORARY LICENSE SUSPENSION; IMMINENT RISK OF SERIOUS HARM.

(a) Notwithstanding any provision of a health-related professional practice act, when a health-related licensing board receives a complaint regarding a regulated person and has probable cause to believe that the regulated person has violated a statute or rule that the health-related licensing board is empowered to enforce, and continued practice by the regulated person presents an imminent risk of serious harm, the health-related licensing board shall issue an order temporarily suspending the regulated person's authority to practice. The temporary suspension order shall specify the reason for the suspension, including the statute or rule alleged to have been violated. The temporary suspension order shall take effect upon personal service on the regulated person or the regulated person's attorney, or upon the third calendar day after the order is served by first class mail to the most recent address provided to the health-related licensing board for the regulated person or the regulated person's attorney.

(b) The temporary suspension shall remain in effect until the health-related licensing board or the commissioner completes an investigation, holds a contested case hearing pursuant to the Administrative Procedure Act, and issues a final order in the matter as provided for in this section.

(c) At the time it issues the temporary suspension order, the health-related licensing board shall schedule a contested case hearing, on the merits of whether discipline is warranted, to be held pursuant to the Administrative Procedure Act. The regulated person shall be provided with at least ten days' notice of any contested case hearing held pursuant to this section. The contested case hearing shall be scheduled to begin no later than 30 days after the effective service of the temporary suspension order.

(d) The administrative law judge presiding over the contested case hearing shall issue a report and recommendation to the health-related licensing board no later than 30 days after the final day of the contested case hearing. If the administrative law judge's report and recommendations are for no action, the health-related licensing board shall issue a final order pursuant to sections 14.61 and 14.62 within 30 days of receipt of the administrative law judge's report and recommendations. If the administrative law judge's report and recommendations are for action, the health-related licensing board shall issue a final order pursuant to sections 14.61 and 14.62 within 60 days of receipt of the administrative law judge's report and recommendations. Except as provided in paragraph (e), if the health-related licensing board has not issued a final order pursuant to sections 14.61 and 14.62 within 30 days of receipt of the administrative law judge's report and recommendations for no action or within 60 days of receipt of the administrative law judge's report and recommendations for action, the temporary suspension shall be lifted.

(e) If the regulated person requests a delay in the contested case proceedings provided for in paragraphs (c) and (d) for any reason, the temporary suspension shall remain in effect until the health-related licensing board issues a final order pursuant to sections 14.61 and 14.62.

(f) This section shall not apply to the Office of Unlicensed Complementary and Alternative Health Practice established under section 146A.02. The commissioner of health shall conduct temporary suspensions for complementary and alternative health care practitioners in accordance with section 146A.09.

Sec. 6. Minnesota Statutes 2016, section 214.10, subdivision 8, is amended to read:

Subd. 8. **Special requirements for health-related licensing boards.** In addition to the provisions of this section that apply to all examining and licensing boards, the requirements in this subdivision apply to all health-related licensing boards, except the Board of Veterinary Medicine.

(a) If the executive director or consulted board member determines that a communication received alleges a violation of statute or rule that involves sexual contact with a patient or client, the communication shall be forwarded to the designee of the attorney general for an investigation of the facts alleged in the communication. If, after an investigation it is the opinion of the executive director or consulted board member that there is sufficient evidence to justify disciplinary action, the board shall conduct a disciplinary conference or hearing. If, after a hearing or disciplinary conference the board determines that misconduct involving sexual contact with a patient or client occurred, the board shall take disciplinary action. Notwithstanding subdivision 2, a board may not attempt to correct improper activities or redress grievances through education, conciliation, and persuasion, unless in the opinion of the executive director or consulted board member there is insufficient evidence to justify disciplinary action. The board may settle a case by stipulation prior to, or during, a hearing if the stipulation provides for disciplinary action.

(b) A board member who has a direct current or former financial connection or professional relationship to a person who is the subject of board disciplinary activities must not participate in board activities relating to that case.

(c) Each health-related licensing board shall establish procedures for exchanging information with other Minnesota state boards, agencies, and departments responsible for regulating health-related occupations, facilities, and programs, and for coordinating investigations involving matters within the jurisdiction of more than one regulatory body. The procedures must provide for the forwarding to other regulatory bodies of all information and evidence, including the results of investigations, that are relevant to matters within that licensing body's regulatory jurisdiction. Each health-related licensing board shall have access to any data of the Department of Human Services relating to a person subject to the jurisdiction of the licensing board. The data shall have the same classification under chapter 13, the Minnesota Government Data Practices Act, in the hands of the agency receiving the data as it had in the hands of the Department of Human Services.

(d) Each health-related licensing board shall establish procedures for exchanging information with other states regarding disciplinary actions against licensees. The procedures must provide for the collection of information from other states about disciplinary actions taken against persons who are licensed to practice in Minnesota or who have applied to be licensed in this state and the dissemination of information to other states regarding disciplinary actions taken in Minnesota. In addition to any authority in chapter 13 permitting the dissemination of data, the board may, in its discretion, disseminate data to other states regardless of its classification under chapter 13. Criminal history record information shall not be exchanged. Before transferring any data that is not public, the board shall obtain reasonable assurances from the receiving state that the data will not be made public.

Sec. 7. Minnesota Statutes 2017 Supplement, section 364.09, is amended to read:

364.09 EXCEPTIONS.

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (f); to fire protection agencies; to eligibility for a private detective or protective agent license; to the licensing and background study process under chapters 245A and 245C; to the licensing and background investigation process under chapter 240; to eligibility for school bus driver endorsements; to eligibility for special transportation service endorsements; to eligibility for a commercial driver training instructor license, which is governed by section 171.35 and rules adopted under that section; to emergency medical services personnel, or to the licensing by political subdivisions of taxicab drivers, if the applicant for the license has been discharged from sentence for a conviction within the ten years immediately preceding application of a violation of any of the following:

(1) sections 609.185 to 609.2114, 609.221 to 609.223, 609.342 to 609.3451, or 617.23, subdivision 2 or 3; or Minnesota Statutes 2012, section 609.21;

(2) any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or

(3) a violation of chapter 169 or 169A involving driving under the influence, leaving the scene of an accident, or reckless or careless driving.

This chapter also shall not apply to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district or to eligibility for a license issued or renewed by the Professional Educator Licensing and Standards Board or the commissioner of education.

(c) Nothing in this section precludes the Minnesota Police and Peace Officers Training Board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

~~(d) This chapter does not apply to a license to practice medicine that has been denied or revoked by the Board of Medical Practice pursuant to section 147.091, subdivision 1a.~~

~~(e) This chapter does not apply to any person who has been denied a license to practice chiropractic or whose license to practice chiropractic has been revoked by the board in accordance with section 148.10, subdivision 7.~~

~~(f) This chapter does not apply to any license, registration, or permit that has been denied or revoked by the Board of Nursing in accordance with section 148.261, subdivision 1a.~~

~~(g)~~ (d) This chapter does not apply to any license, registration, permit, or certificate that has been denied or revoked by the commissioner of health according to section 148.5195, subdivision 5; or 153A.15, subdivision 2.

~~(h)~~ (e) This chapter does not supersede a requirement under law to conduct a criminal history background investigation or consider criminal history records in hiring for particular types of employment.

(f) This chapter does not apply to the licensing or registration process for, or to any license, registration, or permit that has been denied or revoked by, a health-related licensing board listed in section 214.01, subdivision 2.

Sec. 8. **REPEALER.**

Minnesota Statutes 2016, section 214.075, subdivision 8, is repealed.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "modifying temporary license suspensions and background checks for certain health-related professions;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was re-referred

S.F. No. 3001: A bill for an act relating to the military; authorizing rental of and rental terms for certain Military Department buildings; amending Minnesota Statutes 2016, section 190.16, subdivision 6a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "the necessary personnel" and insert ", with their consent, current or former officers, warrant officers, and enlisted personnel of the National Guard of the state"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred

S.F. No. 3633: A bill for an act relating to arts and culture; appropriating money for Veterans' Voices radio programming.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, delete "2018" and insert "2019"

Page 1, line 11, delete "and" and insert "or"

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources Policy and Legacy Finance. Amendments adopted. Report adopted.

Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred

S.F. No. 3785: A bill for an act relating to motor vehicles; authorizing registration and use of certain decommissioned military vehicles; amending Minnesota Statutes 2016, section 168.10, subdivision 1h.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, before "civilian" insert "comparable"

Page 2, line 28, after "paragraph" insert "is eligible for a motor vehicle title under chapter 168A and"

Page 2, after line 29, insert:

"Sec. 2. Minnesota Statutes 2016, section 168A.02, subdivision 1, is amended to read:

Subdivision 1. **Application for certificate of title.** (a) Except as provided in section 168A.03, every owner of a vehicle which is in this state and for which no currently effective certificate of title has been issued in this state shall make application to the department for a certificate of title of the vehicle, pursuant to rules adopted by the department under section 168A.24, subdivision 2, clause 3.

(b) A decommissioned military vehicle that (1) was also manufactured and sold as a comparable civilian vehicle, and (2) has the same size dimensions and vehicle weight as the comparable civilian vehicle, is eligible for a certificate of title under this chapter."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Transportation Finance and Policy.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Osmek from the Committee on Energy and Utilities Finance and Policy, to which was re-referred

S.F. No. 3441: A bill for an act relating to public safety; requiring an excavation notice system contact information database; amending Minnesota Statutes 2016, section 216D.03, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Fischbach from the Committee on Higher Education Finance and Policy, to which was re-referred

S.F. No. 3512: A bill for an act relating to state lands; requiring approval of state acquisition of real property in fee; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete everything after "subdivision 2" and insert a period

Page 1, delete line 8

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Fischbach from the Committee on Higher Education Finance and Policy, to which was re-referred

S.F. No. 2979: A bill for an act relating to children; requiring commissioner of human services to modify the Child Welfare Training System; requiring a report; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 260C.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred

S.F. No. 3021: A bill for an act relating to elections; making technical changes to provisions related to elections administration; amending Minnesota Statutes 2016, sections 203B.081, subdivisions 1, 2; 203B.121, subdivision 4; 204B.46; 204C.21, subdivision 1; 204C.36, subdivision 1; 204D.27, subdivision 5; 206.90, subdivision 6; 207A.14, subdivision 2; 367.25, subdivision 1; Minnesota Statutes 2017 Supplement, sections 201.121, subdivision 3; 204B.09, subdivision 3; 204B.16, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 26, insert:

"Sec. 7. Minnesota Statutes 2016, section 204B.19, subdivision 6, is amended to read:

Subd. 6. **High school students.** Notwithstanding any other requirements of this section, a student enrolled in a high school in Minnesota or who is in a home school in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed as a ~~without party affiliation~~ trainee election judge, without party affiliation, in the county in which the student resides, or a county adjacent to the county in which the student resides. The student must meet qualifications for trainee election judges specified in rules of the secretary of state. A student appointed as a trainee election judge may be excused from school attendance during the hours that the student is serving as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority

stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. Students shall not serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer. The principal of the school may approve a request to be absent from school conditioned on acceptable academic performance at the time of service as a trainee election judge."

Page 5, after line 33, insert:

"Sec. 9. Minnesota Statutes 2016, section 204C.06, subdivision 2, is amended to read:

Subd. 2. Individuals allowed in polling place; identification. (a) Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a disabled voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, ballot counter, or electronic voting equipment, unless lawfully authorized to do so by an election judge or the individual is an election judge monitoring the operation of the ballot counter or electronic voting equipment.

(b) Teachers and elementary or secondary school students participating in an educational activity authorized by section 204B.27, subdivision 7, may be present at the polling place during voting hours.

(c) Each official on duty in the polling place must wear an identification badge that shows their role in the election process. The badge must not show their party affiliation.

(d) Persons other than election judges who are assisting voters must leave the polling place immediately after the voter they have assisted has finished voting.

Sec. 10. Minnesota Statutes 2016, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. Physical assistance in marking ballots. (a) A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not

reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

(b) The election judges must keep track of the number of voters who have been assisted by persons other than election judges. Individuals who assist a voter must provide the head judge with their name and address and the election judge must record the name and address on the appropriate form. The individual must sign an oath before an election judge stating that the individual is eligible to provide assistance to the voter, that the individual will not attempt to influence the voter, and that the individual will assist no more than three voters at the election. The secretary of state must approve the form used for this purpose."

Page 7, line 19, strike "of" and insert "after"

Page 7, after line 25, insert:

"Sec. 13. Minnesota Statutes 2016, section 204D.19, is amended by adding a subdivision to read:

Subd. 4a. **Special election; Tuesday.** A special election required under subdivision 2, 3, or 4 must be held on a Tuesday.

Sec. 14. Minnesota Statutes 2016, section 204D.21, subdivision 3, is amended to read:

Subd. 3. **Nomination at special primary on other day.** In all cases other than those provided in subdivisions 1 and 2, a special primary for the nomination of candidates shall be held on a Tuesday and not later than the 14th day before the special election."

Page 8, after line 2, insert:

"Sec. 16. Minnesota Statutes 2017 Supplement, section 205.07, subdivision 1, is amended to read:

Subdivision 1. **Date of election.** The municipal general election in each city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a city may, by ordinance passed at a regular meeting held at least 180 calendar days before the first day to file for candidacy in the next municipal election, decide to hold the election on the first Tuesday after the first Monday in November in either an even- or odd-numbered year. A city may hold elections in either the even-numbered year or the odd-numbered year, but not both, except that when transitioning to a different election year a city may hold elections in consecutive calendar years to allow the terms of incumbents to expire. ~~When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan,~~ The governing body of the city ~~may~~ must adopt supplementary ordinances regulating initial elections ~~and~~ and officers to be chosen at the elections, ~~and~~ and shortening or

lengthening the terms of ~~incumbents and~~ those elected at the initial election. The terms of incumbent city council members must not be lengthened or shortened. The term of office for the mayor may be either two or four years. The term of office of council members is four years. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made. A municipal general election scheduled to be held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Sec. 17. Minnesota Statutes 2016, section 206.84, subdivision 6, is amended to read:

Subd. 6. **Duties of official in charge.** The official in charge of elections in each municipality where an electronic voting system is used shall have the voting systems put in order, set, adjusted, and made ready for voting when delivered to the election precincts. The official shall also provide each precinct with a container for transporting ballot cards to the counting location after the polls close. The container shall be of sturdy material to protect the ballots from all reasonably foreseeable hazards including auto collisions. The election judges shall meet at the polling place at least one hour before the time for opening the polls. Before the polls open the election judges shall compare the ballot cards used with the sample ballots, ~~and~~ electronic ballot displays, ~~and~~ ~~audio ballot reader~~ furnished to see that the names, numbers, and letters on both agree and shall certify to that fact on forms provided for the purpose. The certification must be filed with the election returns."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred

S.F. No. 3250: A bill for an act relating to motor vehicles; modifying various provisions governing motor vehicle titling and registration; amending Minnesota Statutes 2016, sections 80E.13; 168.013, subdivision 6; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.33, subdivision 8a; 168.346, subdivision 1; 168A.05, by adding a subdivision; 168A.12, subdivision 2; 168A.17, by adding a subdivision; Minnesota Statutes 2017 Supplement, section 168.013, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 168A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, delete subdivision 1

Renumber the subdivisions in sequence

Page 10, line 29, delete everything after "The" and insert "Motor Vehicle Title and Registration Advisory Committee consists of the following 13 members:"

Page 11, line 15, after "compensated" insert "and reimbursed for expenses"

Page 11, line 17, delete everything after "(a)" and insert "The members of the advisory committee must annually elect a chair and other officers as the members deem necessary."

Page 11, delete lines 18 to 20

Page 11, line 21, delete "(c)" and insert "(b)"

Page 12, line 5, after "services" insert "on matters relevant to:" and delete "; and"

Page 12, after line 5, insert:

"(i) effective and efficient systems relating to the ownership, transfer, and registration of motor vehicles; and

(ii) planning and implementing future changes and enhancements to vehicle registration systems; and"

Page 12, after line 14, insert:

"Sec. 13. MOTOR VEHICLE TITLE TRANSFER AND REGISTRATION ADVISORY COMMITTEE; FIRST APPOINTMENTS; FIRST MEETING.

Subdivision 1. **First appointments.** Appointment authorities must make first appointments to the Motor Vehicle Title Transfer and Registration Advisory Committee by September 15, 2018.

Subd. 2. **First meeting.** The commissioner of public safety or a designee shall convene the first meeting of the advisory committee by November 1, 2018."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred

S.F. No. 2028: A bill for an act relating to insurance; establishing a mental health and substance use disorder work group; requiring a report.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "Work group created" and insert "Membership" and delete everything after "(a)"

Page 1, delete lines 8 to 10

Page 1, line 11, delete "in Minnesota." and before "work" and insert "mental health and substance use disorder"

Page 1, line 13, after "market" insert ", appointed by the commissioner of commerce"

Page 1, line 15, after "markets" insert ", appointed by the commissioner of commerce"

Page 1, line 21, after "community" insert ", appointed by the commissioner of commerce"

Page 2, line 2, after "community" insert ", appointed by the commissioner of commerce"

Page 2, line 6, delete everything after the period

Page 2, delete lines 7 to 31 and insert:

"Subd. 2. **First appointments; first meeting; chair.** Appointing authorities shall appoint members to the work group by July 1, 2018. The commissioner of commerce or a designee shall convene the first meeting of the work group on or before August 1, 2018. The commissioner of commerce shall act as chair.

Subd. 3. **Administrative support.** The commissioners of health and commerce shall provide administrative support and meeting space for the work group.

Subd. 4. **Duties.** The mental health and substance use disorder work group shall have the following duties:

(1) develop recommendations on the most effective approach to determine and demonstrate mental health and substance use disorder parity, in accordance with state and federal law for individual and group health plans offered in Minnesota; and

(2) report recommendations to the legislature.

Subd. 5. **Report.** (a) By February 15, 2019, the commissioner of commerce shall submit a report of the recommendations of the work group to the chairs and ranking minority members of the legislative committees with jurisdiction over health care policy and finance.

(b) The report must include the following:

(1) a summary of completed state enforcement actions relating to individual and group health plans offered in Minnesota during the preceding 12-month period regarding compliance with parity in mental health and substance use disorders benefits in accordance with state and federal law, and summarize the results of completed state enforcement actions. Data that is protected under state or federal law as nonpublic, private, or confidential shall remain nonpublic, private, or confidential. This summary must include:

(i) the number of formal enforcement actions taken;

(ii) the benefit classifications examined in each enforcement action; and

(iii) the subject matter of each enforcement action, including quantitative and nonquantitative treatment limitations;

(2) detailed information about any regulatory actions the commissioners of health or commerce have taken as a result of a completed state enforcement action pertaining to health plan compliance with Minnesota Statutes, sections 62Q.47 and 62Q.53, and United States Code, title 42, section 18031(j); and

(3) a description of the work group's recommendations on educating the public about alcoholism, mental health, or chemical dependency parity protections under state and federal law.

(c) In developing the report and recommendations, the work group may consult with the Substance Abuse and Mental Health Services Agency and the National Association of Insurance Commissioners for the latest developments on evaluation of mental health and substance use disorder parity.

(d) The report must be written in nontechnical, readily understandable language and be made available to the public by posting the report on the Web sites for the Department of Health and Department of Commerce. The work group may make the report publicly available in additional ways at its discretion.

(e) The report must include any draft legislation necessary to implement the recommendations of the work group.

(f) The report must include recommendations on the most effective approach to determine and demonstrate mental health and substance use disorder parity, in accordance with state and federal law for individual and group health plans offered in Minnesota.

Subd. 6. **Expiration.** The mental health and substance use disorder work group expires February 16, 2019, or the day after submitting the report required in this section, whichever is earlier."

Page 3, delete lines 1 to 8

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy. Amendments adopted. Report adopted.

Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was re-referred

S.F. No. 3143: A bill for an act relating to human services; postponing the expiration date of the Traumatic Brain Injury Advisory Committee; amending Minnesota Statutes 2016, section 256B.093, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2016, section 254A.035, subdivision 2, is amended to read:

Subd. 2. **Membership terms, compensation, removal and expiration.** The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper Sioux Indian Reservation;

International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian Advisory Council members shall be as provided in section 15.059. The council expires June 30, ~~2018~~ 2022.

EFFECTIVE DATE. This section is effective June 29, 2018.

Sec. 2. Minnesota Statutes 2016, section 256B.0625, subdivision 13c, is amended to read:

Subd. 13c. **Formulary Committee.** The commissioner, after receiving recommendations from professional medical associations and professional pharmacy associations, and consumer groups shall designate a Formulary Committee to carry out duties as described in subdivisions 13 to 13g. The Formulary Committee shall be comprised of four licensed physicians actively engaged in the practice of medicine in Minnesota one of whom must be actively engaged in the treatment of persons with mental illness; at least three licensed pharmacists actively engaged in the practice of pharmacy in Minnesota; and one consumer representative; the remainder to be made up of health care professionals who are licensed in their field and have recognized knowledge in the clinically appropriate prescribing, dispensing, and monitoring of covered outpatient drugs. Members of the Formulary Committee shall not be employed by the Department of Human Services, but the committee shall be staffed by an employee of the department who shall serve as an ex officio, nonvoting member of the committee. The department's medical director shall also serve as an ex officio, nonvoting member for the committee. Committee members shall serve three-year terms and may be reappointed by the commissioner. The Formulary Committee shall meet at least twice per year. The commissioner may require more frequent Formulary Committee meetings as needed. An honorarium of \$100 per meeting and reimbursement for mileage shall be paid to each committee member in attendance. The Formulary Committee expires June 30, ~~2018~~ 2022.

EFFECTIVE DATE. This section is effective June 29, 2018."

Page 2, after line 2, insert:

"EFFECTIVE DATE. This section is effective June 29, 2018.

Sec. 4. Minnesota Statutes 2016, section 260.835, subdivision 2, is amended to read:

Subd. 2. **Expiration.** The American Indian Child Welfare Advisory Council expires June 30, ~~2018~~ 2022.

EFFECTIVE DATE. This section is effective June 29, 2018."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "Committee" insert ", the American Indian Advisory Council, the Formulary Committee, and the American Indian Child Welfare Advisory Council"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Hall from the Committee on Local Government, to which was referred

S.F. No. 3793: A bill for an act relating to local government; modifying Hennepin County competitive bidding; amending Minnesota Statutes 2016, section 383B.145, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 471.345, is amended by adding a subdivision to read:

Subd. 20. Solicitations to small business enterprises or veteran-owned small businesses. A contract, as defined in subdivision 2, estimated not to exceed \$250,000 may be made pursuant to the provisions of subdivision 4 provided that a business that is directly solicited is: (1) certified as a small business enterprise by a county designated small business certification program; or (2) certified by the commissioner of administration as a small business that is majority-owned and operated by a veteran or a service-disabled veteran. This subdivision applies only to county boards."

Amend the title as follows:

Page 1, line 2, delete "Hennepin County" and insert "counties"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Pratt from the Committee on E-12 Policy, to which was re-referred

S.F. No. 1961: A bill for an act relating to education; providing for student online privacy; amending Minnesota Statutes 2016, section 13.321, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 125B.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Pratt from the Committee on E-12 Policy, to which was referred

S.F. No. 3086: A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, teachers, facilities and technology, nutrition, early childhood and family support, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2016, sections 123B.14, subdivision 7; 124D.111, subdivisions 3, 4; 124D.78, subdivision 2; 124D.98, subdivision 3; 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45, subdivisions 11, 16; 128D.06, subdivision 1; Minnesota Statutes 2017 Supplement, sections 120B.35, subdivision 3; 121A.335, subdivision 3; 122A.09, by adding a subdivision; 122A.183, subdivision 2; 123B.52, subdivision 7; 124D.165, subdivisions 2, 3, 4; 124D.549; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03, subdivision 7a; 626.556, subdivision 2; Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23; repealing Minnesota Statutes 2016, sections 120B.35, subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9; 128D.06, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1
GENERAL EDUCATION**

Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended to read:

Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including electronic books as well as other printed materials delivered electronically, which a pupil uses as a text or text substitute in a particular class or program in the school regularly attended and a copy of which is expected to be available for the individual use of each pupil in this class or program. Textbook includes an online book with an annual subscription cost. Textbook includes teacher materials that accompany materials that a pupil uses.

(b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks, the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf form, as well as electronic books and other printed materials delivered electronically, intended for use as a principal source of study material for a given class or a group of students and must not include teacher materials that accompany materials that a pupil uses.

(c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software or other educational technology" include only such secular, neutral, and nonideological materials as are available, used by, or of benefit to Minnesota public school pupils.

Sec. 2. Minnesota Statutes 2016, section 123B.41, subdivision 5, is amended to read:

Subd. 5. **Individualized instructional or cooperative learning materials.** (a) "Individualized instructional or cooperative learning materials" means educational materials which:

~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative learning group in a particular class or program in the school the pupil regularly attends, including teacher materials that accompany materials that a pupil uses;

~~(b)~~ (2) are secular, neutral, nonideological and not capable of diversion for religious use; and

~~(c)~~ (3) are available, used by, or of benefit to Minnesota public school pupils.

(b) Subject to the requirements in paragraph (a), clauses ~~(a)~~ (1), ~~(b)~~ (2), and ~~(c)~~ (3), "individualized instructional or cooperative learning materials" include, but are not limited to, the following if they do not fall within the definition of "textbook" in subdivision 2: published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial or graphic works; prerecorded video programs; prerecorded tapes, cassettes and other sound recordings; manipulative materials; desk charts; games; study prints and pictures; desk maps; models; learning kits; blocks or cubes; flash cards; individualized multimedia systems; prepared instructional computer software

programs; choral and band sheet music; electronic books and other printed materials delivered electronically; and CD-Rom.

(c) "Individualized instructional or cooperative learning materials" do not include instructional equipment, instructional hardware, or ordinary daily consumable classroom supplies.

(d) For purposes of calculating the annual nonpublic aid entitlement for individualized instructional or cooperative learning materials, the term must not include teacher materials that accompany materials that a pupil uses.

Sec. 3. Minnesota Statutes 2016, section 123B.42, subdivision 3, is amended to read:

Subd. 3. **Cost; limitation.** (a) The cost per pupil of the textbooks, individualized instructional or cooperative learning materials, software or other educational technology, and standardized tests provided for in this section for each school year must not exceed the statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota public elementary and secondary schools for textbooks, individualized instructional materials and standardized tests as computed and established by the department by February 1 of the preceding school year from the most recent public school year data then available.

(b) The cost computed in clause (a) shall be increased by an inflation adjustment equal to the percent of increase in the formula allowance, pursuant to section 126C.10, subdivision 2, from the second preceding school year to the current school year. ~~Notwithstanding the amount of the formula allowance for fiscal years 2015 and 2016 in section 126C.10, subdivision 2, the commissioner shall use the amount of the formula allowance for the current year minus \$414 in determining the inflation adjustment for fiscal years 2015 and 2016.~~

(c) The commissioner shall allot to the districts or intermediary service areas the total cost for each school year of providing or loaning the textbooks, individualized instructional or cooperative learning materials, software or other educational technology, and standardized tests for the pupils in each nonpublic school. The allotment shall not exceed the product of the statewide average expenditure per pupil, according to clause (a), adjusted pursuant to clause (b), multiplied by the number of nonpublic school pupils who make requests pursuant to this section and who are enrolled as of September 15 of the current school year.

Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

Subd. 11. **Payment percentage for reimbursement aids.** One hundred percent of the aid for the previous fiscal year must be paid in the current year for the following aids: telecommunications/Internet access equity and according to section 125B.26, special education special pupil aid according to section 125A.75, subdivision 3, ~~aid for litigation costs according to section 125A.75, subdivision 9;~~ aid for court-placed special education expenses according to section 125A.79, subdivision 4, and aid for special education out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid according to section 126C.01, subdivision 7.

Sec. 5. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

Subd. 16. **Payments to third parties.** Notwithstanding subdivision 3, the current year aid payment percentage of the ~~amounts~~ amount under sections ~~123A.26, subdivision 3, and section~~

124D.041; shall be paid in equal installments on August 30, December 30, and March 30, with a final adjustment payment on October 30 of the next fiscal year of the remaining amount.

Sec. 6. **REPEALER.**

Minnesota Statutes 2016, sections 123A.26, subdivision 3; and 125A.75, subdivision 9, are repealed.

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

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

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

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

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

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

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) that the child's physical or mental health is such as to prevent attendance at school or application to study for the period required, which includes:

(i) child illness, medical, dental, orthodontic, or counseling appointments;

(ii) family emergencies;

(iii) the death or serious illness or funeral of an immediate family member;

~~(iv) active duty in any military branch of the United States;~~

~~(iv)~~ (iv) the child has a condition that requires ongoing treatment for a mental health diagnosis;
or

~~(vi)~~ (v) other exemptions included in the district's school attendance policy;

(2) that the child is in active duty in any branch of the United States armed forces;

(3) that the child is participating in any activity necessary for the child to join any branch of the United States armed forces and may be excused for up to three days for such purpose;

~~(2)~~ (4) that the child has already completed state and district standards required for graduation from high school; or

~~(3)~~ (5) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

(b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from an all-day, every day kindergarten program and put their child in a half-day program, if offered, or an

alternate-day program without being truant. A school board must excuse a kindergarten child from a part of a school day at the request of the child's parent.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended to read:

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

(1) language arts;

(2) mathematics;

(3) science;

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

(5) physical education;

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

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

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

(c) The department must adopt the most recent SHAPE America (Society of Health and Physical Educators) kindergarten through grade 12 standards and benchmarks for physical education as the required physical education academic standards. The department may modify and adapt the national standards to accommodate state interest. The modification and adaptations must maintain the purpose and integrity of the national standards. The department must make available sample assessments, which school districts may use as an alternative to local assessments, to assess students' mastery of the physical education standards beginning in the 2018-2019 school year.

(d) A school district may include child sexual abuse and sexual exploitation prevention instruction and consent instruction to prevent and reduce the incidence of sexual assault in a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse, sexual exploitation prevention, and consent instruction may include age-appropriate instruction on recognizing sexual abuse and assault, and sexual exploitation; boundary violations; and ways offenders identify, groom, or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. A

school district may consult with other federal, state, or local agencies and community-based organizations to identify research-based tools, curricula, and programs to prevent child sexual abuse and sexual exploitation and develop consent instruction to prevent and reduce the incidence of sexual assault. A school district may provide instruction under this paragraph in a variety of ways, including at an annual assembly or classroom presentation. A school district may also provide parents information on the warning signs of child sexual abuse and sexual exploitation and available resources. Child sexual exploitation prevention instruction must be consistent with the definition of sexually exploited youth under section 260C.007, subdivision 31.

(e) A school district may include instruction in a health curriculum for students in grades 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances as defined in section 152.01, subdivision 4, prescription and nonprescription medications, and illegal drugs. A school district is not required to use a specific methodology or curriculum.

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

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

Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended to read:

Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before the end of the current school year and ~~shall~~ must identify students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher. A school district must screen for dyslexia: (1) all students between the beginning of kindergarten and the beginning of grade 2; and (2) any student in grade 2 or higher who is identified as not reading at grade level.

(b) Reading assessments in English, and in the predominant languages of district students where practicable, must identify and evaluate students' areas of academic need related to literacy. The district also must monitor the progress and provide reading instruction appropriate to the specific needs of English learners. The district must use a locally adopted, developmentally appropriate, and culturally responsive assessment and annually report summary assessment results to the commissioner by July 1.

(c) The district ~~also~~ must annually report to the commissioner by July 1 a summary of the district's efforts to screen and identify students with:

(1) dyslexia, using screening tools such as those recommended by the department's dyslexia and literacy specialist; or

(2) convergence insufficiency disorder.

~~(b)~~ (d) A student identified under this subdivision must be provided with alternate instruction under section 125A.56, subdivision 1.

EFFECTIVE DATE. This section is effective July 1, 2019.

Sec. 5. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING PLANS.

(a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections, school districts, beginning in the 2013-2014 school year, must assist all students by no later than grade 9 to explore their educational, college, and career interests, aptitudes, and aspirations and develop a plan for a smooth and successful transition to postsecondary education or employment. All students' plans must:

(1) provide a comprehensive plan to prepare for and complete a career and college ready curriculum by meeting state and local academic standards and developing career and employment-related skills such as team work, collaboration, creativity, communication, critical thinking, and good work habits;

(2) emphasize academic rigor and high expectations and inform the student, and the student's parent or guardian if the student is a minor, of the student's achievement level score on the Minnesota Comprehensive Assessments that are administered during high school;

(3) help students identify interests, aptitudes, aspirations, and personal learning styles that may affect their career and college ready goals and postsecondary education and employment choices;

(4) set appropriate career and college ready goals with timelines that identify effective means for achieving those goals;

(5) help students access education and career options, including armed forces career options;

(6) integrate strong academic content into career-focused courses and applied and experiential learning opportunities and integrate relevant career-focused courses and applied and experiential learning opportunities into strong academic content;

(7) help identify and access appropriate counseling and other supports and assistance that enable students to complete required coursework, prepare for postsecondary education and careers, and obtain information about postsecondary education costs and eligibility for financial aid and scholarship;

(8) help identify collaborative partnerships among prekindergarten through grade 12 schools, postsecondary institutions, economic development agencies, and local and regional employers that support students' transition to postsecondary education and employment and provide students with applied and experiential learning opportunities; and

(9) be reviewed and revised at least annually by the student, the student's parent or guardian, and the school or district to ensure that the student's course-taking schedule keeps the student making adequate progress to meet state and local academic standards and high school graduation requirements and with a reasonable chance to succeed with employment or postsecondary education without the need to first complete remedial course work.

(b) A school district may develop grade-level curricula or provide instruction that introduces students to various careers, but must not require any curriculum, instruction, or employment-related activity that obligates an elementary or secondary student to involuntarily select or pursue a career, career interest, employment goals, or related job training.

(c) Educators must possess the knowledge and skills to effectively teach all English learners in their classrooms. School districts must provide appropriate curriculum, targeted materials, professional development opportunities for educators, and sufficient resources to enable English learners to become career and college ready.

(d) When assisting students in developing a plan for a smooth and successful transition to postsecondary education and employment, districts must recognize the unique possibilities of each student and ensure that the contents of each student's plan reflect the student's unique talents, skills, and abilities as the student grows, develops, and learns.

(e) If a student with a disability has an individualized education program (IEP) or standardized written plan that meets the plan components of this section, the IEP satisfies the requirement and no additional transition plan is needed.

(f) Students who do not meet or exceed Minnesota academic standards, as measured by the Minnesota Comprehensive Assessments that are administered during high school, shall be informed that admission to a public school is free and available to any resident under 21 years of age or who meets the requirements of section 120A.20, subdivision 1, paragraph (c). A student's plan under this section shall continue while the student is enrolled.

(g) A school district must provide military recruiters the same access to secondary school students as the district provides to institutions of higher education or to prospective employers of students.

(h) School districts are encouraged to sponsor an armed forces career opportunity day each school year prior to the third Thursday of November. A school district that sponsors an armed forces career opportunity day shall extend invitations to recruiters from each branch of the United States armed forces and allow the recruiters to make presentations to all interested secondary school students.

Sec. 6. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide ~~or districtwide~~ assessments.

(2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most populous Native groups, seven of the most populous Hispanic/Latino groups, and five of the most populous Black and African Heritage groups as determined by the total Minnesota population based on the most recent American Community Survey in consultation with

~~the state demographer~~; English learners under section 124D.59; home language; free or reduced-price lunch; and all students enrolled in a Minnesota public school who are currently or were previously in foster care, except that such disaggregation and cross tabulation is not required if the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

~~(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors, district staff, experts in culturally responsive teaching, and researchers, must implement a model that uses a value-added growth indicator and includes criteria for identifying schools and school districts that demonstrate medium and high growth under section 120B.299, subdivisions 8 and 9, and may recommend other value-added measures under section 120B.299, subdivision 3. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:~~

~~(1) report student growth consistent with this paragraph; and~~

~~(2) for all student categories, report and compare aggregated and disaggregated state student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).~~

The commissioner must report measures of student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph, including the English language development, academic progress, and oral academic development of English learners and their native language development if the native language is used as a language of instruction, and include data on all pupils enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59.

~~(c) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating the extent to which current high school graduates are being prepared for postsecondary academic and career opportunities:~~

~~(1) a preparation measure indicating the number and percentage of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities, consistent with the core academic subjects required for admission to Minnesota's public colleges and universities as determined by the Office of Higher Education under chapter 136A; and~~

~~(2) a rigorous coursework measure indicating the number and percentage of high school graduates in the most recent school year who successfully completed one or more college-level advanced placement, international baccalaureate, postsecondary enrollment options including concurrent enrollment, other rigorous courses of study under section 120B.021, subdivision 1a, or industry certification courses or programs.~~

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2014, must report summary data on school safety and students' engagement and connection at school, consistent with the student categories identified under paragraph (a), clause (2). The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

(e) For purposes of statewide educational accountability, the commissioner must identify and report measures that demonstrate the success of learning year program providers under sections 123A.05 and 124D.68, among other such providers, in improving students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually report summary data on:

- (1) the four- and six-year graduation rates of students under this paragraph;
- (2) the percent of students under this paragraph whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; and
- (3) the success that learning year program providers experience in:
 - (i) identifying at-risk and off-track student populations by grade;
 - (ii) providing successful prevention and intervention strategies for at-risk students;
 - (iii) providing successful recuperative and recovery or reenrollment strategies for off-track students; and
 - (iv) improving the graduation outcomes of at-risk and off-track students.

The commissioner may include in the annual report summary data on other education providers serving a majority of students eligible to participate in a learning year program.

(f) The commissioner, in consultation with recognized experts with knowledge and experience in assessing the language proficiency and academic performance of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59, must identify and report appropriate and effective measures to improve current categories of language difficulty and assessments, and monitor and report data on students' English proficiency levels, program placement, and academic language development, including oral academic language.

(g) When reporting ~~four- and six-year~~ graduation rates, including four-year graduation rates, the commissioner or school district must disaggregate the data by student categories according to paragraph (a), clause (2).

(h) A school district must inform parents and guardians that volunteering information on student categories not required by the most recent reauthorization of the Elementary and Secondary Education

Act is optional and will not violate the privacy of students or their families, parents, or guardians. The notice must state the purpose for collecting the student data.

Sec. 7. **[120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.**

Subdivision 1. **Commissioner duties.** (a) The commissioner of education must develop an academic achievement rating system consistent with this section to provide parents and students with a brief overview of student performance and growth in schools and districts across the state.

(b) Each school and district must be assigned a star rating based on the criteria provided in this section. Star ratings must range from one star for the lowest performing schools and districts to five stars for the highest performing schools and districts.

(c) Each school and district must be assigned an academic achievement score on a scale of zero to 100 that equals the average of the equally weighted factors used to determine a school's or district's star rating under subdivisions 3 to 5.

(d) The star rating and academic achievement score of each school and district must be reported annually on the Department of Education's Web site as part of the commissioner's school performance reports pursuant to section 120B.36.

(e) The commissioner must examine how revisions to statewide assessments under section 120B.30 impact school and district ratings under this section. The commissioner may adjust school and district ratings accordingly to maintain consistency in reporting.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Academic growth rate" means the average level of improvement in statewide test results for the current year over the previous year across all student groups in a school. Student improvement shall be quantified in a form and manner prescribed by the commissioner consistent with the approved state Every Student Succeeds Act plan to standardize this measurement across all schools and districts. The commissioner must convert a school's academic growth rate to a score on a scale of zero to 100 for purposes of determining a school's star rating under subdivision 3.

(c) "Low-income student achievement gap score" means 100 minus the average of: (1) the statewide percentage of non-low-income students who are rated proficient on the statewide reading test minus a school's percentage of low-income students who are rated proficient on the statewide reading test; and (2) the statewide percentage of non-low-income students who are rated proficient on the statewide math test minus a school's percentage of low-income students who are rated proficient on the statewide math test.

(d) "Students of color achievement gap score" means 100 minus the average of: (1) the statewide percentage of white students who are rated proficient on the statewide reading test minus a school's percentage of students of color who are rated proficient on the statewide reading test; and (2) the statewide percentage of white students who are rated proficient on the statewide math test minus a school's percentage of students of color who are rated proficient on the statewide math test.

(e) "Four-year graduation rate gap score" means 100 minus the difference between the statewide four-year high school graduation rate for non-low-income students and a school's four-year high school graduation rate for low-income students.

(f) "Low-income students" means students who qualify for free or reduced-price school lunch.

(g) "Proficient" means a student meets or exceeds federal accountability standards on statewide assessments in reading and math consistent with the approved state Every Student Succeeds Act plan.

(h) "Statewide reading test" and "statewide math test" mean the statewide reading and mathematics assessments developed and administered pursuant to section 120B.30.

(i) "Students of color" means students who identify themselves as American Indian, Asian, Hispanic, Black, or two or more races consistent with section 120B.35, subdivision 3, paragraph (a), clause (2).

Subd. 3. **Primary school rating components.** The commissioner must assign all elementary and middle schools a star rating based on the following equally weighted factors unique to each school:

(1) the percentage of students rated proficient on the statewide reading test;

(2) the percentage of students rated proficient on the statewide math test;

(3) the academic growth rate for the statewide reading test;

(4) the academic growth rate for the statewide math test;

(5) the low-income student achievement gap score;

(6) the students of color achievement gap score;

(7) the English learner proficiency rate, as defined in the approved state Every Student Succeeds Act plan; and

(8) the consistent attendance rate, as defined in the approved state Every Student Succeeds Act plan.

Subd. 4. **Secondary school rating components.** The commissioner must assign all high schools a star rating based on the following equally weighted factors unique to each school:

(1) the percentage of students rated proficient on the statewide reading test;

(2) the percentage of students rated proficient on the statewide math test;

(3) the four-year graduation rate gap score;

(4) the low-income student achievement gap score;

(5) the students of color achievement gap score;

(6) the English learner proficiency rate, as defined in the approved state Every Student Succeeds Act plan; and

(7) the consistent attendance rate, as defined in the approved state Every Student Succeeds Act plan.

Subd. 5. **District rating components.** The commissioner must assign all districts a star rating based on the following equally weighted factors unique to each district:

(1) the percentage of third grade students rated proficient on the statewide reading test;

(2) the low-income student achievement gap score, as applied at the district level;

(3) the students of color achievement gap score, as applied at the district level;

(4) the percentage of high school students rated proficient on the statewide reading test;

(5) the percentage of high school students rated proficient on the statewide math test; and

(6) the district's four-year high school graduation rate.

Sec. 8. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance reports and public reporting.** (a) The commissioner shall report: student academic performance data under section 120B.35, subdivisions 2 and 3; school and district academic achievement ratings under section 120B.355; the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3, paragraph (c); the percentage of students under section 120B.35, subdivision 3, paragraph (b), clause (2), whose progress and performance levels are meeting career and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in reducing disparities in students' academic achievement and realizing racial and economic integration under section 124D.861; the acquisition of English, and where practicable, native language academic literacy, including oral academic language, and the academic progress of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as English learners under section 124D.59; two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding salaries; student enrollment demographics; foster care status, including all students enrolled in a Minnesota public school course or program who are currently or were previously in foster care, student homelessness, and district mobility; and extracurricular activities.

(b) The school performance report for a school site and a school district must include school performance reporting information, including a prominent display of both the school's or district's star rating and academic achievement score assigned by the commissioner under section 120B.355 and must calculate proficiency and growth rates as required by the most recently reauthorized Elementary and Secondary Education Act.

(c) The commissioner shall develop, annually update, and post on the department Web site school performance reports consistent with paragraph (a) and section 120B.11.

(d) The commissioner must make available performance reports by the beginning of each school year.

(e) A school or district may appeal its results in a form and manner determined by the commissioner and consistent with federal law. The commissioner's decision to uphold or deny an appeal is final.

(f) School performance data are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data. The commissioner shall annually post school performance reports to the department's public Web site no later than September 1, except that in years when the reports reflect new performance standards, the commissioner shall post the school performance reports no later than October 1.

Sec. 9. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

Subd. 2. **Student progress and other data.** (a) All data the department receives, collects, or creates under section 120B.11, governing the world's best workforce, or uses to determine and set goals for federal expectations under the most recently reauthorized Elementary and Secondary Education Act, set state growth targets, and determine student growth, learning, and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data.

(b) Districts must provide parents sufficiently detailed summary data to permit parents to appeal under the most recently reauthorized federal Elementary and Secondary Education Act. The commissioner shall annually post federal expectations and state student growth, learning, and outcome data to the department's public Web site no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.

Sec. 10. Minnesota Statutes 2016, section 121A.22, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** (a) This section applies only:

(1) when the parent of a pupil requests school personnel to administer drugs or medicine to the pupil; or

(2) when administration is allowed by the individualized education program of a child with a disability.

The request of a parent may be oral or in writing. An oral request must be reduced to writing within two school days, provided that the district may rely on an oral request until a written request is received.

(b) If the administration of a drug or medication described in paragraph (a) requires the school to store the drugs or medication, the parent or legal guardian must inform the school if the drug or medication is a controlled substance. For drugs or medications that are not controlled substances,

the request must include a provision designating the school district as an authorized entity to transport the drug or medication for the purpose of destruction if any unused drug or medication is left in the possession of school personnel. For drugs or medications that are controlled substances, the request must specify that the parent or legal guardian is required to retrieve the drug when requested by the school.

Sec. 11. Minnesota Statutes 2016, section 121A.22, is amended by adding a subdivision to read:

Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district shall adopt a procedure for the collection and transport of any unclaimed or abandoned prescription drugs or over-the-counter medications left in the possession of school personnel in accordance with this subdivision. The procedure must ensure that before the transportation of any prescription drug under this subdivision, the school district shall make a reasonable attempt to return the unused prescription drug to the student's parent or legal guardian. The procedure must provide that transportation of unclaimed or unused prescription drugs or over-the-counter medications occur at least annually, or more frequently as determined by the school district.

(b) If the unclaimed or abandoned prescription drug is not a controlled substance as defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school district may designate an individual who shall be responsible for transporting these drugs or medications to a designated drop-off box or collection bin or may request a law enforcement agency to transport the drugs or medications to a drop-off box or collection bin on behalf of the school district.

(c) If the unclaimed or abandoned prescription drug is a controlled substance as defined in section 152.01, subdivision 4, a school district or school personnel is prohibited from transporting the prescription drug to a drop-off box or collection site for prescription drugs identified under this paragraph. The school district must request a law enforcement agency to transport the prescription drug or medication to a collection bin that complies with Drug Enforcement Agency regulations, or if a bin is not available, under the agency's procedure for transporting drugs.

Sec. 12. Minnesota Statutes 2016, section 121A.39, is amended to read:

121A.39 SCHOOL COUNSELORS.

(a) A school district is strongly encouraged to have an adequate student-to-counselor ratio for its students beginning in the 2015-2016 school year and later.

(b) A school counselor shall assist a student in meeting the requirements for high school graduation, college and career exploration, and selection, college affordability planning, and successful transitions into postsecondary education or training. As part of college and career exploration, a counselor is encouraged to present and explain the career opportunities and benefits offered by the United States armed forces and share information provided to the counselor by armed forces recruiters. In discussing military service with a student or a student's parent, a school counselor is encouraged to provide the student or parent information concerning the military enlistment test.

Sec. 13. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices

that are alternatives to removing a pupil from class or dismissing a pupil from school, including, but not limited to, positive behavioral interventions and supports and alternative education services, that require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 121A.031, subdivision 4, paragraph (a), clause (1); 121A.575, clauses (1) and (2); and 121A.61, subdivision 3, paragraph (q).

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 14. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

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

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 15. Minnesota Statutes 2016, section 121A.42, is amended to read:

121A.42 POLICY.

(a) No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

(b) School officials are encouraged to use nonexclusionary disciplinary policies and practices before beginning dismissal proceedings.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 16. Minnesota Statutes 2016, section 121A.45, is amended to read:

121A.45 GROUNDS FOR DISMISSAL.

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

Subd. 2. **Grounds for dismissal.** A pupil may be dismissed ~~on any of the following grounds~~ for:

(~~a~~) (1) willful violation of any reasonable school board regulation. ~~Such regulation must be that is specific and sufficiently clear and definite to provide notice to pupils that they must conform their conduct to its requirements;~~

(~~b~~) (2) willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or

~~(e)~~ (3) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

~~Subd. 3. **Parent notification and meeting.** If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.~~

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 17. Minnesota Statutes 2016, section 121A.46, subdivision 2, is amended to read:

~~Subd. 2. **Administrator notifies pupil of grounds for suspension.** At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of and explain the evidence the authorities have, and the pupil may present the pupil's version of the facts. The pupil may present the pupil's version of the facts and ask questions but is not required to do so.~~

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 18. Minnesota Statutes 2016, section 121A.46, subdivision 3, is amended to read:

~~Subd. 3. **Written notice of grounds for suspension.** A written notice containing of grounds for suspension shall be personally served upon the pupil at or before the time the suspension is to take effect and served upon the pupil's parent or guardian electronically or by mail within 48 hours of the conference. A written notice required under this section must contain:~~

~~(1) the grounds for suspension;~~

~~(2) a brief statement of the facts;~~

~~(3) a description of the testimony;~~

~~(4) documents indicating the nonexclusionary disciplinary policies and practices initially used with the pupil, if applicable;~~

~~(5) the length of the suspension;~~

~~(6) a readmission plan; that includes the pupil's date of return to school;~~

~~(7) a request for a meeting with the pupil's parent or guardian consistent with subdivision 3a; and~~

~~(8) a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference.~~

The district shall make reasonable efforts to notify the parents of the suspension by telephone or electronically as soon as possible following the suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 19. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

Subd. 3a. Parent notification and meeting; suspension; mental health screening. (a) After suspending a pupil from school, a school official must make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian within 30 calendar days of the dismissal. The purpose of the meeting is to engage the pupil's parent or guardian in developing a plan to help the pupil succeed in school by addressing the behavior that led to the dismissal.

(b) If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 20. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. Minimum education services. School officials must give a suspended pupil a reasonable opportunity to complete all school work assigned during the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 21. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

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

~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;

~~(c)~~ (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 12;

(4) state the date, time, and place of the hearing;

~~(5)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

~~(6)~~ (6) describe alternative educational services accorded the pupil in an attempt to avoid the exclusion or expulsion proceedings; and

~~(7)~~ (7) inform the pupil and parent or guardian of the right to:

~~(i)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education;

~~(ii)~~ (ii) examine the pupil's records before the hearing;

~~(iii)~~ (iii) present evidence; and

~~(iv)~~ (iv) confront and cross-examine witnesses.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 22. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; physical assaults.** Consistent with subdivision 2, the school board must report through use the department electronic reporting system to report to the commissioner each exclusion or expulsion and, each physical assault of a district employee by a student pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action or assault to the commissioner of education. This report must include a statement of alternative educational services, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, identify:

(1) the pupil's behavior leading to the discipline;

(2) the nonexclusionary disciplinary policies and practices used, if applicable;

(3) any attempts to provide the pupil with alternative education services before excluding or expelling the pupil;

(4) the effective date, and of the disciplinary action; and

(5) the duration of the exclusion or expulsion or other sanction, intervention, or resolution.

The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 23. Minnesota Statutes 2016, section 121A.55, is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address ~~students'~~ pupils' inappropriate behavior from recurring.

(b) The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission, and are consistent with section 121A.46, subdivision 5.

(c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

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

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

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

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

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 24. Minnesota Statutes 2016, section 121A.61, is amended to read:

121A.61 DISCIPLINE AND REMOVAL OF ~~STUDENTS~~ PUPILS FROM CLASS.

Subdivision 1. **Required policy.** Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for ~~students~~ pupils, ~~minimum potential consequences for violations of the rules, parental notification requirements, and grounds and procedures for removal of a student pupil from class. The board must develop the policy must be developed~~ in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds for which a ~~student~~ pupil may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a ~~student's~~ pupil's parent or guardian to discuss the problem that is causing the ~~student~~ pupil

to be removed from class after the student pupil has been removed from class more than ~~ten~~ five times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:

(a) willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students pupils in a class or with the ability of other students pupils to learn;

(b) willful conduct that endangers surrounding persons, including school district employees, the student pupil, or other students pupils, or the property of the school; and

(c) willful violation of any rule of conduct specified in the discipline policy adopted by the board.

Subd. 3. **Policy components.** The policy must include at least the following components:

(a) rules governing student pupil conduct and procedures for informing students pupils of the rules;

(b) the grounds for removal of a student pupil from a class;

(c) the authority of the classroom teacher to remove students pupils from the classroom pursuant to procedures and rules established in the district's policy;

(d) the procedures for removal of a student pupil from a class by a teacher, school administrator, or other school district employee;

(e) the period of time for which a student pupil may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;

(f) provisions relating to the responsibility for and custody of a student pupil removed from a class;

(g) the procedures for return of a student pupil to the specified class from which the student pupil has been removed;

(h) the procedures for notifying a student pupil and the student's pupil's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;

(i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's pupil's behavior;

(j) any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) any procedures determined appropriate for referring a student pupil in need of special education services to those services;

(l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student pupil with a disability who is removed from class;

(m) procedures for detecting and addressing chemical abuse problems of a ~~student~~ pupil while on the school premises;

(n) the ~~minimum~~ potential consequences for violations of the code of conduct;

(o) procedures for immediate and appropriate interventions tied to violations ~~of the code~~;

(p) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

(q) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for ~~students~~ pupils with a serious emotional disturbance or other ~~students~~ pupils who have an individualized education program whose behavior may be addressed by crisis intervention; and

(r) a provision that states a ~~student~~ pupil must be removed from class immediately if the ~~student~~ pupil engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 25. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision to read:

Subd. 3. **Parent notification.** A school administrator must make and document efforts to immediately contact the parent or guardian of a pupil removed from a school building or school grounds by a peace or school resource officer unless such notice is specifically prohibited by law. If a pupil is secluded, a school administrator must make reasonable efforts to notify the pupil's parent or guardian of the seclusion by the end of the same school day.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 26. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a subdivision to read:

Subd. 4b. **Essential data.** The Professional Educator Licensing and Standards Board shall maintain a list of essential data elements which must be recorded and stored about each licensed and nonlicensed staff member. Each school district must provide the essential data to the board in the form and manner prescribed by the board.

Sec. 27. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

Subd. 7. **Clerk records.** The clerk shall keep a record of all meetings of the district and the board in books provided by the district for that purpose. The clerk shall, within three days after an election, notify all persons elected of their election. By September 15 of each year the clerk shall file with the board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year. The report together with vouchers and supporting documents shall subsequently be examined by a public accountant or the state auditor, either of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The board shall by resolution approve the report or

require a further or amended report. ~~By September 15 of each year, the clerk shall make and transmit to the commissioner certified reports, showing:~~

~~(1) the revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;~~

~~(2) the length of school term and the enrollment and attendance by grades; and~~

~~(3) such other items of information as may be called for by the commissioner.~~

The clerk shall enter in the clerk's record book copies of all reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the district. The clerk shall furnish to the auditor of the proper county, by September 30 of each year, an attested copy of the clerk's record, showing the amount of proposed property tax voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair. Such orders must state the consideration, payee, and the fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Sec. 28. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

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

Sec. 29. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

Subd. 6. **Essential data.** The department shall maintain a list of essential data elements which must be recorded and stored about each pupil, ~~licensed and nonlicensed staff member,~~ and educational program. Each school district must provide the essential data to the department in the form and format prescribed by the department.

Sec. 30. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

Subd. 5. **Annual expenditure report.** Each year a district that receives basic skills revenue must submit a report identifying the expenditures it incurred to meet the needs of eligible learners under subdivision 1. The report must conform to uniform financial and reporting standards established for this purpose. Using valid and reliable data and measurement criteria, ~~the a report also must determine~~ that determines whether increased expenditures raised student achievement levels must be reported under section 120B.11.

Sec. 31. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended to read:

Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board or the licensing division of the Department of Education; and

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services, and the Professional Educator Licensing and Standards Board, ~~or the licensing division of the Department of Education~~ of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services, the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015.

Sec. 32. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended to read:

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

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

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

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

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

(c) "Facility" means:

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

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

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

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

(e) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve sexual abuse

or substantial child endangerment, and for reports of maltreatment in facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

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

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

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

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

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

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

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

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

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

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

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

(h) "Nonmaltreatment mistake" means:

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

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

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

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

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

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

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

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

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

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

(1) throwing, kicking, burning, biting, or cutting a child;

- (2) striking a child with a closed fist;
 - (3) shaking a child under age three;
 - (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
 - (5) unreasonable interference with a child's breathing;
 - (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
 - (7) striking a child under age one on the face or head;
 - (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;
 - (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
 - (10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or
 - (11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.
- (l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.
- (m) "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.
- (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~ 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened

sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 33. Laws 2017, First Special Session chapter 5, article 2, section 56, is amended to read:

Sec. 56. INTERMEDIATE SCHOOL DISTRICT MENTAL HEALTH INNOVATION GRANT PROGRAM; APPROPRIATION.

(a) \$2,450,000 in fiscal year 2018 and \$2,450,000 in fiscal year 2019 are appropriated from the general fund to the commissioner of human services for a grant program to fund innovative projects to improve mental health outcomes for youth attending a qualifying school unit.

(b) A "qualifying school unit" means an intermediate district organized under Minnesota Statutes, section 136D.01, or a service cooperative organized under Minnesota Statutes, section 123A.21, subdivision 1, paragraph (a), clause (2), that provides instruction to students in a setting of federal instructional level 4 or higher. Grants under paragraph (a) must be awarded to eligible applicants such that the services are proportionately provided among qualifying school units. The commissioner shall calculate the share of the appropriation to be used in each qualifying school unit by dividing the qualifying school unit's average daily membership in a setting of federal instructional level 4 or higher for fiscal year 2016 by the total average daily membership in a setting of federal instructional level 4 or higher for the same year for all qualifying school units.

(c) An eligible applicant is an entity that has demonstrated capacity to serve the youth identified in paragraph (a) and that is:

(1) certified under Minnesota Rules, parts 9520.0750 to 9520.0870;

(2) a community mental health center under Minnesota Statutes, section 256B.0625, subdivision 5;

(3) an Indian health service facility or facility owned and operated by a tribe or tribal organization operating under United States Code, title 25, section 5321; ~~or~~

(4) a provider of children's therapeutic services and supports as defined in Minnesota Statutes, section 256B.0943; or

(5) enrolled in medical assistance as a mental health or substance use disorder provider agency and must employ at least two full-time equivalent mental health professionals as defined in section 245.4871, subdivision 27, clauses (1) to (6), or alcohol and drug counselors licensed or exempt from licensure under chapter 148F who are qualified to provide clinical services to children and families.

(d) An eligible applicant must employ or contract with at least two licensed mental health professionals as defined in Minnesota Statutes, section 245.4871, subdivision 27, clauses (1) to (6), who have formal training in evidence-based practices.

(e) A qualifying school unit must submit an application to the commissioner in the form and manner specified by the commissioner. The commissioner may approve an application that describes models for innovative projects to serve the needs of the schools and students. The commissioner may provide technical assistance to the qualifying school unit. The commissioner shall then solicit grant project proposals and award grant funding to the eligible applicants whose project proposals best meet the requirements of this section and most closely adhere to the models created by the intermediate districts and service cooperatives.

(f) To receive grant funding, an eligible applicant must obtain a letter of support for the applicant's grant project proposal from each qualifying school unit the eligible applicant is proposing to serve. An eligible applicant must also demonstrate the following:

(1) the ability to seek third-party reimbursement for services;

(2) the ability to report data and outcomes as required by the commissioner; and

(3) the existence of partnerships with counties, tribes, substance use disorder providers, and mental health service providers, including providers of mobile crisis services.

(g) Grantees shall obtain all available third-party reimbursement sources as a condition of receiving grant funds. For purposes of this grant program, a third-party reimbursement source does not include a public school as defined in Minnesota Statutes, section 120A.20, subdivision 1.

(h) The base budget for this program is \$0. This appropriation is available until June 30, 2020.

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

Sec. 34. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23, is amended to read:

Subd. 23. **Paraprofessional pathway to teacher licensure.** (a) For grants to school districts for Grow Your Own new teacher programs:

\$	1,500,000	2018
\$	1,500,000	2019

(b) The grants are for school districts and charter schools with more than 30 percent minority students for a ~~Board of Teaching-approved~~ Professional Educator Licensing and Standards Board-approved nonconventional teacher residency pilot program. The program must provide tuition scholarships or stipends to enable school district and charter school employees or community members affiliated with a school district or charter school who seek an education license to participate in a nonconventional teacher preparation program. School districts and charter schools that receive funds under this subdivision are strongly encouraged to recruit candidates of color and American Indian candidates to participate in the Grow Your Own new teacher programs. Districts or schools providing financial support may require a commitment as determined by the district to teach in the district or school for a reasonable amount of time that does not exceed five years.

(c) School districts and charter schools may also apply for grants to develop innovative expanded Grow Your Own programs that encourage secondary school students to pursue teaching, including developing and offering dual-credit postsecondary course options in schools for "Introduction to Teaching" or "Introduction to Education" courses consistent with Minnesota Statutes, section 124D.09, subdivision 10.

(d) Programs must annually report to the commissioner by the date determined by the commissioner on their activities under this section, including the number of participants, the percentage of participants who are of color or who are American Indian, and an assessment of program effectiveness, including participant feedback, areas for improvement, the percentage of participants continuing to pursue teacher licensure, and the number of participants hired in the school or district as teachers after completing preparation programs.

(e) The department may retain up to three percent of the appropriation amount to monitor and administer the grant program.

(f) Any balance in the first year does not cancel but is available in the second year.

Sec. 35. **REPEALER.**

Minnesota Statutes 2016, section 120B.35, subdivisions 4 and 5, are repealed.

ARTICLE 3

TEACHERS

Section 1. Minnesota Statutes 2017 Supplement, section 122A.07, is amended by adding a subdivision to read:

Subd. 6. **Public employer compensation reduction prohibited.** The public employer of a member shall not reduce the member's compensation or benefits for the member's absence from employment when engaging in the business of the board.

Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 5, is amended to read:

Subd. 5. **Reading preparation.** (a) The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4.

(b) The reading preparation under this subdivision must include at least two clock hours of training to enable a teacher to:

(1) understand dyslexia as defined in section 125A.01, subdivision 2, and recognize dyslexia characteristics in students; and

(2) identify and access Department of Education personnel and professional resources using evidence-based dyslexia best practices in each license renewal period.

(c) The Department of Education must provide guidance on evidence-based approaches and best practices for trainings.

(d) The rules adopted under this subdivision do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

EFFECTIVE DATE. This section is effective for teachers who are renewing their Tier 3 or Tier 4 license on or after July 1, 2019.

Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended to read:

Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes:

(1) immoral character or conduct;

(2) failure, without justifiable cause, to teach for the term of the teacher's contract;

(3) gross inefficiency or willful neglect of duty;

(4) failure to meet licensure requirements; ~~or~~

(5) fraud or misrepresentation in obtaining a license; or

(6) intentional and inappropriate patting, touching, pinching, or other physical contact with a student that is unwelcome and sexually motivated.

The written complaint must specify the nature and character of the charges.

(b) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of:

(1) child abuse, as defined in section 609.185;

(2) sex trafficking in the first degree under section 609.322, subdivision 1;

(3) sex trafficking in the second degree under section 609.322, subdivision 1a;

(4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1, ~~sexual abuse;~~

(5) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or 609.3451, subdivision 3, ~~or 617.23, subdivision 3;~~

(6) indecent exposure under section 617.23, subdivision 3;

(7) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;

(8) interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor;

(9) using minors in a sexual performance under section 617.246;

(10) possessing pornographic works involving a minor under section 617.247; or

(11) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States.

The board ~~shall~~ must send notice of this licensing action to the district in which the teacher is currently employed.

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction ~~for child abuse or sexual abuse~~ is reversed by a final decision of the Court of Appeals or the Supreme Court or if the person has received a pardon for the offense. The petitioner ~~shall~~ must attach a certified copy of the appellate court's final decision or the pardon to the petition. Upon receiving the petition and its attachment, the board ~~shall~~ must schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board ~~shall~~ must affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it ~~shall~~ must reverse its previous licensing action.

(d) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue, refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual penetration as defined in section

609.321, subdivision 11, with a student enrolled in a school where the teacher works or volunteers. The board may suspend a teacher's license pending an investigation into a report of conduct that would be grounds for revocation under this paragraph. Section 122A.188 does not apply to a decision by the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A person whose license has been revoked, not issued, or not renewed may appeal the decision by filing a written request with the Professional Educator Licensing and Standards Board or the Board of School Administrators, as appropriate, within 30 days of notice of the licensing action. The board must then initiate a contested case under the Administrative Procedure Act, sections 14.001 to 14.69.

(e) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, must review and may refuse to issue, refuse to renew, or revoke a teacher's license to teach upon receiving a certified copy of a conviction showing that the teacher has been convicted of:

- (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision 16;
- (2) embezzlement of public funds under section 609.54; or
- (3) a felony involving a minor as the victim.

If an offense included in clauses (1) to (3) is already included in paragraph (b), the provisions of paragraph (b) apply to the conduct. Section 122A.188 does not apply to a decision by the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A person whose license has been revoked, not issued, or not renewed may appeal the decision by filing a written request with the Professional Educator Licensing and Standards Board or the Board of School Administrators, as appropriate, within 30 days of notice of the licensing action. The board must then initiate a contested case under the Administrative Procedure Act, sections 14.001 to 14.69.

(f) The Professional Educator Licensing and Standards Board may suspend a teacher's license to teach during the board's disciplinary investigation of a report of teacher misconduct if the teacher has been charged with a violation of a crime listed in paragraph (b). The teacher's license is suspended until the licensing board completes their disciplinary investigation and makes a determination whether or not disciplinary action is necessary.

(~~d~~) (g) For purposes of this subdivision, the Professional Educator Licensing and Standards Board is delegated the authority to suspend or revoke coaching licenses.

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

Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended to read:

Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

- (1) immoral conduct, insubordination, or conviction of a felony;

(2) conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;

(3) failure without justifiable cause to teach without first securing the written release of the school board;

(4) gross inefficiency which the teacher has failed to correct after reasonable written notice;

(5) willful neglect of duty; or

(6) continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 12.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

Prior to discharging a teacher under this paragraph, the board must notify the teacher in writing and state its ground for the proposed discharge in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it ~~shall~~ must be granted before final action is taken. The board may suspend a teacher with pay pending the conclusion of the hearing and determination of the issues raised in the hearing after charges have been filed which constitute ground for discharge. If a teacher has been charged with a felony and the underlying conduct that is the subject of the felony charge is a ground for a proposed immediate discharge, the suspension pending the conclusion of the hearing and determination of the issues may be without pay. If a hearing under this paragraph is held, the board must reimburse the teacher for any salary or compensation withheld if the final decision of the board or the arbitrator does not result in a penalty to or suspension, termination, or discharge of the teacher.

(b) A board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for:

(1) child abuse, as defined in section 609.185;

(2) sex trafficking in the first degree under section 609.322, subdivision 1;

(3) sex trafficking in the second degree under section 609.322, subdivision 1a;

(4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1;

(5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3;

(6) indecent exposure under section 617.23, subdivision 3;

(7) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;

(8) interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor;

(9) using minors in a sexual performance under section 617.246;

(10) possessing pornographic works involving a minor under section 617.247; ~~or~~

(11) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States; or

(12) any other offense not listed in this paragraph that requires notice of a licensing action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

(c) When a teacher is discharged under paragraph (b) or when the commissioner makes a final determination of child maltreatment involving a teacher under section 626.556, subdivision 11, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under section 13.41, subdivision 5, and must provide the Professional Educator Licensing and Standards Board and the licensing division at the department with the necessary and relevant information to enable the Professional Educator Licensing and Standards Board and the department's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. Information received by the Professional Educator Licensing and Standards Board or the licensing division at the department under this paragraph is governed by section 13.41 or other applicable law governing data of the receiving entity. In addition to the background check required under section 123B.03, a school board or other school hiring authority must contact the Professional Educator Licensing and Standards Board and the department to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations identified in this paragraph. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended to read:

Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

(1) immoral character, conduct unbecoming a teacher, or insubordination;

(2) failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;

(3) inefficiency in teaching or in the management of a school, consistent with subdivision 5, paragraph (b);

(4) affliction with a communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; or

(5) discontinuance of position or lack of pupils.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for:

(1) child abuse, as defined in section 609.185;

(2) sex trafficking in the first degree under section 609.322, subdivision 1;

(3) sex trafficking in the second degree under section 609.322, subdivision 1a;

(4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1;

(5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3;

(6) indecent exposure under section 617.23, subdivision 3;

(7) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;

(8) interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor;

(9) using minors in a sexual performance under section 617.246;

(10) possessing pornographic works involving a minor under section 617.247; or

(11) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States; or

(12) any other offense not listed in this paragraph that requires notice of a licensing action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

(c) When a teacher is discharged under paragraph (b) or when the commissioner makes a final determination of child maltreatment involving a teacher under section 626.556, subdivision 11, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or

the final maltreatment determination, consistent with the definition of public data under section 13.41, subdivision 5, and must provide the Professional Educator Licensing and Standards Board and the licensing division at the department with the necessary and relevant information to enable the Professional Educator Licensing and Standards Board and the department's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. Information received by the Professional Educator Licensing and Standards Board or the licensing division at the department under this paragraph is governed by section 13.41 or other applicable law governing data of the receiving entity. In addition to the background check required under section 123B.03, a school board or other school hiring authority must contact the Professional Educator Licensing and Standards Board and the department to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations identified in this paragraph. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

EFFECTIVE DATE. This section is effective for the 2018-2019 school year and later.

Sec. 6. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended to read:

Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; ~~or~~

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c); or

(3) a member of the Professional Educator Licensing and Standards Board or the Board of School Administrators.

(b) Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 144H, 245D,

or 245H; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4, applies to data received by the commissioner of education from a licensing entity.

(d) Notification requirements under subdivision 10 apply to all reports received under this section.

(e) For purposes of this section, "immediately" means as soon as possible but in no event longer than 24 hours.

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

Sec. 7. Minnesota Statutes 2016, section 626.556, subdivision 10a, is amended to read:

Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or a person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility as defined in subdivision 2, the local welfare agency shall immediately notify the appropriate law enforcement agency, which shall conduct an investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

(b) The local agency may rely on the fact-finding efforts of the law enforcement investigation conducted under this subdivision to make a determination whether or not threatened injury or other maltreatment has occurred under subdivision 2 if an alleged offender has minor children or lives with minors.

(c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement agency shall immediately notify the local welfare agency, which shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

(d) The law enforcement agency must report to the Professional Educator Licensing and Standards Board an investigation under paragraph (a), involving a person licensed by the board.

Sec. 8. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family assessment or the investigation within 45 days of the receipt of a report. The conclusion of the assessment or investigation may be extended to permit the completion of a criminal investigation or the receipt of expert information requested within 45 days of the receipt of the report.

(b) After conducting a family assessment, the local welfare agency shall determine whether services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment.

(c) After conducting an investigation, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed. No determination of maltreatment shall be made when the alleged perpetrator is a child under the age of ten.

(d) If the commissioner of education conducts an assessment or investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment has occurred, the commissioner shall report to the employer, the school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer and any appropriate licensing entity that a report was received, the subject of the report, the date of the initial report, the category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was not determined, and a summary of the specific reasons for the determination.

(e) When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible, or whether both the facility and the individual were responsible for the maltreatment using the mitigating factors in paragraph (i). Determinations under this subdivision must be made based on a preponderance of the evidence and are private data on individuals or nonpublic data as maintained by the commissioner of education.

(f) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions:

- (1) physical abuse as defined in subdivision 2, paragraph (k);
- (2) neglect as defined in subdivision 2, paragraph (g);
- (3) sexual abuse as defined in subdivision 2, paragraph (n);
- (4) mental injury as defined in subdivision 2, paragraph (f); or
- (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

(g) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(h) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu

of medical care. However, if lack of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(i) When determining whether the facility or individual is the responsible party, or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

The evaluation of the facility's responsibility under clause (2) must not be based on the completeness of the risk assessment or risk reduction plan required under section 245A.66, but must be based on the facility's compliance with the regulatory standards for policies and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota Rules.

(j) Notwithstanding paragraph (i), when maltreatment is determined to have been committed by an individual who is also the facility license or certification holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07 apply.

ARTICLE 4

SPECIAL EDUCATION

Section 1. Minnesota Statutes 2016, section 120A.20, subdivision 2, is amended to read:

Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding subdivision 1, a district must not deny free admission to a homeless pupil solely because the district cannot determine that the pupil is a resident of the district.

(b) The school district of residence for a homeless pupil shall be the school district in which the parent or legal guardian resides, unless: (1) parental rights have been terminated by court order; (2) the parent or guardian is not living within the state; or (3) the parent or guardian having legal custody of the child is an inmate of a Minnesota correctional facility or is a resident of a halfway house under the supervision of the commissioner of corrections. If any of clauses (1) to (3) apply, the school district of residence shall be the school district in which the pupil resided when the qualifying

event occurred. If no other district of residence can be established, the school district of residence shall be the school district in which the pupil currently resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner of education.

(c) Except as provided in paragraph (d), the serving district is responsible for transporting a homeless pupil to and from the pupil's district of residence. The district may transport from a permanent home in another district but only through the end of the academic school year. When a pupil is enrolled in a charter school, the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing transportation. When a homeless student with or without an individualized education program attends a public school other than an independent or special school district or charter school, the district of residence is responsible for transportation.

(d) For a homeless pupil with an individualized education plan enrolled in a program authorized by an intermediate school district, special education cooperative, service cooperative, or education district, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting that pupil for the remainder of the school year, unless the initial serving district and the current serving district mutually agree that the current serving district is responsible for transporting the homeless pupil.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 2. **SPECIAL EDUCATION LEGISLATIVE WORKING GROUP.**

Subdivision 1. Duties. (a) A legislative working group on special education is created to review special education delivery and cost containment in Minnesota, to consult with stakeholders, and to submit a written report to the legislature recommending policy changes to reduce costs. The special education legislative working group must examine and consider:

(1) how school districts, charter schools, intermediate school districts, special education cooperatives, education districts, and service cooperatives deliver special education services and the costs associated with each model;

(2) relevant state and federal special education laws and regulations and where state mandates exceed federal requirements;

(3) trends in special education enrollment, the reasons for the increased proportion of Minnesota students receiving special education, and the role that reading instruction effectiveness plays;

(4) strategies or programs that would be effective in reducing the need for special education services;

(5) funding for nonresident children in accordance with Minnesota Statutes, sections 125A.11 and 127A.47, and tuition billing reports for the most recent five-year period;

(6) the effect of the 2013 statutory changes to the state special education funding formulas, including interactions and conformity with federal funding formulas;

(7) how school districts and charter schools use section 504 plans, including criteria used to determine when a section 504 plan is appropriate and the prevalence of section 504 plans in school districts and charter schools; and

(8) the 2013 evaluation report by the Office of the Legislative Auditor on special education and the status of implementing its recommendations.

(b) In making its recommendations, the special education legislative working group must consider a ten-year strategic plan informed by the policy findings in paragraph (a) to help reduce the costs contributing to the special education cross-subsidy and overall special education funding.

Subd. 2. **Membership.** (a) The legislative working group on special education consists of:

(1) six duly elected and currently serving members of the house of representatives, three appointed by the speaker of the house and three appointed by the house minority leader, one of whom must be the current chair of the house of representatives Education Innovation Policy Committee; and

(2) six duly elected and currently serving senators, three appointed by the senate majority leader and three appointed by the senate minority leader, one of whom must be the current chair of the senate Education Policy Committee.

(b) Only duly elected and currently serving members of the house of representatives or senate may be members of the special education legislative working group.

Subd. 3. **Organization; process; administrative and technical support.** The special education legislative working group appointments must be made by July 1, 2018. If a vacancy occurs, the leader of the caucus in the house of representatives or senate to which the vacating working group member belonged must fill the vacancy. The chair of the house of representatives Education Innovation Policy Committee shall serve as a cochair of the working group and shall convene the first meeting. The chair of the senate Education Policy Committee shall serve as a cochair of the working group. The working group must meet periodically. Meetings of the working group must be open to the public. The Legislative Coordinating Commission shall provide administrative assistance upon request. The Minnesota Department of Education must provide technical assistance upon request.

Subd. 4. **Consultation with stakeholders.** In developing its recommendations, the special education legislative working group must consult with interested and affected stakeholders.

Subd. 5. **Report.** The special education legislative working group must submit a report providing its findings and policy recommendations to the legislature by January 15, 2019.

Subd. 6. **Expiration.** The special education legislative working group expires on January 16, 2019, unless extended by law.

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

ARTICLE 5

FACILITIES AND TECHNOLOGY

Section 1. Minnesota Statutes 2016, section 13.321, is amended by adding a subdivision to read:

Subd. 12. **Student online privacy.** Section 125B.27 governs student privacy and information practices of operators of online services for school purposes.

Sec. 2. [125B.27] STUDENT ONLINE PRIVACY.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Covered information" means personally identifiable information or material, or information that is linked to personally identifiable information or material, in any media or format that is not publicly available and is any of the following:

(1) created by or provided to an operator by a student, or the student's parent or legal guardian, in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for school purposes;

(2) created by or provided to an operator by an employee or agent of a school or school district for school purposes; or

(3) gathered by an operator through the operation of its site, service, or application for school purposes and personally identifies a student including but not limited to information in the student's educational record or e-mail, first and last name, home address, telephone number, e-mail address, other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

(c) "Interactive computer service" has the meaning given in United States Code, title 47, section 230.

(d) "Operator" means, to the extent that it is operating in this capacity, the operator of an Internet Web site, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for school purposes and was designed and marketed for school purposes. Operator includes:

(1) an agent or assignee of the operator or a person acting under the supervision or control of the operator; or

(2) a vendor.

(e) "School purposes" means purposes that are directed by or that customarily take place at the direction of a school, teacher, or school district; aid in the administration of school activities including but not limited to instruction in the classroom or at home, administrative activities, and collaboration

between students, school personnel, or parents or legal guardians or are otherwise for the use and benefit of the school.

(f) "Student" means a student in prekindergarten through grade 12.

(g) "Targeted advertising" means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of applications, or covered information. It does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent advertisements.

(h) "Vendor" means a person who contracts with a school or school district to provide access to an Internet Web site, online service, online application, or mobile application for school purposes.

Subd. 2. **Prohibited activities.** (a) An operator must not do any of the following:

(1) engage in targeted advertising on the operator's site, service, or application or target advertising on any other site, service, or application, or by any other means, if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service, or application for school purposes;

(2) use information, including persistent unique identifiers, created or gathered by the operator's site, service, or application to amass a profile about a student except in furtherance of school purposes. "Amass a profile" does not include the collection and retention of account information that remains under the control of the student, the student's parent or legal guardian, or the school;

(3) sell or rent a student's information, including covered information. This clause does not apply to the purchase, merger, or other type of acquisition of an operator by another entity if the operator or successor entity complies with this section regarding previously acquired student information; or

(4) except as otherwise provided under subdivision 4, disclose covered information unless the disclosure is:

(i) in furtherance of the school purpose of the site, service, or application if the recipient of the covered information disclosed under this item does not further disclose the information unless done to allow or improve operability and functionality of the operator's site, service, or application;

(ii) to ensure legal and regulatory compliance or protect against liability;

(iii) to respond to or participate in the judicial process;

(iv) to protect the safety or integrity of users of the site or others or the security of the site, service, or application;

(v) for a school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that the information is not used or further disclosed for any other purpose;

(vi) to a national assessment provider if the provider secures the express written consent of the student, parent, or legal guardian given in response to clear and conspicuous notice, solely for the purpose of providing access to employment, educational scholarships or financial aid, or postsecondary educational opportunities; or

(vii) to a third party, if the operator contractually prohibits the third party from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the third party from disclosing any covered information provided by the operator with subsequent third parties, and requires the third party to implement and maintain reasonable security procedures and practices.

(b) Nothing in this subdivision prohibits the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

Subd. 3. Security procedures and practices; return or destruction of information. (a) An operator must implement and maintain security procedures and practices in writing that are appropriate to the nature of the covered information and designed to ensure protection of covered information from unauthorized access, destruction, use, modification, or disclosure.

(b) Within 30 days of a request from a student, parent, or legal guardian, an operator that is not a vendor shall destroy or return the covered information to the student, parent, or legal guardian. A vendor shall comply with the provisions of subdivision 7 governing destruction or return of data to the school.

Subd. 4. Permissible disclosures. An operator may use or disclose covered information of a student under the following circumstances:

(1) if other provisions of federal or state law require the operator to disclose the information and the operator complies with the requirements of federal and state law in protecting and disclosing that information;

(2) for legitimate research purposes as required by state or federal law and subject to the restrictions under applicable state and federal law or as allowed by state or federal law and under the direction of a school, school district, or the Department of Education if covered information is not used for advertising or to amass a profile on the student for purposes other than school purposes;
or

(3) to a state or local educational agency, including schools and school districts, for school purposes as permitted by state or federal law.

Subd. 5. Use of information by operator. This section does not prohibit an operator from doing any of the following:

(1) using covered information to improve educational products if that information is not associated with an identified student within the operator's site, service, or application or other sites, services, or applications owned by the operator;

(2) using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in their marketing;

(3) sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications; or

(4) responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

Subd. 6. Certain activities not affected. This section does not:

(1) limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order;

(2) limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes;

(3) apply to general audience Internet Web sites, general audience online services, general audience online applications, or general audience mobile applications even if the login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications;

(4) limit service providers from providing Internet connectivity to schools or students and their families;

(5) prohibit an operator of an Internet Web site, online service, online application, or mobile application from marketing educational products directly to parents or legal guardians if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section;

(6) impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software;

(7) impose a duty upon a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers; or

(8) prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.

Subd. 7. Special requirements applicable to vendors. (a) In addition to the requirements of subdivisions 2 to 6, a vendor must comply with this subdivision.

(b) A vendor is subject to the provisions of section 13.05, subdivision 11. Covered information created, received, or maintained by a vendor pursuant or incidental to the contract are the property of the school and are not the property of the vendor. Unless renewal of the contract is reasonably anticipated, within 30 days of expiration of the contract, or within 30 days of a request from the school, the vendor must destroy or return the covered information to the school.

Sec. 3. Minnesota Statutes 2016, section 299F.30, subdivision 1, is amended to read:

Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037, and this section, it shall be the duty of the state fire marshal, deputies and assistants, to require public and

private schools and educational institutions to have at least five fire drills each school year, including at least three drills as provided under subdivision 2, paragraph (a), and to keep all doors and exits unlocked from the inside of the building during school hours.

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

Sec. 4. Minnesota Statutes 2016, section 299F.30, subdivision 2, is amended to read:

Subd. 2. **Fire drill.** (a) Each superintendent, principal, or other person in charge of a public or private school, educational institution, children's home or orphanage housing 20 or more students or other persons, shall instruct and train such students or other persons to quickly and expeditiously quit the premises in case of fire or other emergency by means of drills or rapid dismissals while such school, institution, home, or orphanage is in operation.

(b) In addition to the drills required under paragraph (a), a public or private school or educational institution may implement an alternative fire drill that does not require students or other persons to quit the premises. A school or education institution choosing to develop and implement nonevacuating fire drill protocols must work in partnership with the local fire chief or the fire chief's designee and chief law enforcement officers or their designee.

(c) Records of such fire drills shall be posted so that such records are available for review by the state fire marshal at all times and shall include the type of drill conducted, nonevacuation or evacuation, and drill date and the time required to evacuate the building, if the drill required an evacuation.

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

ARTICLE 6

NUTRITION

Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended to read:

Subd. 7. **Food service contracts.** A contract between a school board and a food service management company that complies with Code of Federal Regulations, title 7, section 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for not more than four additional years.

Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE ACCOUNTING.

Subdivision 1. **School ~~lunch aid computation~~ meals policies.** (a) Each Minnesota participant in the national school lunch program must adopt and post to its Web site, or the Web site of the organization where the meal is served, a school meals policy.

(b) The policy must be in writing and clearly communicate student meal charges when payment cannot be collected at the point of service. The policy must be reasonable and well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student.

(c) The policy must address whether the participant uses a collections agency to collect unpaid school meals debt.

(d) The policy must ensure that once a participant has placed a meal on a tray or otherwise served the meal to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, whether or not the student has an outstanding meals balance.

(e) The policy must ensure that a student who has been determined eligible for free and reduced-price lunch must always be served a reimbursable meal even if the student has an outstanding debt.

(f) If a school contracts with a third party for its meal services, it must provide the vendor with its school meals policy. Any contract between the school and a third-party provider entered into or modified after the July 1, 2018, effective date of this act, must ensure that the third-party provider adheres to the participant's school meals policy.

Subd. 1a. School lunch aid amounts. Each school year, the state must pay participants in the national school lunch program the amount of 12.5 cents for each full paid and free student lunch and 52.5 cents for each reduced-price lunch served to students.

Subd. 2. Application. A school district, charter school, nonpublic school, or other participant in the national school lunch program shall apply to the department for this payment on forms provided by the department.

Subd. 2a. Federal child and adult care food program; criteria and notice. The commissioner must post on the department's Web site eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal child and adult care food program. The posted criteria and information must inform interested nonprofit organizations about:

(1) the criteria the commissioner uses to approve or disapprove an application, including how an applicant demonstrates financial viability for the Minnesota program, among other criteria;

(2) the commissioner's process and time line for notifying an applicant when its application is approved or disapproved and, if the application is disapproved, the explanation the commissioner provides to the applicant; and

(3) any appeal or other recourse available to a disapproved applicant.

Subd. 3. School food service fund. (a) The expenses described in this subdivision must be recorded as provided in this subdivision.

(b) In each district, the expenses for a school food service program for pupils must be attributed to a school food service fund. Under a food service program, the school food service may prepare or serve milk, meals, or snacks in connection with school or community service activities.

(c) Revenues and expenditures for food service activities must be recorded in the food service fund. The costs of processing applications, accounting for meals, preparing and serving food, providing kitchen custodial services, and other expenses involving the preparing of meals or the kitchen section of the lunchroom may be charged to the food service fund or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program must be charged to the general fund.

That portion of superintendent and fiscal manager costs that can be documented as attributable to the food service program may be charged to the food service fund provided that the school district does not employ or contract with a food service director or other individual who manages the food service program, or food service management company. If the cost of the superintendent or fiscal manager is charged to the food service fund, the charge must be at a wage rate not to exceed the statewide average for food service directors as determined by the department.

(d) Capital expenditures for the purchase of food service equipment must be made from the general fund and not the food service fund, unless the restricted balance in the food service fund at the end of the last fiscal year is greater than the cost of the equipment to be purchased.

(e) If the condition set out in paragraph (d) applies, the equipment may be purchased from the food service fund.

(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company.

(g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund for up to three years without making the permanent transfer if the district submits to the commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at the end of the third fiscal year.

(h) If a surplus in the food service fund exists at the end of a fiscal year for three successive years, a district may recode for that fiscal year the costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program charged to the general fund according to paragraph (c) and charge those costs to the food service fund in a total amount not to exceed the amount of surplus in the food service fund.

Subd. 4. **No fees.** A participant that receives school lunch aid under this section must make lunch available without charge to all participating students who qualify for free or reduced-price meals.

Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The participant must ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program-, including, but not limited to, dumping meals, withdrawing a meal that has been served, announcing or listing students names publicly, or affixing stickers, stamps, or pins. The participant must not impose any other restriction prohibited under

section 123B.37 due to unpaid student meal balances. The participant must not limit a student's participation in graduation ceremonies due to an unpaid student meal balance.

(b) If the commissioner or the commissioner's designee determines a participant has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the participant. The participant is required to respond and, if applicable, remedy the practice within 60 days.

EFFECTIVE DATE. This section is effective July 1, 2018.

ARTICLE 7

EARLY CHILDHOOD AND FAMILY SUPPORT

Section 1. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is amended to read:

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

(1) have an eligible child; and

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

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

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

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

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

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

(4) designated as a child in need of protection or services as defined under section 260C.007;
or

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

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

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

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

Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended to read:

Subd. 3. **Administration.** (a) The commissioner shall establish application timelines and determine the schedule for awarding scholarships that meets operational needs of eligible families and programs. The commissioner must give highest priority to applications from children who:

(1) have a parent under age 21 who is pursuing a high school diploma or a course of study for a high school equivalency test;

(2) are in foster care or otherwise in need of protection or services; or

(3) have experienced homelessness in the last 24 months, as defined under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

The commissioner may prioritize applications on additional factors including family income, geographic location, and whether the child's family is on a waiting list for a publicly funded program providing early education or child care services.

(b) The commissioner shall establish a target for the average scholarship amount per child based on the results of the rate survey conducted under section 119B.02.

(c) A four-star rated program that has children eligible for a scholarship enrolled in or on a waiting list for a program beginning in July, August, or September may notify the commissioner, in the form and manner prescribed by the commissioner, each year of the program's desire to enhance program services or to serve more children than current funding provides. The commissioner may designate a predetermined number of scholarship slots for that program and notify the program of that number. For fiscal year 2018 and later, the statewide amount of funding directly designated by the commissioner must not exceed the funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district or Head Start program qualifying under this paragraph may use its established registration process to enroll scholarship recipients and may verify a scholarship recipient's family income in the same manner as for other program participants.

(d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not been accepted and subsequently enrolled in a rated program within ten months of the awarding of the

scholarship, the scholarship cancels and the recipient must reapply in order to be eligible for another scholarship. A child may not be awarded more than one scholarship in a 12-month period.

(e) A child who receives a scholarship who has not completed development screening under sections 121A.16 to 121A.19 must complete that screening within 90 days of first attending an eligible program: or within 90 days after the child's third birthday if a child under the age of three is awarded a scholarship.

(f) For fiscal year 2017 and later, a school district or Head Start program enrolling scholarship recipients under paragraph (c) may apply to the commissioner, in the form and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of the application, the commissioner must pay each program directly for each approved scholarship recipient enrolled under paragraph (c) according to the metered payment system or another schedule established by the commissioner.

Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended to read:

Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an early learning scholarship, a program must:

(1) participate in the quality rating and improvement system under section 124D.142; and

(2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and improvement system.

(b) Any program accepting scholarships must use the revenue to supplement and not supplant federal funding.

~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship program pilot sites are eligible to accept an early learning scholarship under this section.~~

Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 3, is amended to read:

Subd. 3. **Administration; design.** (a) The commissioner shall establish program requirements, an application process and timeline for each tier of grants specified in subdivision 4, criteria for evaluation of applications, and a grant awards process. The commissioner's process must minimize administrative costs, minimize burdens for applicants and grant recipients, and provide a framework that permits flexibility in program design and implementation among grant recipients.

(b) To the extent practicable, the commissioner shall design the program to align with programs implemented or proposed by organizations in Minnesota that:

(1) identify and increase the capacity of organizations that are focused on achieving data-driven, locally controlled positive outcomes for children and youth throughout an entire neighborhood or geographic area through programs such as Strive Together, Promise Neighborhood, and the Education Partnerships Coalition members;

(2) build a continuum of educational family and community supports with academically rigorous schools at the center;

(3) maximize program efficiencies by integrating programmatic activities and eliminating administrative barriers;

(4) develop local infrastructure needed to sustain and scale up proven and effective solutions beyond the initial neighborhood or geographic area; ~~and~~

(5) utilize appropriate outcome measures based on unique community needs and interests and apply rigorous evaluation on a periodic basis to be used to both monitor outcomes and allow for continuous improvements to systems-;

(6) collect and utilize data to improve student outcomes;

(7) share disaggregated performance data with the community to set community-level outcomes;

(8) employ continuous improvement processes;

(9) have an anchor entity to manage the partnership;

(10) convene a cross-sector leadership group and have a documented accountability structure;
and

(11) demonstrate use of nonstate funds, from multiple sources, including in-kind contributions.

(c) A grant recipient's supportive services programming must address:

(1) kindergarten readiness and youth development;

(2) grade 3 reading proficiency;

(3) middle school mathematics;

~~(3)~~ (4) high school graduation;

~~(4)~~ (5) postsecondary educational attainment enrollment;

(6) postsecondary education completion;

~~(5)~~ (7) physical and mental health;

~~(6)~~ (8) development of career skills and readiness;

~~(7)~~ (9) parental engagement and development;

~~(8)~~ (10) community engagement and programmatic alignment; and

~~(9)~~ (11) reduction of remedial education.

(d) The commissioner, in consultation with grant recipients, must:

(1) develop and revise core indicators of progress toward outcomes specifying impacts for each tier identified under subdivision 4;

(2) establish a reporting system for grant recipients to measure program outcomes using data sources and program goals; and

(3) evaluate effectiveness based on the core indicators established by each partnership for each tier.

Sec. 5. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 5, is amended to read:

Subd. 5. **Grants.** (a) The commissioner shall award Tier 1 and Tier 2 grants to qualifying recipients that can demonstrate a nonstate source of funds, including in-kind contributions.

(b) For Tier 2 grants authorized for fiscal year 2020 and later, the commissioner must give priority to otherwise qualified past grant recipients that have made progress toward identified program outcomes under subdivision 3, paragraph (d).

ARTICLE 8

SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2017 Supplement, section 124D.549, is amended to read:

124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST TESTS.

The commissioner, in consultation with adult basic education stakeholders, must select a at least one high school equivalency test. The commissioner may issue a high school equivalency diploma to a Minnesota resident 19 years of age or older who has not earned a high school diploma, who has not previously been issued a general education development (GED) certification, and who has exceeded or achieved a minimum passing score on ~~the~~ an approved equivalency test established by the publisher. The commissioner of education may waive the minimum age requirement if supportive evidence is provided by an employer or a recognized education or rehabilitation provider.

Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended to read:

Subd. 4. **Application.** Applications must be made to the commissioner on a form provided by the commissioner. The commissioner must, to the extent possible, make the application form as short and simple to complete as is reasonably possible. The commissioner shall establish a schedule for applications and grants. The application must include, without limitation:

(1) the projected number of employee trainees;

(2) the number of projected employee trainees who graduated from high school or passed ~~the~~ a commissioner of education-selected high school equivalency test in the current or immediately preceding calendar year;

- (3) the competency standard for which training will be provided;
- (4) the credential the employee will receive upon completion of training;
- (5) the name and address of the training institution or program and a signed statement by the institution or program that it is able and agrees to provide the training;
- (6) the period of the training; and
- (7) the cost of the training charged by the training institution or program and certified by the institution or program. The cost of training includes tuition, fees, and required books and materials.

An application may be made for training of employees of multiple employers either by the employers or by an organization on their behalf.

Sec. 3. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended to read:

Subd. 12. **Minnesota state authorization.** A cosmetology school licensed or applying for licensure under this section shall maintain recognition as an institution of postsecondary study by meeting the following conditions, in addition to the provisions of Minnesota Rules, ~~parts~~ part 2110.0310 ~~and 2110.0370~~:

- (1) the school must admit as regular students only those individuals who have a high school diploma or a diploma based on passing a commissioner of education-selected high school equivalency ~~tests or their equivalent test~~, or who are beyond the age of compulsory education as prescribed by section 120A.22; and
- (2) the school must be licensed by name and authorized by the Office of Higher Education and the board to offer one or more training programs beyond the secondary level.

ARTICLE 9

STATE AGENCIES

Section 1. Minnesota Statutes 2016, section 128C.03, is amended to read:

128C.03 ELIGIBILITY BYLAWS, POLICIES, AND PROCEDURES.

Subdivision 1. **Public input and access to proposed eligibility bylaws, policies, and procedures.** (a) The league shall adopt procedures to ensure public notice of all eligibility ~~rules and bylaws, policies, and procedures~~ that will afford the opportunity for public hearings on proposed eligibility ~~rules bylaws, policies, and procedures~~. If requested by ~~100~~ 25 or more parents or guardians of students, the public hearing must be conducted by an administrative law judge from the Office of Administrative Hearings, or by a person hired under contract by the Office of Administrative Hearings, ~~or by an independent hearing officer appointed by the commissioner of education from a list maintained for that purpose~~. At the conclusion of a public hearing requested by 100 or more parents or guardians of students, the person conducting the hearing shall write a report evaluating the extent to which the league has shown that the proposed ~~rule is~~ bylaws, policies, and procedures

are needed and reasonable and the legality of the proposed ~~rule~~ bylaws, policies, and procedures. The league shall pay for hearings under this section.

(b) The league shall:

(1) maintain a public docket on the league's Web site that includes historical and proposed changes in eligibility bylaws, policies, and procedures;

(2) post notice and final versions of all proposed changes to eligibility policies, procedures, and definitions to the league Web site for at least 30 days prior to board meetings;

(3) include publication dates on all versions of the league's official handbook or other advisory documents regarding league eligibility bylaws, policies, procedures, and definitions; and

(4) reconcile and remove duplicate eligibility policies and procedures.

Subd. 2. **Eligibility review process.** (a) The league must establish a process for student eligibility review that provides students and parents with a reasonable opportunity to present information regarding the student's eligibility. The league must:

(1) publish general criteria by which a request for review may qualify for a review by the league's eligibility committee;

(2) publish general criteria by which a review may qualify for further review by an independent hearing officer;

(3) indicate the conditions, timelines, and procedures for administering any review under clause (1) or (2); and

(4) provide specific reasons for denying the request for reviews for which the league denies a request.

(b) The eligibility review process contained in this section does not create a property right or liberty interest in extracurricular varsity athletic competition.

Sec. 2. Minnesota Statutes 2016, section 128C.20, is amended to read:

128C.20 LEAGUE INFORMATION REVIEW AND REPORT; COMMISSIONER REVIEW OF LEAGUE RECOMMENDATIONS.

Subdivision 1. **Annually.** (a) Each year the commissioner of education league shall obtain and review the following information about the league:

(1) an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of and the expenditures by the executive director of the league and league staff;

(2) a list of all complaints filed with the league and all lawsuits filed against the league and the disposition of those complaints and lawsuits;

(3) an explanation of the executive director's performance review;

(4) information about the extent to which the league has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy and rules; ~~and~~

(5) an evaluation of ~~any proposed changes in league policy~~ bylaws, policies, procedures, and definitions, including those that have been proposed, for compliance with Department of Education programs and applicable state and federal law; and

(6) an explanation of recent and proposed changes to eligibility bylaws, policies, and procedures, including the eligibility review process under section 128C.03, subdivision 2.

The league shall post the review on the league's Web site and present written copies of the review to the commissioner of education and the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education.

(b) The commissioner may examine any league activities or league-related issues when the commissioner believes this review is warranted.

Subd. 2. **Recommend laws.** The commissioner may recommend to the legislature whether any legislation is made necessary by league activities.

Sec. 3. **REPEALER.**

Minnesota Statutes 2016, section 128C.02, subdivision 6, is repealed."

Delete the title and insert:

"A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, teachers, facilities and technology, nutrition, early childhood and family support, special education, self-sufficiency and lifelong learning, and state agencies; amending Minnesota Statutes 2016, sections 13.321, by adding a subdivision; 120A.20, subdivision 2; 120A.22, subdivisions 7, 12; 120B.36, subdivision 2; 121A.22, subdivision 1, by adding a subdivision; 121A.39; 121A.41, by adding subdivisions; 121A.42; 121A.45; 121A.46, subdivisions 2, 3, by adding subdivisions; 121A.47, subdivision 2; 121A.53, subdivision 1; 121A.55; 121A.61; 121A.67, by adding a subdivision; 123B.14, subdivision 7; 123B.41, subdivision 5; 123B.42, subdivision 3; 124D.111; 124D.78, subdivision 2; 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45, subdivisions 11, 16; 128C.03; 128C.20; 299F.30, subdivisions 1, 2; 626.556, subdivision 10a; Minnesota Statutes 2017 Supplement, sections 120B.021, subdivision 1; 120B.12, subdivision 2; 120B.125; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.07, by adding a subdivision; 122A.09, by adding a subdivision; 122A.187, subdivision 5; 122A.20, subdivision 1; 122A.40, subdivision 13; 122A.41, subdivision 6; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.165, subdivisions 2, 3, 4; 124D.549; 124D.99, subdivisions 3, 5; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03, subdivision 7a; 626.556, subdivisions 2, 3, 10e; Laws 2017, First Special Session chapter 5, article 2, sections 56; 57, subdivision 23; proposing coding for new law in Minnesota Statutes, chapters 120B; 125B; repealing Minnesota Statutes 2016, sections 120B.35, subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9; 128C.02, subdivision 6."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 2988: A bill for an act relating to human services; establishing a grant program to provide stable housing and support services for youth; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256K.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

Section 1. [256K.46] STABLE HOUSING AND SUPPORT SERVICES FOR VULNERABLE YOUTH.

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given them:

(a) "Eligible applicant" means a program licensed by the commissioner of human services to provide transitional housing and support services to youth. An eligible applicant must have staff on site 24 hours per day and must have established confidentiality protocols as required by state and federal law.

(b) "Living essentials" means clothing, toiletries, transportation, interpreters, other supplies, and services necessary for daily living.

(c) "Support services" has the meaning given in section 256E.33, subdivision 1, paragraph (c), and includes crisis intervention, conflict mediation, family reunification services, educational services, and employment resources.

(d) "Transitional housing" means secure shelter and housing that:

(1) is provided at low or no cost;

(2) is designed to assist people transitioning from homelessness, family or relationship violence, or sexual exploitation, to living independently in the community; and

(3) provides residents with regular staff interaction, supervision plans, and living skills training and assistance.

(e) "Vulnerable youth" means youth 13 years of age through 17 years of age who have reported histories of sexual exploitation or family or relationship violence. Vulnerable youth includes youth who are homeless and youth who are parents and their children.

Subd. 2. Grants authorized. Within available appropriations, the commissioner of human services may award grants to eligible applicants to plan, establish, or operate programs to provide transitional housing and support services to vulnerable youth. An applicant may apply for and the commissioner may award grants for two-year periods, and the commissioner shall determine the

number of grants awarded. The commissioner may reallocate underspending among grantees within the same grant period.

Subd. 3. **Commissioner required to grant variance.** For purposes of this grant program, the commissioner may grant a program variance under chapter 245A allowing a program licensed to provide transitional housing and support services to serve youth 13 years of age through 17 years of age.

Subd. 4. **Allocation of grants.** (a) An application must be on a form and contain information as specified by the commissioner but at a minimum must contain:

(1) a description of the purpose or project for which grant funds will be used;

(2) a description of the specific problem the grant funds are intended to address;

(3) a description of achievable objectives, a work plan, and a timeline for implementation and completion of processes or projects enabled by the grant;

(4) a description of the eligible applicant's existing frameworks and experience providing transitional housing and support services to vulnerable youth; and

(5) a proposed process for documenting and evaluating results of the grant.

(b) Grant funds allocated under this section may be used for purposes that include, but are not limited to, the following:

(1) transitional housing, meals, and living essentials for vulnerable youth and their children;

(2) support services;

(3) mental health and substance use disorder counseling;

(4) staff training;

(5) case management and referral services; and

(6) aftercare and follow-up services, including ongoing adult and peer support.

(c) The commissioner shall review each application to determine whether the application is complete and whether the applicant and the project are eligible for a grant. In evaluating applications, the commissioner shall establish criteria including, but not limited to:

(1) the eligibility of the applicant or project;

(2) the applicant's thoroughness and clarity in describing the problem grant funds are intended to address;

(3) a description of the population demographics and service area of the proposed project; and

(4) the proposed project's longevity and demonstrated financial sustainability after the initial grant period.

In evaluating applications, the commissioner may request additional information regarding a proposed project, including information on project cost. An applicant's failure to provide the information requested disqualifies an applicant.

Subd. 5. **Awarding of grants.** The commissioner must notify grantees of awards by December 1, 2018, and grant funds must be disbursed by January 1, 2019, and each January 1 thereafter.

Subd. 6. **Update.** The commissioner shall consult with providers serving homeless, sex-trafficked youth or sexually exploited youth, including providers serving older youth under the Safe Harbor Act and Homeless Youth Act to make recommendations that resolve conflicting requirements placed on providers and foster best practices in delivering services to these populations of older youth. The recommendations may include the development of additional certifications not currently available under Minnesota Rules, chapter 2960. The commissioner shall provide an update on the stakeholder work and recommendations identified through this process to the legislative committees chairs and ranking minority members with jurisdiction over health and human services finance and policy by January 15, 2019."

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 2483: A bill for an act relating to human services; modifying adult foster care and community residential setting license capacity; modifying home and community-based services plan review and evaluation and intervention services; amending Minnesota Statutes 2016, sections 245D.071, subdivision 5; 245D.091, subdivisions 2, 3, 4; Minnesota Statutes 2017 Supplement, section 245A.11, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2017 Supplement, section 245A.03, subdivision 7, is amended to read:

Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial license for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, or adult foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under this chapter for a physical location that will not be the primary residence of the license holder for the entire period of licensure. If a license is issued during this moratorium, and the license holder changes the license holder's primary residence away from the physical location of the foster care license, the commissioner shall revoke the license according to section 245A.07. The commissioner shall not issue an initial license for a community residential setting licensed under chapter 245D. When approving an exception under this paragraph, the commissioner shall consider the resource need determination process in paragraph (h), the availability of foster care licensed beds in the geographic area in which the licensee seeks to operate, the results of a person's choices during their annual assessment and service plan

review, and the recommendation of the local county board. The determination by the commissioner is final and not subject to appeal. Exceptions to the moratorium include:

- (1) foster care settings that are required to be registered under chapter 144D;
- (2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or community residential setting licenses replacing adult foster care licenses in existence on December 31, 2013, and determined to be needed by the commissioner under paragraph (b);
- (3) new foster care licenses or community residential setting licenses determined to be needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD, or regional treatment center; restructuring of state-operated services that limits the capacity of state-operated facilities; or allowing movement to the community for people who no longer require the level of care provided in state-operated facilities as provided under section 256B.092, subdivision 13, or 256B.49, subdivision 24;
- (4) new foster care licenses or community residential setting licenses determined to be needed by the commissioner under paragraph (b) for persons requiring hospital level care;
- (5) new foster care licenses or community residential setting licenses determined to be needed by the commissioner for the transition of people from personal care assistance to the home and community-based services;
- (6) new foster care licenses or community residential setting licenses determined to be needed by the commissioner for the transition of people from the residential care waiver services to foster care services. This exception applies only when:
 - (i) the person's case manager provided the person with information about the choice of service, service provider, and location of service to help the person make an informed choice; and
 - (ii) the person's foster care services are less than or equal to the cost of the person's services delivered in the residential care waiver service setting as determined by the lead agency; ~~or~~
- (7) new foster care licenses or community residential setting licenses for people receiving services under chapter 245D and residing in an unlicensed setting before May 1, 2017, and for which a license is required. This exception does not apply to people living in their own home. For purposes of this clause, there is a presumption that a foster care or community residential setting license is required for services provided to three or more people in a dwelling unit when the setting is controlled by the provider. A license holder subject to this exception may rebut the presumption that a license is required by seeking a reconsideration of the commissioner's determination. The commissioner's disposition of a request for reconsideration is final and not subject to appeal under chapter 14. The exception is available until June 30, ~~2018~~ 2019. This exception is available when:
 - (i) the person's case manager provided the person with information about the choice of service, service provider, and location of service, including in the person's home, to help the person make an informed choice; and

(ii) the person's services provided in the licensed foster care or community residential setting are less than or equal to the cost of the person's services delivered in the unlicensed setting as determined by the lead agency; or

(8) a vacancy in a setting granted an exception under clause (7), created between January 1, 2017, and the date of the exception request, by the departure of a person receiving services under chapter 245D and residing in the unlicensed setting between January 1, 2017, and May 1, 2017. This exception is available when the lead agency provides documentation to the commissioner on the eligibility criteria being met. This exception is available until June 30, 2019.

(b) The commissioner shall determine the need for newly licensed foster care homes or community residential settings as defined under this subdivision. As part of the determination, the commissioner shall consider the availability of foster care capacity in the area in which the licensee seeks to operate, and the recommendation of the local county board. The determination by the commissioner must be final. A determination of need is not required for a change in ownership at the same address.

(c) When an adult resident served by the program moves out of a foster home that is not the primary residence of the license holder according to section 256B.49, subdivision 15, paragraph (f), or the adult community residential setting, the county shall immediately inform the Department of Human Services Licensing Division. The department may decrease the statewide licensed capacity for adult foster care settings.

(d) Residential settings that would otherwise be subject to the decreased license capacity established in paragraph (c) shall be exempt if the license holder's beds are occupied by residents whose primary diagnosis is mental illness and the license holder is certified under the requirements in subdivision 6a or section 245D.33.

(e) A resource need determination process, managed at the state level, using the available reports required by section 144A.351, and other data and information shall be used to determine where the reduced capacity determined under section 256B.493 will be implemented. The commissioner shall consult with the stakeholders described in section 144A.351, and employ a variety of methods to improve the state's capacity to meet the informed decisions of those people who want to move out of corporate foster care or community residential settings, long-term service needs within budgetary limits, including seeking proposals from service providers or lead agencies to change service type, capacity, or location to improve services, increase the independence of residents, and better meet needs identified by the long-term services and supports reports and statewide data and information.

(f) At the time of application and reapplication for licensure, the applicant and the license holder that are subject to the moratorium or an exclusion established in paragraph (a) are required to inform the commissioner whether the physical location where the foster care will be provided is or will be the primary residence of the license holder for the entire period of licensure. If the primary residence of the applicant or license holder changes, the applicant or license holder must notify the commissioner immediately. The commissioner shall print on the foster care license certificate whether or not the physical location is the primary residence of the license holder.

(g) License holders of foster care homes identified under paragraph (f) that are not the primary residence of the license holder and that also provide services in the foster care home that are covered

by a federally approved home and community-based services waiver, as authorized under section 256B.0915, 256B.092, or 256B.49, must inform the human services licensing division that the license holder provides or intends to provide these waiver-funded services.

(h) The commissioner may adjust capacity to address needs identified in section 144A.351. Under this authority, the commissioner may approve new licensed settings or delicense existing settings. Delicensing of settings will be accomplished through a process identified in section 256B.493. Annually, by August 1, the commissioner shall provide information and data on capacity of licensed long-term services and supports, actions taken under the subdivision to manage statewide long-term services and supports resources, and any recommendations for change to the legislative committees with jurisdiction over the health and human services budget.

(i) The commissioner must notify a license holder when its corporate foster care or community residential setting licensed beds are reduced under this section. The notice of reduction of licensed beds must be in writing and delivered to the license holder by certified mail or personal service. The notice must state why the licensed beds are reduced and must inform the license holder of its right to request reconsideration by the commissioner. The license holder's request for reconsideration must be in writing. If mailed, the request for reconsideration must be postmarked and sent to the commissioner within 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds. If a request for reconsideration is made by personal service, it must be received by the commissioner within 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

(j) The commissioner shall not issue an initial license for children's residential treatment services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter for a program that Centers for Medicare and Medicaid Services would consider an institution for mental diseases. Facilities that serve only private pay clients are exempt from the moratorium described in this paragraph. The commissioner has the authority to manage existing statewide capacity for children's residential treatment services subject to the moratorium under this paragraph and may issue an initial license for such facilities if the initial license would not increase the statewide capacity for children's residential treatment services subject to the moratorium under this paragraph.

EFFECTIVE DATE. This section is effective June 29, 2018.

Sec. 2. Minnesota Statutes 2017 Supplement, section 245A.11, subdivision 2a, is amended to read:

Subd. 2a. **Adult foster care and community residential setting license capacity.** (a) The commissioner shall issue adult foster care and community residential setting licenses with a maximum licensed capacity of four beds, including nonstaff roomers and boarders, except that the commissioner may issue a license with a capacity of five beds, including roomers and boarders, according to paragraphs (b) to (g).

(b) The license holder may have a maximum license capacity of five if all persons in care are age 55 or over and do not have a serious and persistent mental illness or a developmental disability.

(c) The commissioner may grant variances to paragraph (b) to allow a facility with a licensed capacity of up to five persons to admit an individual under the age of 55 if the variance complies

with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located.

(d) The commissioner may grant variances to paragraph (a) to allow the use of an additional bed, up to five, for emergency crisis services for a person with serious and persistent mental illness or a developmental disability, regardless of age, if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located.

(e) The commissioner may grant a variance to paragraph (b) to allow for the use of an additional bed, up to five, for respite services, as defined in section 245A.02, for persons with disabilities, regardless of age, if the variance complies with sections 245A.03, subdivision 7, and 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed facility is located. Respite care may be provided under the following conditions:

(1) staffing ratios cannot be reduced below the approved level for the individuals being served in the home on a permanent basis;

(2) no more than two different individuals can be accepted for respite services in any calendar month and the total respite days may not exceed 120 days per program in any calendar year;

(3) the person receiving respite services must have his or her own bedroom, which could be used for alternative purposes when not used as a respite bedroom, and cannot be the room of another person who lives in the facility; and

(4) individuals living in the facility must be notified when the variance is approved. The provider must give 60 days' notice in writing to the residents and their legal representatives prior to accepting the first respite placement. Notice must be given to residents at least two days prior to service initiation, or as soon as the license holder is able if they receive notice of the need for respite less than two days prior to initiation, each time a respite client will be served, unless the requirement for this notice is waived by the resident or legal guardian.

(f) The commissioner may issue an adult foster care or community residential setting license with a capacity of five adults if the fifth bed does not increase the overall statewide capacity of licensed adult foster care or community residential setting beds in homes that are not the primary residence of the license holder, as identified in a plan submitted to the commissioner by the county, when the capacity is recommended by the county licensing agency of the county in which the facility is located and if the recommendation verifies that:

(1) the facility meets the physical environment requirements in the adult foster care licensing rule;

(2) the five-bed living arrangement is specified for each resident in the resident's:

(i) individualized plan of care;

(ii) individual service plan under section 256B.092, subdivision 1b, if required; or

(iii) individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required;

(3) the license holder obtains written and signed informed consent from each resident or resident's legal representative documenting the resident's informed choice to remain living in the home and that the resident's refusal to consent would not have resulted in service termination; and

(4) the facility was licensed for adult foster care before ~~March 1, 2011~~ June 30, 2016.

(g) The commissioner shall not issue a new adult foster care license under paragraph (f) after June 30, ~~2019~~ 2021. The commissioner shall allow a facility with an adult foster care license issued under paragraph (f) before June 30, ~~2019~~ 2021, to continue with a capacity of five adults if the license holder continues to comply with the requirements in paragraph (f).

Sec. 3. Minnesota Statutes 2017 Supplement, section 245D.03, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** (a) The commissioner shall regulate the provision of home and community-based services to persons with disabilities and persons age 65 and older pursuant to this chapter. The licensing standards in this chapter govern the provision of basic support services and intensive support services.

(b) Basic support services provide the level of assistance, supervision, and care that is necessary to ensure the health and welfare of the person and do not include services that are specifically directed toward the training, treatment, habilitation, or rehabilitation of the person. Basic support services include:

(1) in-home and out-of-home respite care services as defined in section 245A.02, subdivision 15, and under the brain injury, community alternative care, community access for disability inclusion, developmental disability, and elderly waiver plans, excluding out-of-home respite care provided to children in a family child foster care home licensed under Minnesota Rules, parts 2960.3000 to 2960.3100, when the child foster care license holder complies with the requirements under section 245D.06, subdivisions 5, 6, 7, and 8, or successor provisions; and section 245D.061 or successor provisions, which must be stipulated in the statement of intended use required under Minnesota Rules, part 2960.3000, subpart 4;

(2) adult companion services as defined under the brain injury, community access for disability inclusion, community alternative care, and elderly waiver plans, excluding adult companion services provided under the Corporation for National and Community Services Senior Companion Program established under the Domestic Volunteer Service Act of 1973, Public Law 98-288;

(3) personal support as defined under the developmental disability waiver plan;

(4) 24-hour emergency assistance, personal emergency response as defined under the community access for disability inclusion and developmental disability waiver plans;

(5) night supervision services as defined under the brain injury, community access for disability inclusion, community alternative care, and developmental disability waiver plan plans;

(6) homemaker services as defined under the community access for disability inclusion, brain injury, community alternative care, developmental disability, and elderly waiver plans, excluding providers licensed by the Department of Health under chapter 144A and those providers providing cleaning services only; and

(7) individual community living support under section 256B.0915, subdivision 3j.

(c) Intensive support services provide assistance, supervision, and care that is necessary to ensure the health and welfare of the person and services specifically directed toward the training, habilitation, or rehabilitation of the person. Intensive support services include:

(1) intervention services, including:

(i) ~~behavioral~~ positive support services as defined under the brain injury ~~and~~ community access for disability inclusion, community alternative care, and developmental disability waiver plans;

(ii) in-home or out-of-home crisis respite services as defined under the brain injury, community access for disability inclusion, community alternative care, and developmental disability waiver plan plans; and

(iii) specialist services as defined under the current brain injury, community access for disability inclusion, community alternative care, and developmental disability waiver plan plans;

(2) in-home support services, including:

(i) in-home family support and supported living services as defined under the developmental disability waiver plan;

(ii) independent living services training as defined under the brain injury and community access for disability inclusion waiver plans;

(iii) semi-independent living services; and

(iv) individualized home supports services as defined under the brain injury, community alternative care, and community access for disability inclusion waiver plans;

(3) residential supports and services, including:

(i) supported living services as defined under the developmental disability waiver plan provided in a family or corporate child foster care residence, a family adult foster care residence, a community residential setting, or a supervised living facility;

(ii) foster care services as defined in the brain injury, community alternative care, and community access for disability inclusion waiver plans provided in a family or corporate child foster care residence, a family adult foster care residence, or a community residential setting; and

(iii) residential services provided to more than four persons with developmental disabilities in a supervised living facility, including ICFs/DD;

(4) day services, including:

- (i) structured day services as defined under the brain injury waiver plan;
 - (ii) day training and habilitation services under sections 252.41 to 252.46, and as defined under the developmental disability waiver plan; and
 - (iii) prevocational services as defined under the brain injury and community access for disability inclusion waiver plans; and
- (5) employment exploration services as defined under the brain injury, community alternative care, community access for disability inclusion, and developmental disability waiver plans;
- (6) employment development services as defined under the brain injury, community alternative care, community access for disability inclusion, and developmental disability waiver plans; and
- (7) employment support services as defined under the brain injury, community alternative care, community access for disability inclusion, and developmental disability waiver plans.

Sec. 4. Minnesota Statutes 2016, section 245D.071, subdivision 5, is amended to read:

Subd. 5. **Service plan review and evaluation.** (a) The license holder must give the person or the person's legal representative and case manager an opportunity to participate in the ongoing review and development of the service plan and the methods used to support the person and accomplish outcomes identified in subdivisions 3 and 4. At least once per year, or within 30 days of a written request by the person, the person's legal representative, or the case manager, the license holder, in coordination with the person's support team or expanded support team, must meet with the person, the person's legal representative, and the case manager, and participate in service plan review meetings following stated timelines established in the person's coordinated service and support plan or coordinated service and support plan addendum or within 30 days of a written request by the person, the person's legal representative, or the case manager, at a minimum of once per year. The purpose of the service plan review is to determine whether changes are needed to the service plan based on the assessment information, the license holder's evaluation of progress towards accomplishing outcomes, or other information provided by the support team or expanded support team.

(b) At least once per year, the license holder, in coordination with the person's support team or expanded support team, must meet with the person, the person's legal representative, and the case manager to discuss how technology might be used to meet the person's desired outcomes. The coordinated service and support plan or support plan addendum must include a summary of this discussion. The summary must include a statement regarding any decision made related to the use of technology and a description of any further research that must be completed before a decision regarding the use of technology can be made. Nothing in this paragraph requires the coordinated service and support plan to include the use of technology for the provision of services.

~~(b)~~ (c) The license holder must summarize the person's status and progress toward achieving the identified outcomes and make recommendations and identify the rationale for changing, continuing, or discontinuing implementation of supports and methods identified in subdivision 4 in a report available at the time of the progress review meeting. The report must be sent at least five working days prior to the progress review meeting if requested by the team in the coordinated service and support plan or coordinated service and support plan addendum.

~~(e)~~ (d) The license holder must send the coordinated service and support plan addendum to the person, the person's legal representative, and the case manager by mail within ten working days of the progress review meeting. Within ten working days of the mailing of the coordinated service and support plan addendum, the license holder must obtain dated signatures from the person or the person's legal representative and the case manager to document approval of any changes to the coordinated service and support plan addendum.

~~(e)~~ (e) If, within ten working days of submitting changes to the coordinated service and support plan and coordinated service and support plan addendum, the person or the person's legal representative or case manager has not signed and returned to the license holder the coordinated service and support plan or coordinated service and support plan addendum or has not proposed written modifications to the license holder's submission, the submission is deemed approved and the coordinated service and support plan addendum becomes effective and remains in effect until the legal representative or case manager submits a written request to revise the coordinated service and support plan addendum.

Sec. 5. Minnesota Statutes 2016, section 245D.091, subdivision 2, is amended to read:

Subd. 2. ~~Behavior~~ **Positive support professional qualifications.** A ~~behavior~~ positive support professional providing ~~behavioral~~ positive support services as identified in section 245D.03, subdivision 1, paragraph (c), clause (1), item (i), must have competencies in the following areas as required under the brain injury ~~and~~ community access for disability inclusion, community alternative care, and developmental disability waiver plans or successor plans:

- (1) ethical considerations;
- (2) functional assessment;
- (3) functional analysis;
- (4) measurement of behavior and interpretation of data;
- (5) selecting intervention outcomes and strategies;
- (6) behavior reduction and elimination strategies that promote least restrictive approved alternatives;
- (7) data collection;
- (8) staff and caregiver training;
- (9) support plan monitoring;
- (10) co-occurring mental disorders or neurocognitive disorder;
- (11) demonstrated expertise with populations being served; and
- (12) must be a:

(i) psychologist licensed under sections 148.88 to 148.98, who has stated to the Board of Psychology competencies in the above identified areas;

(ii) clinical social worker licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the areas identified in clauses (1) to (11);

(iii) physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry with competencies in the areas identified in clauses (1) to (11);

(iv) licensed professional clinical counselor licensed under sections 148B.29 to 148B.39 with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services who has demonstrated competencies in the areas identified in clauses (1) to (11);

(v) person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services with demonstrated competencies in the areas identified in clauses (1) to (11); ~~or~~

(vi) person with a master's degree or PhD in one of the behavioral sciences or related fields with demonstrated expertise in positive support services; or

(vii) registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization, or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services.

Sec. 6. Minnesota Statutes 2016, section 245D.091, subdivision 3, is amended to read:

Subd. 3. ~~Behavior~~ **Positive support analyst qualifications.** (a) A ~~behavior~~ positive support analyst providing ~~behavioral~~ positive support services as identified in section 245D.03, subdivision 1, paragraph (c), clause (1), item (i), must have competencies in the following areas as required under the brain injury ~~and~~, community access for disability inclusion, community alternative care, and developmental disability waiver plans or successor plans:

(1) have obtained a baccalaureate degree, master's degree, or PhD in a social services discipline; ~~or~~

(2) meet the qualifications of a mental health practitioner as defined in section 245.462, subdivision 17; or

(3) be a board certified behavior analyst or board certified assistant behavior analyst by the Behavior Analyst Certification Board, Incorporated.

(b) In addition, a ~~behavior~~ positive support analyst must:

(1) have four years of supervised experience working with individuals who exhibit challenging behaviors as well as co-occurring mental disorders or neurocognitive disorder conducting functional behavior assessments and designing, implementing, and evaluating effectiveness of positive practices behavior support strategies for people who exhibit challenging behaviors as well as co-occurring mental disorders and neurocognitive disorder;

(2) have received ten hours of instruction in functional assessment and functional analysis; training prior to hire or within 90 calendar days of hire that includes:

(i) ten hours of instruction in functional assessment and functional analysis;

(ii) 20 hours of instruction in the understanding of the function of behavior;

(iii) ten hours of instruction on design of positive practices behavior support strategies;

(iv) 20 hours of instruction preparing written intervention strategies, designing data collection protocols, training other staff to implement positive practice strategies, summarizing and reporting program evaluation data, analyzing program evaluation data to identify design flaws in behavioral interventions or failures in implementation fidelity, and recommending enhancements based on evaluation data; and

(v) eight hours of instruction on principles of person-centered thinking;

~~(3) have received 20 hours of instruction in the understanding of the function of behavior;~~

~~(4) have received ten hours of instruction on design of positive practices behavior support strategies;~~

~~(5) have received 20 hours of instruction on the use of behavior reduction approved strategies used only in combination with behavior positive practices strategies;~~

~~(6) (3) be determined by a behavior positive support professional to have the training and prerequisite skills required to provide positive practice strategies as well as behavior reduction approved and permitted intervention to the person who receives behavioral positive support; and~~

~~(7) (4) be under the direct supervision of a behavior positive support professional.~~

(c) Meeting the qualifications for a positive support professional under subdivision 2 shall substitute for meeting the qualifications listed in paragraph (b).

Sec. 7. Minnesota Statutes 2016, section 245D.091, subdivision 4, is amended to read:

Subd. 4. **Behavior Positive support specialist qualifications.** (a) A behavior positive support specialist providing behavioral positive support services as identified in section 245D.03, subdivision 1, paragraph (c), clause (1), item (i), must have competencies in the following areas as required under the brain injury and community access for disability inclusion, community alternative care, and developmental disability waiver plans or successor plans:

(1) have an associate's degree in a social services discipline; or

(2) have two years of supervised experience working with individuals who exhibit challenging behaviors as well as co-occurring mental disorders or neurocognitive disorder.

(b) In addition, a behavior specialist must:

(1) have received training prior to hire or within 90 calendar days of hire that includes:

(i) a minimum of four hours of training in functional assessment;

~~(2) have received~~ (ii) 20 hours of instruction in the understanding of the function of behavior;

~~(3) have received~~ (iii) ten hours of instruction on design of positive practices behavioral support strategies; and

(iv) eight hours of instruction on principles of person-centered thinking;

~~(4) (2) be determined by a behavior positive support professional to have the training and prerequisite skills required to provide positive practices strategies as well as behavior reduction approved intervention to the person who receives behavioral positive support; and~~

~~(5) (3) be under the direct supervision of a behavior positive support professional.~~

(c) Meeting the qualifications for a positive support professional under subdivision 2 shall substitute for meeting the qualifications listed in paragraphs (a) and (b).

Sec. 8. Minnesota Statutes 2016, section 256B.0659, subdivision 3a, is amended to read:

Subd. 3a. **Assessment; defined.** (a) "Assessment" means a review and evaluation of a recipient's need for personal care assistance services conducted in person. Assessments for personal care assistance services shall be conducted by the county public health nurse or a certified public health nurse under contract with the county except when a long-term care consultation assessment is being conducted for the purposes of determining a person's eligibility for home and community-based waiver services including personal care assistance services according to section 256B.0911. During the transition to MnCHOICES, a certified assessor may complete the assessment defined in this subdivision. An in-person assessment must include: documentation of health status, determination of need, evaluation of service effectiveness, identification of appropriate services, service plan development or modification, coordination of services, referrals and follow-up to appropriate payers and community resources, completion of required reports, recommendation of service authorization, and consumer education. Once the need for personal care assistance services is determined under this section, the county public health nurse or certified public health nurse under contract with the county is responsible for communicating this recommendation to the commissioner and the recipient. An in-person assessment must occur at least annually or when there is a significant change in the recipient's condition or when there is a change in the need for personal care assistance services. A service update may substitute for the annual face-to-face assessment when there is not a significant change in recipient condition or a change in the need for personal care assistance service. A service update may be completed by telephone, used when there is no need for an increase in personal care assistance services, and used for two consecutive assessments if followed by a face-to-face assessment. A service update must be completed on a form approved by the commissioner. A service update or review for temporary increase includes a review of initial baseline data, evaluation of

service effectiveness, redetermination of service need, modification of service plan and appropriate referrals, update of initial forms, obtaining service authorization, and on going consumer education. Assessments or reassessments must be completed on forms provided by the commissioner within 30 days of a request for home care services by a recipient or responsible party.

(b) This subdivision expires when notification is given by the commissioner as described in section 256B.0911, subdivision 3a.

Sec. 9. Minnesota Statutes 2017 Supplement, section 256B.0911, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** For purposes of this section, the following definitions apply:

(a) Until additional requirements apply under paragraph (b), "long-term care consultation services" means:

(1) intake for and access to assistance in identifying services needed to maintain an individual in the most inclusive environment;

(2) providing recommendations for and referrals to cost-effective community services that are available to the individual;

(3) development of an individual's person-centered community support plan;

(4) providing information regarding eligibility for Minnesota health care programs;

(5) face-to-face long-term care consultation assessments, which may be completed in a hospital, nursing facility, intermediate care facility for persons with developmental disabilities (ICF/DDs), regional treatment centers, or the person's current or planned residence;

(6) determination of home and community-based waiver and other service eligibility as required under sections 256B.0913, 256B.0915, and 256B.49, including level of care determination for individuals who need an institutional level of care as determined under subdivision 4e, based on assessment and community support plan development, appropriate referrals to obtain necessary diagnostic information, and including an eligibility determination for consumer-directed community supports;

(7) providing recommendations for institutional placement when there are no cost-effective community services available;

(8) providing access to assistance to transition people back to community settings after institutional admission; and

(9) providing information about competitive employment, with or without supports, for school-age youth and working-age adults and referrals to the Disability Linkage Line and Disability Benefits 101 to ensure that an informed choice about competitive employment can be made. For the purposes of this subdivision, "competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of

benefits paid by the employer for the same or similar work performed by individuals without disabilities.

(b) Upon statewide implementation of lead agency requirements in subdivisions 2b, 2c, and 3a, "long-term care consultation services" also means:

(1) service eligibility determination for state plan ~~home care~~ services identified in:

(i) section 256B.0625, subdivisions ~~7~~, 19a, and 19c;

(ii) consumer support grants under section 256.476; or

(iii) section 256B.85;

(2) notwithstanding provisions in Minnesota Rules, parts 9525.0004 to 9525.0024, determination of eligibility for case management services available under sections 256B.0621, subdivision 2, ~~paragraph clause~~ (4), and 256B.0924 ~~and Minnesota Rules, part 9525.0016;~~

(3) determination of institutional level of care, home and community-based service waiver, and other service eligibility as required under section 256B.092, ~~determination of eligibility for family support grants under section 252.32,~~ semi-independent living services under section 252.275, and day training and habilitation services under section 256B.092; ~~and~~

(4) obtaining necessary diagnostic information to determine eligibility under clauses (2) and (3); and

(5) notwithstanding Minnesota Rules, parts 9525.0004 to 9525.0024, initial eligibility determination for case management services available under Minnesota Rules, part 9525.0016.

(c) "Long-term care options counseling" means the services provided by the linkage lines as mandated by sections 256.01, subdivision 24, and 256.975, subdivision 7, and also includes telephone assistance and follow up once a long-term care consultation assessment has been completed.

(d) "Minnesota health care programs" means the medical assistance program under this chapter and the alternative care program under section 256B.0913.

(e) "Lead agencies" means counties administering or tribes and health plans under contract with the commissioner to administer long-term care consultation assessment and support planning services.

(f) "Person-centered planning" is a process that includes the active participation of a person in the planning of the person's services, including in making meaningful and informed choices about the person's own goals, talents, and objectives, as well as making meaningful and informed choices about the services the person receives. For the purposes of this section, "informed choice" means a voluntary choice of services by a person from all available service options based on accurate and complete information concerning all available service options and concerning the person's own preferences, abilities, goals, and objectives. In order for a person to make an informed choice, all available options must be developed and presented to the person to empower the person to make decisions.

Sec. 10. Minnesota Statutes 2017 Supplement, section 256B.0911, subdivision 3a, is amended to read:

Subd. 3a. **Assessment and support planning.** (a) Persons requesting assessment, services planning, or other assistance intended to support community-based living, including persons who need assessment in order to determine waiver or alternative care program eligibility, must be visited by a long-term care consultation team within 20 calendar days after the date on which an assessment was requested or recommended. Upon statewide implementation of subdivisions 2b, 2c, and 5, this requirement also applies to an assessment of a person requesting personal care assistance services and home care nursing. ~~The commissioner shall provide at least a 90-day notice to lead agencies prior to the effective date of this requirement.~~ Face-to-face assessments must be conducted according to paragraphs (b) to (i).

(b) Upon implementation of subdivisions 2b, 2c, and 5, lead agencies shall use certified assessors to conduct the assessment. For a person with complex health care needs, a public health or registered nurse from the team must be consulted.

(c) The MnCHOICES assessment provided by the commissioner to lead agencies must be used to complete a comprehensive, conversation-based, person-centered assessment. The assessment must include the health, psychological, functional, environmental, and social needs of the individual necessary to develop a community support plan that meets the individual's needs and preferences.

(d) The assessment must be conducted in a face-to-face conversational interview with the person being assessed ~~and~~. The person's legal representative must provide input during the assessment process and may do so remotely if requested. At the request of the person, other individuals may participate in the assessment to provide information on the needs, strengths, and preferences of the person necessary to develop a community support plan that ensures the person's health and safety. Except for legal representatives or family members invited by the person, persons participating in the assessment may not be a provider of service or have any financial interest in the provision of services. For persons who are to be assessed for elderly waiver customized living or adult day services under section 256B.0915, with the permission of the person being assessed or the person's designated or legal representative, the client's current or proposed provider of services may submit a copy of the provider's nursing assessment or written report outlining its recommendations regarding the client's care needs. The person conducting the assessment must notify the provider of the date by which this information is to be submitted. This information shall be provided to the person conducting the assessment prior to the assessment. For a person who is to be assessed for waiver services under section 256B.092 or 256B.49, with the permission of the person being assessed or the person's designated legal representative, the person's current provider of services may submit a written report outlining recommendations regarding the person's care needs prepared by a direct service employee with at least 20 hours of service to that client. The person conducting the assessment or reassessment must notify the provider of the date by which this information is to be submitted. This information shall be provided to the person conducting the assessment and the person or the person's legal representative, and must be considered prior to the finalization of the assessment or reassessment.

(e) The person or the person's legal representative must be provided with a written community support plan within 40 calendar days of the assessment visit ~~the timelines established by the commissioner~~, regardless of whether the individual is eligible for Minnesota health care programs.

The timeline for completing the community support plan and any required coordinated service and support plan must not exceed 56 calendar days from the assessment visit.

(f) For a person being assessed for elderly waiver services under section 256B.0915, a provider who submitted information under paragraph (d) shall receive the final written community support plan when available and the Residential Services Workbook.

(g) The written community support plan must include:

(1) a summary of assessed needs as defined in paragraphs (c) and (d);

(2) the individual's options and choices to meet identified needs, including all available options for case management services and providers, including service provided in a non-disability-specific setting;

(3) identification of health and safety risks and how those risks will be addressed, including personal risk management strategies;

(4) referral information; and

(5) informal caregiver supports, if applicable.

For a person determined eligible for state plan home care under subdivision 1a, paragraph (b), clause (1), the person or person's representative must also receive a copy of the home care service plan developed by the certified assessor.

(h) A person may request assistance in identifying community supports without participating in a complete assessment. Upon a request for assistance identifying community support, the person must be transferred or referred to long-term care options counseling services available under sections 256.975, subdivision 7, and 256.01, subdivision 24, for telephone assistance and follow up.

(i) The person has the right to make the final decision between institutional placement and community placement after the recommendations have been provided, except as provided in section 256.975, subdivision 7a, paragraph (d).

(j) The lead agency must give the person receiving assessment or support planning, or the person's legal representative, materials, and forms supplied by the commissioner containing the following information:

(1) written recommendations for community-based services and consumer-directed options;

(2) documentation that the most cost-effective alternatives available were offered to the individual. For purposes of this clause, "cost-effective" means community services and living arrangements that cost the same as or less than institutional care. For an individual found to meet eligibility criteria for home and community-based service programs under section 256B.0915 or 256B.49, "cost-effectiveness" has the meaning found in the federally approved waiver plan for each program;

(3) the need for and purpose of preadmission screening conducted by long-term care options counselors according to section 256.975, subdivisions 7a to 7c, if the person selects nursing facility

placement. If the individual selects nursing facility placement, the lead agency shall forward information needed to complete the level of care determinations and screening for developmental disability and mental illness collected during the assessment to the long-term care options counselor using forms provided by the commissioner;

(4) the role of long-term care consultation assessment and support planning in eligibility determination for waiver and alternative care programs, and state plan home care, case management, and other services as defined in subdivision 1a, paragraphs (a), clause (6), and (b);

(5) information about Minnesota health care programs;

(6) the person's freedom to accept or reject the recommendations of the team;

(7) the person's right to confidentiality under the Minnesota Government Data Practices Act, chapter 13;

(8) the certified assessor's decision regarding the person's need for institutional level of care as determined under criteria established in subdivision 4e and the certified assessor's decision regarding eligibility for all services and programs as defined in subdivision 1a, paragraphs (a), clause (6), and (b); and

(9) the person's right to appeal the certified assessor's decision regarding eligibility for all services and programs as defined in subdivision 1a, paragraphs (a), clauses (6), (7), and (8), and (b), and incorporating the decision regarding the need for institutional level of care or the lead agency's final decisions regarding public programs eligibility according to section 256.045, subdivision 3. The certified assessor must verbally communicate this appeal right to the person and must visually point out where in the document the right to appeal is stated.

(k) Face-to-face assessment completed as part of eligibility determination for the alternative care, elderly waiver, developmental disabilities, community access for disability inclusion, community alternative care, and brain injury waiver programs under sections 256B.0913, 256B.0915, 256B.092, and 256B.49 is valid to establish service eligibility for no more than 60 calendar days after the date of assessment.

(l) The effective eligibility start date for programs in paragraph (k) can never be prior to the date of assessment. If an assessment was completed more than 60 days before the effective waiver or alternative care program eligibility start date, assessment and support plan information must be updated and documented in the department's Medicaid Management Information System (MMIS). Notwithstanding retroactive medical assistance coverage of state plan services, the effective date of eligibility for programs included in paragraph (k) cannot be prior to the date the most recent updated assessment is completed.

(m) If an eligibility update is completed within 90 days of the previous face-to-face assessment and documented in the department's Medicaid Management Information System (MMIS), the effective date of eligibility for programs included in paragraph (k) is the date of the previous face-to-face assessment when all other eligibility requirements are met.

(n) At the time of reassessment, the certified assessor shall assess each person receiving waiver services currently residing in a community residential setting, or licensed adult foster care home

that is not the primary residence of the license holder, or in which the license holder is not the primary caregiver, to determine if that person would prefer to be served in a community-living setting as defined in section 256B.49, subdivision 23. The certified assessor shall offer the person, through a person-centered planning process, the option to receive alternative housing and service options.

Sec. 11. Minnesota Statutes 2017 Supplement, section 256B.0911, subdivision 3f, is amended to read:

Subd. 3f. **Long-term care reassessments and community support plan updates.** (a) Prior to a face-to-face reassessment, the certified assessor must review the person's most recent assessment. Reassessments must be tailored using the professional judgment of the assessor to the person's known needs, strengths, preferences, and circumstances. Reassessments provide information to support the person's informed choice and opportunities to express choice regarding activities that contribute to quality of life, as well as information and opportunity to identify goals related to desired employment, community activities, and preferred living environment. Reassessments ~~allow for~~ require a review of the most recent assessment, review of the current coordinated service and support plan's effectiveness, monitoring of services, and the development of an updated person-centered community support plan. Reassessments verify continued eligibility or offer alternatives as warranted and provide an opportunity for quality assurance of service delivery. Face-to-face ~~assessments~~ reassessments must be conducted annually or as required by federal and state laws and rules. For reassessments, the certified assessor and the individual responsible for developing the coordinated service and support plan must ensure the continuity of care for the person receiving services and complete the updated community support plan and the updated coordinated service and support plan within the timelines established by the commissioner.

(b) The commissioner shall develop mechanisms for providers and case managers to share information with the assessor to facilitate a reassessment and support planning process tailored to the person's current needs and preferences.

Sec. 12. Minnesota Statutes 2017 Supplement, section 256B.0911, subdivision 5, is amended to read:

Subd. 5. **Administrative activity.** (a) The commissioner shall streamline the processes, including timelines for when assessments need to be completed, required to provide the services in this section and shall implement integrated solutions to automate the business processes to the extent necessary for community support plan approval, reimbursement, program planning, evaluation, and policy development.

(b) The commissioner of human services shall work with lead agencies responsible for conducting long-term consultation services to modify the MnCHOICES application and assessment policies to create efficiencies while ensuring federal compliance with medical assistance and long-term services and supports eligibility criteria.

(c) The commissioner shall work with lead agencies responsible for conducting long-term consultation services to develop a set of measurable benchmarks sufficient to demonstrate quarterly improvement in the average time per assessment and other mutually agreed upon measures of increasing efficiency. The commissioner shall collect data on these benchmarks and provide to the

lead agencies and the chairs and ranking minority members of the legislative committees with jurisdiction over human services an annual trend analysis of the data in order to demonstrate the commissioner's compliance with the requirements of this subdivision.

Sec. 13. Minnesota Statutes 2016, section 256B.0915, subdivision 6, is amended to read:

Subd. 6. **Implementation of coordinated service and support plan.** (a) Each elderly waiver client shall be provided a copy of a written coordinated service and support plan ~~which~~ that:

(1) is developed with and signed by the recipient within ~~ten working days after the case manager receives the assessment information and written community support plan as described in section 256B.0911, subdivision 3a, from the certified assessor~~ the timelines established by the commissioner. The timeline for completing the community support plan under section 256B.0911, subdivision 3a, and the coordinated service and support plan must not exceed 56 calendar days from the assessment visit;

(2) includes the person's need for service and identification of service needs that will be or that are met by the person's relatives, friends, and others, as well as community services used by the general public;

(3) reasonably ensures the health and welfare of the recipient;

(4) identifies the person's preferences for services as stated by the person or the person's legal guardian or conservator;

(5) reflects the person's informed choice between institutional and community-based services, as well as choice of services, supports, and providers, including available case manager providers;

(6) identifies long-range and short-range goals for the person;

(7) identifies specific services and the amount, frequency, duration, and cost of the services to be provided to the person based on assessed needs, preferences, and available resources;

(8) includes information about the right to appeal decisions under section 256.045; and

(9) includes the authorized annual and estimated monthly amounts for the services.

(b) In developing the coordinated service and support plan, the case manager should also include the use of volunteers, religious organizations, social clubs, and civic and service organizations to support the individual in the community. The lead agency must be held harmless for damages or injuries sustained through the use of volunteers and agencies under this paragraph, including workers' compensation liability.

Sec. 14. Minnesota Statutes 2016, section 256B.092, subdivision 1b, is amended to read:

Subd. 1b. **Coordinated service and support plan.** (a) Each recipient of home and community-based waived services shall be provided a copy of the written coordinated service and support plan ~~which~~ that:

(1) is developed with and signed by the recipient within ~~ten working days after the case manager receives the assessment information and written community support plan as described in section 256B.0911, subdivision 3a, from the certified assessor~~ the timelines established by the commissioner. The timeline for completing the community support plan under section 256B.0911, subdivision 3a, and the coordinated service and support plan must not exceed 56 calendar days from the assessment visit;

(2) includes the person's need for service, including identification of service needs that will be or that are met by the person's relatives, friends, and others, as well as community services used by the general public;

(3) reasonably ensures the health and welfare of the recipient;

(4) identifies the person's preferences for services as stated by the person, the person's legal guardian or conservator, or the parent if the person is a minor, including the person's choices made on self-directed options and on services and supports to achieve employment goals;

(5) provides for an informed choice, as defined in section 256B.77, subdivision 2, paragraph (o), of service and support providers, and identifies all available options for case management services and providers;

(6) identifies long-range and short-range goals for the person;

(7) identifies specific services and the amount and frequency of the services to be provided to the person based on assessed needs, preferences, and available resources. The coordinated service and support plan shall also specify other services the person needs that are not available;

(8) identifies the need for an individual program plan to be developed by the provider according to the respective state and federal licensing and certification standards, and additional assessments to be completed or arranged by the provider after service initiation;

(9) identifies provider responsibilities to implement and make recommendations for modification to the coordinated service and support plan;

(10) includes notice of the right to request a conciliation conference or a hearing under section 256.045;

(11) is agreed upon and signed by the person, the person's legal guardian or conservator, or the parent if the person is a minor, and the authorized county representative;

(12) is reviewed by a health professional if the person has overriding medical needs that impact the delivery of services; and

(13) includes the authorized annual and monthly amounts for the services.

(b) In developing the coordinated service and support plan, the case manager is encouraged to include the use of volunteers, religious organizations, social clubs, and civic and service organizations to support the individual in the community. The lead agency must be held harmless for damages or injuries sustained through the use of volunteers and agencies under this paragraph, including workers' compensation liability.

(c) Approved, written, and signed changes to a consumer's services that meet the criteria in this subdivision shall be an addendum to that consumer's individual service plan.

Sec. 15. Minnesota Statutes 2016, section 256B.092, subdivision 1g, is amended to read:

Subd. 1g. **Conditions not requiring development of coordinated service and support plan.**

(a) Unless otherwise required by federal law, the county agency is not required to complete a coordinated service and support plan as defined in subdivision 1b for:

(1) persons whose families are requesting respite care for their family member who resides with them, or whose families are requesting a family support grant and are not requesting purchase or arrangement of habilitative services; and

(2) persons with developmental disabilities, living independently without authorized services or receiving funding for services at a rehabilitation facility as defined in section 268A.01, subdivision 6, and not in need of or requesting additional services.

(b) Unless otherwise required by federal law, the county agency is not required to conduct or arrange for an annual needs reassessment by a certified assessor. The case manager who works on behalf of the person to identify their needs and to minimize the impact of the disability on the person's life must develop a person-centered service plan based on the person's assessed needs and preferences. The person-centered service plan must be reviewed annually. This paragraph applies to persons with developmental disabilities who are receiving case management services under Minnesota Rules, part 9525.0036, and who make an informed choice to decline an assessment under section 256B.0911.

Sec. 16. Minnesota Statutes 2017 Supplement, section 256B.49, subdivision 13, is amended to read:

Subd. 13. **Case management.** (a) Each recipient of a home and community-based waiver shall be provided case management services by qualified vendors as described in the federally approved waiver application. The case management service activities provided must include:

(1) finalizing the written coordinated service and support plan within ~~ten working days after the case manager receives the plan from the certified assessor~~ the timelines established by the commissioner. The timeline for completing the community support plan under section 256B.0911, subdivision 3a, and the coordinated service and support plan must not exceed 56 calendar days from the assessment visit;

(2) informing the recipient or the recipient's legal guardian or conservator of service options;

(3) assisting the recipient in the identification of potential service providers and available options for case management service and providers, including services provided in a non-disability-specific setting;

(4) assisting the recipient to access services and assisting with appeals under section 256.045; and

(5) coordinating, evaluating, and monitoring of the services identified in the service plan.

(b) The case manager may delegate certain aspects of the case management service activities to another individual provided there is oversight by the case manager. The case manager may not delegate those aspects which require professional judgment including:

(1) finalizing the coordinated service and support plan;

(2) ongoing assessment and monitoring of the person's needs and adequacy of the approved coordinated service and support plan; and

(3) adjustments to the coordinated service and support plan.

(c) Case management services must be provided by a public or private agency that is enrolled as a medical assistance provider determined by the commissioner to meet all of the requirements in the approved federal waiver plans. Case management services must not be provided to a recipient by a private agency that has any financial interest in the provision of any other services included in the recipient's coordinated service and support plan. For purposes of this section, "private agency" means any agency that is not identified as a lead agency under section 256B.0911, subdivision 1a, paragraph (e).

(d) For persons who need a positive support transition plan as required in chapter 245D, the case manager shall participate in the development and ongoing evaluation of the plan with the expanded support team. At least quarterly, the case manager, in consultation with the expanded support team, shall evaluate the effectiveness of the plan based on progress evaluation data submitted by the licensed provider to the case manager. The evaluation must identify whether the plan has been developed and implemented in a manner to achieve the following within the required timelines:

(1) phasing out the use of prohibited procedures;

(2) acquisition of skills needed to eliminate the prohibited procedures within the plan's timeline; and

(3) accomplishment of identified outcomes.

If adequate progress is not being made, the case manager shall consult with the person's expanded support team to identify needed modifications and whether additional professional support is required to provide consultation.

Sec. 17. Minnesota Statutes 2017 Supplement, section 256B.4914, subdivision 3, is amended to read:

Subd. 3. **Applicable services.** Applicable services are those authorized under the state's home and community-based services waivers under sections 256B.092 and 256B.49, including the following, as defined in the federally approved home and community-based services plan:

(1) 24-hour customized living;

(2) adult day care;

(3) adult day care bath;

- ~~(4) behavioral programming;~~
- ~~(5) (4) companion services;~~
- ~~(6) (5) customized living;~~
- ~~(7) (6) day training and habilitation;~~
- (7) employment development services;
- (8) employment exploration services;
- (9) employment support services;
- ~~(8) (10) housing access coordination;~~
- ~~(9) (11) independent living skills;~~
- (12) independent living skills specialist services;
- (13) individualized home supports;
- ~~(10) (14) in-home family support;~~
- ~~(11) (15) night supervision;~~
- ~~(12) (16) personal support;~~
- (17) positive support service;
- ~~(13) (18) prevocational services;~~
- ~~(14) (19) residential care services;~~
- ~~(15) (20) residential support services;~~
- ~~(16) (21) respite services;~~
- ~~(17) (22) structured day services;~~
- ~~(18) (23) supported employment services;~~
- ~~(19) (24) supported living services;~~
- ~~(20) (25) transportation services;~~
- ~~(21) individualized home supports;~~
- ~~(22) independent living skills specialist services;~~
- ~~(23) employment exploration services;~~

~~(24) employment development services;~~

~~(25) employment support services; and~~

(26) other services as approved by the federal government in the state home and community-based services plan.

Sec. 18. Minnesota Statutes 2017 Supplement, section 256I.03, subdivision 8, is amended to read:

Subd. 8. **Supplementary services.** "Supplementary services" means housing support services provided to individuals in addition to room and board including, but not limited to, oversight and up to 24-hour supervision, medication reminders, assistance with transportation, arranging for meetings and appointments, and arranging for medical and social services. Providers must comply with section 256I.04, subdivision 2h.

Sec. 19. Minnesota Statutes 2017 Supplement, section 256I.04, subdivision 2b, is amended to read:

Subd. 2b. **Housing support agreements.** (a) Agreements between agencies and providers of housing support must be in writing on a form developed and approved by the commissioner and must specify the name and address under which the establishment subject to the agreement does business and under which the establishment, or service provider, if different from the group residential housing establishment, is licensed by the Department of Health or the Department of Human Services; the specific license or registration from the Department of Health or the Department of Human Services held by the provider and the number of beds subject to that license; the address of the location or locations at which group residential housing is provided under this agreement; the per diem and monthly rates that are to be paid from housing support funds for each eligible resident at each location; the number of beds at each location which are subject to the agreement; whether the license holder is a not-for-profit corporation under section 501(c)(3) of the Internal Revenue Code; and a statement that the agreement is subject to the provisions of sections 256I.01 to 256I.06 and subject to any changes to those sections.

(b) Providers are required to verify the following minimum requirements in the agreement:

(1) current license or registration, including authorization if managing or monitoring medications;

(2) all staff who have direct contact with recipients meet the staff qualifications;

(3) the provision of housing support;

(4) the provision of supplementary services, if applicable;

(5) reports of adverse events, including recipient death or serious injury; ~~and~~

(6) submission of residency requirements that could result in recipient eviction; and

(7) confirmation that the provider will not limit or restrict the number of hours an applicant or recipient chooses to be employed, as specified in subdivision 5.

(c) Agreements may be terminated with or without cause by the commissioner, the agency, or the provider with two calendar months prior notice. The commissioner may immediately terminate an agreement under subdivision 2d.

Sec. 20. Minnesota Statutes 2016, section 256I.04, is amended by adding a subdivision to read:

Subd. 2h. **Required supplementary services.** Providers of supplementary services shall ensure that recipients have, at a minimum, assistance with services as identified in the recipient's professional statement of need under section 256I.03, subdivision 12. Providers of supplementary services shall maintain case notes with the date and description of services provided to individual recipients.

Sec. 21. Minnesota Statutes 2016, section 256I.04, is amended by adding a subdivision to read:

Subd. 5. **Employment.** A provider is prohibited from limiting or restricting the number of hours an applicant or recipient is employed.

Sec. 22. **DIRECTION TO COMMISSIONER; BI AND CADI WAIVER CUSTOMIZED LIVING SERVICES PROVIDER LOCATED IN HENNEPIN COUNTY.**

(a) The commissioner of human services shall allow a housing with services establishment located in Minneapolis that provides customized living and 24-hour customized living services for clients enrolled in the brain injury (BI) or community access for disability inclusion (CADI) waiver and had a capacity to serve 66 clients as of July 1, 2017, to transfer service capacity of up to 66 clients to no more than three new housing with services establishments located in Hennepin County.

(b) Notwithstanding Minnesota Statutes, section 256B.492, the commissioner shall determine whether the new housing with services establishments described under paragraph (a) meet the BI and CADI waiver customized living and 24-hour customized living size limitation exception for clients receiving those services at the new housing with services establishments described under paragraph (a).

Sec. 23. **DIRECTION TO THE COMMISSIONER.**

(a) The commissioner of human services must ensure that the MnCHOICES 2.0 assessment and support planning tool incorporates a qualitative approach with open-ended questions and a conversational, culturally sensitive, approach to interviewing that captures the assessor's professional judgment based on the person's responses.

(b) If the commissioner of human services convenes a working group or consults with stakeholders for the purposes of modifying the assessment and support planning process or tool, the commissioner must include members of the disability community, including representatives of organizations and individuals involved in assessment and support planning."

Delete the title and insert:

"A bill for an act relating to human services; modifying adult foster care and community residential setting license capacity; modifying home and community-based services plan review and evaluation and intervention services; modifying requirements and timelines for completing community support plans and coordinated service and support plans; modifying housing support;

directing the commissioner of human services to allow brain injury and community access for disability inclusion waivers customized living services provider to transfer capacity to up to three other housing with services settings located in Hennepin County; requiring a report; amending Minnesota Statutes 2016, sections 245D.071, subdivision 5; 245D.091, subdivisions 2, 3, 4; 256B.0659, subdivision 3a; 256B.0915, subdivision 6; 256B.092, subdivisions 1b, 1g; 256I.04, by adding subdivisions; Minnesota Statutes 2017 Supplement, sections 245A.03, subdivision 7; 245A.11, subdivision 2a; 245D.03, subdivision 1; 256B.0911, subdivisions 1a, 3a, 3f, 5; 256B.49, subdivision 13; 256B.4914, subdivision 3; 256I.03, subdivision 8; 256I.04, subdivision 2b."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 2836: A bill for an act relating to health care; prohibiting a health plan company from contractually preventing a pharmacist from informing a patient of a price differential; amending Minnesota Statutes 2016, section 151.214, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 151.214, is amended to read:

151.214 PAYMENT DISCLOSURE.

Subdivision 1. **Explanation of pharmacy benefits.** A pharmacist licensed under this chapter must provide to a patient, for each prescription dispensed where part or all of the cost of the prescription is being paid or reimbursed by an employer-sponsored plan or health plan company, or its contracted pharmacy benefit manager, the patient's co-payment amount ~~and~~ the pharmacy's own usual and customary price of the prescription ~~or, and the net amount the pharmacy will be paid for the prescription drug receive from all sources for dispensing the prescription drug, once the claim has been completed~~ by the patient's employer-sponsored plan or health plan company, or its contracted pharmacy benefit manager.

Subd. 2. **No prohibition on disclosure.** No contracting agreement between an employer-sponsored health plan or health plan company, or its contracted pharmacy benefit manager, and a resident or nonresident pharmacy ~~registered~~ licensed under this chapter, may prohibit ~~the~~

(1) a pharmacy from disclosing to patients information a pharmacy is required or given the option to provide under subdivision 1; or

(2) a pharmacist from informing a patient when the amount the patient is required to pay under the patient's health plan for a particular drug is greater than the amount the patient would be required to pay for the same drug if purchased out-of-pocket at the pharmacy's usual and customary price.

Sec. 2. Minnesota Statutes 2016, section 151.71, is amended by adding a subdivision to read:

Subd. 3. Synchronization of refills. (a) For purposes of this subdivision, "synchronization" means the coordination of prescription drug refills for a patient taking two or more medications for one or more chronic conditions, to allow the patient's medications to be refilled on the same schedule for a given period of time.

(b) A contract between a pharmacy benefit manager and a pharmacy must allow for synchronization of prescription drug refills for a patient on at least one occasion per year, if the following criteria are met:

(1) the prescription drugs are covered under the patient's health plan or have been approved by a formulary exceptions process;

(2) the prescription drugs are maintenance medications as defined by the health plan and have one or more refills available at the time of synchronization;

(3) the prescription drugs are not Schedule II, III, or IV controlled substances;

(4) the patient meets all utilization management criteria relevant to the prescription drug at the time of synchronization;

(5) the prescription drugs are of a formulation that can be safely split into short-fill periods to achieve synchronization; and

(6) the prescription drugs do not have special handling or sourcing needs that require a single, designated pharmacy to fill or refill the prescription.

(c) When necessary to permit synchronization, the pharmacy benefit manager shall apply a prorated, daily patient cost-sharing rate to any prescription drug dispensed by a pharmacy under this subdivision. The dispensing fee shall not be prorated, and all dispensing fees shall be based on the number of prescriptions filled or refilled."

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred

S.F. No. 3745: A bill for an act relating to health; authorizing the x-ray practice of cardiovascular technologists who meet certain education requirements; amending Minnesota Statutes 2016, section 144.121, subdivision 5a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Benson from the Committee on Health and Human Services Finance and Policy,
to which was re-referred**

S.F. No. 3480: A bill for an act relating to health care; adding provisions to the price disclosure requirements for providers and health plan companies; amending Minnesota Statutes 2016, section 62J.81.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 31, insert:

"Sec. 2. [62J.812] PRIMARY CARE PRICE TRANSPARENCY.

(a) Each provider shall maintain a list of the services over \$25 that correspond with the provider's 25 most frequently billed current procedural terminology (CPT) codes, including the provider's ten most commonly billed evaluation and management codes, and of the ten most frequently billed CPT codes for preventive services. If the provider is associated with a health care system, the health care system may develop the list of services required under this paragraph for the providers within the health care system.

(b) For each service listed in paragraph (a), the provider shall disclose the provider's charge, the average reimbursement rate received for the service from the provider's health plan payers in the commercial insurance market, and, if applicable, the Medicare allowable payment rate and the medical assistance fee-for-service payment rate. For purposes of this paragraph, "provider's charge" means the dollar amount the provider charges to a patient who has received the service and who is not covered by private or public health care coverage.

(c) The list described in this subdivision must be updated annually and must be posted in the provider's reception area of the clinic or office and made available on the provider's Web site, if the provider maintains a Web site.

(d) For purposes of this subdivision, "provider" means a primary care provider or clinic that specializes in family medicine, general internal medicine, gynecology, or general pediatrics.

EFFECTIVE DATE. This section is effective July 1, 2019."

Amend the title numbers accordingly

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Benson from the Committee on Health and Human Services Finance and Policy,
to which was referred**

S.F. No. 3611: A bill for an act relating to human services; requiring commissioner of human services to seek a federal waiver to establish a work and community engagement requirement for certain medical assistance enrollees.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 22, after "if" insert "a county human services agency, in accordance with criteria established by the commissioner, determines that"

Page 3, line 7, after "Program" insert "or the Supplemental Nutrition Assistance Program"

Page 3, delete line 8 and insert:

"(10) receiving treatment for a substance abuse disorder in a residential or inpatient setting, or receiving treatment for a substance use disorder for at least ten hours per week in an outpatient setting.

(d) The commissioner shall develop standard exemption forms that health care professionals must complete, in order for a person to apply for an exemption from the work and community engagement requirement on the basis of being medically frail or physically or mentally unfit for employment. A person seeking these exemptions must submit a completed form to the county human services agency.

(e) Enrollees who are exempt from the work and community engagement requirement due to receiving an exemption under this subdivision shall report any changes related to their exemption status within ten days of the change to the county human services agency. The agency must redetermine eligibility for the exemption when a change in exemption status is reported, and at the time of the enrollee's annual renewal."

Page 3, delete subdivision 3 and insert:

"Subd. 3. **Work and community engagement activities.** (a) The commissioner shall require qualified individuals to meet the work and community engagement requirement, beginning three months after medical assistance eligibility is approved. The commissioner may provide one or more 30-day extensions from the requirement that an individual must meet the work and community engagement requirement beginning three months after medical assistance eligibility is approved, if the commissioner determines that the individual is making a good faith effort to establish an exemption. The commissioner shall consider a qualified individual as having satisfied the work and community engagement requirement if the qualified individual meets the requirement in paragraph (b) and engages in any one, or a combination of, the following activities for at least 80 hours per month:

(1) is employed, engaged in community or public service, or a combination of these activities;

(2) is actively seeking employment; engaged in career planning, job training, referral, or job support services; or a combination of these activities; or

(3) participates in a workfare program if assigned by a state agency.

(b) To satisfy the work and community engagement requirement, a qualified individual must also accept any bona fide offer of suitable employment.

(c) The commissioner shall establish criteria to determine whether a qualified individual is in compliance with the requirements of paragraphs (a) and (b), and shall require qualified individuals

to verify to the commissioner, on a monthly basis, compliance with the requirements of paragraphs (a) and (b)."

Page 4, line 25, delete "30-day period." and insert "calendar month. Medical assistance benefits shall be reinstated the first day of the month following the month for which the individual has satisfied the work and community engagement requirement."

Page 4, line 27, delete everything after "effective" and insert "January 1, 2020, or upon federal approval of the waiver requested under subdivision 1, whichever is later."

Page 4, line 28, delete "subdivision 1."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 3310: A bill for an act relating to human services; modifying provisions relating to child care licensing; amending Minnesota Statutes 2016, sections 245A.14, by adding a subdivision; 245A.1435; 245A.152; 245A.16, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 245A.04, subdivision 9, is amended to read:

Subd. 9. **Variiances.** (a) The commissioner may grant variances to rules that do not affect the health or safety of persons in a licensed program if the following conditions are met:

(1) the variance must be requested by an applicant or license holder on a form and in a manner prescribed by the commissioner;

(2) the request for a variance must include the reasons that the applicant or license holder cannot comply with a requirement as stated in the rule and the alternative equivalent measures that the applicant or license holder will follow to comply with the intent of the rule; and

(3) the request must state the period of time for which the variance is requested.

The commissioner may grant a permanent variance when conditions under which the variance is requested do not affect the health or safety of persons being served by the licensed program, nor compromise the qualifications of staff to provide services. The permanent variance shall expire as soon as the conditions that warranted the variance are modified in any way. Any applicant or license holder must inform the commissioner of any changes or modifications that have occurred in the conditions that warranted the permanent variance. Failure to advise the commissioner shall result in revocation of the permanent variance and may be cause for other sanctions under sections 245A.06 and 245A.07.

The commissioner's decision to grant or deny a variance request is final and not subject to appeal under the provisions of chapter 14.

(b) The commissioner shall consider variances for child care center staff qualification requirements under Minnesota Rules, parts 9503.0032 and 9503.0033, that do not affect the health and safety of children served by the center. A variance request must be submitted to the commissioner in accordance with paragraph (a) and must include a plan for the staff person to gain additional experience, education, or training, as requested by the commissioner. When reviewing a variance request under this section, the commissioner shall consider the staff person's level of professional development, including but not limited to steps completed on the Minnesota career lattice.

Sec. 2. Minnesota Statutes 2016, section 245A.14, is amended by adding a subdivision to read:

Subd. 4a. **Specialized infant and toddler family child care.** A group family day care program licensed as a class D specialized infant and toddler group family day care under Minnesota Rules, part 9502.0367, may operate as a class B specialized infant and toddler family day care program on days when only one caregiver is present.

Sec. 3. Minnesota Statutes 2016, section 245A.152, is amended to read:

245A.152 CHILD CARE LICENSE HOLDER INSURANCE.

(a) A license holder must provide a written notice to all parents or guardians of all children to be accepted for care prior to admission stating whether the license holder has liability insurance. This notice may be incorporated into and provided on the admission form used by the license holder.

(b) If the license holder has liability insurance:

(1) the license holder shall inform parents in writing that a current certificate of coverage for insurance is available for inspection to all parents or guardians of children receiving services and to all parents seeking services from the family child care program;

(2) the notice must provide the parent or guardian with the date of expiration or next renewal of the policy; and

(3) upon the expiration ~~date~~ of the policy or a change in coverage, the license holder must provide a new written notice informing all parents or guardians of children receiving services of the change and indicating whether the insurance policy has lapsed or whether the license holder has renewed the policy.

~~If the policy was renewed, the license holder must provide the new expiration date of the policy in writing to the parents or guardians.~~

If a license holder has a continuous insurance policy that renews each year, the license holder may indicate the policy's renewal date in the initial written notice to parents and guardians. This initial written notice shall remain valid and no further notices are required until the insurance coverage changes or the policy lapses.

(c) If the license holder does not have liability insurance, the license holder must provide an annual notice, on a form developed and made available by the commissioner, to the parents or guardians of children in care indicating that the license holder does not carry liability insurance.

(d) The license holder must notify all parents and guardians in writing immediately of any change in insurance status.

(e) The license holder must make available upon request the certificate of liability insurance to the parents of children in care, to the commissioner, and to county licensing agents.

(f) The license holder must document, with the signature of the parent or guardian, that the parent or guardian received the notices required by this section.

Sec. 4. Minnesota Statutes 2016, section 245A.16, subdivision 2, is amended to read:

Subd. 2. **Investigations.** (a) The county or private agency shall conduct timely investigations of allegations of maltreatment of children or adults in programs for which the county or private agency is the commissioner's designated representative and record a disposition of each complaint in accordance with applicable law or rule. The county or private agency shall conduct similar investigations of allegations of violations of rules governing licensure of the program.

(b) If an investigation conducted under paragraph (a) results in evidence that the commissioner should deny an application or suspend, revoke, or make conditional a license, the county or private agency shall make that recommendation to the commissioner within ten working days. If the commissioner's determination differs from the county's recommendation, the commissioner must, on the notice of the determination, provide the applicant or license holder with the reasons for the deviation, with specificity and in clear and plain language.

(c) If an investigation conducted under paragraph (a) does not result in evidence that the commissioner should deny an application or suspend, revoke, or make a conditional license, and the commissioner's determination differs from the county's determination, the commissioner must, on the notice of the determination, provide the applicant or license holder with the reasons for the deviation, with specificity and in clear and plain language.

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

Sec. 5. **DIRECTION TO COMMISSIONER; CHILD CARE LICENSING REFORM.**

(a) By December 31, 2018, the commissioner shall:

(1) make enhancements to the department's licensing information lookup Web site that comply with federal requirements to make program-specific monitoring results available, including the date of inspections, any violations noted, and how the violation was addressed by the provider;

(2) provide each license holder with a printed copy of the posting guidelines for child care licensing information; and

(3) convene regional meetings with license holders and county licensing agencies to review the posting guidelines and the enhancements made to the department's licensing Web site and obtain

feedback and recommendations for future enhancements to ensure accuracy and transparency for license holders and families using or seeking licensed child care.

(b) In the 2019 report to the legislature on the status of child care required under Minnesota Statutes, section 245A.153, the commissioner shall include the following:

(1) a description of the federal and state requirements and any guidelines established for the posting of child care licensing information and monitoring results;

(2) a summary of how the department is engaging licensed child care providers, county licensing agencies, and families seeking or using child care services to obtain feedback about the posting guidelines on the department's Web site;

(3) a summary of the administrative reform and actions identified by licensed child care providers through stakeholder meetings that could be implemented without statutory changes that would reduce the regulatory and administrative burden to license holders;

(4) a description of administrative reforms and actions the department has taken in the prior year or is in the process of implementing; and

(5) an evaluation of existing laws, models, and initiatives from other states that have implemented child care licensing reforms to reduce barriers and unnecessary administrative burdens for child care providers."

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 2902: A bill for an act relating to human services; modifying child foster care training requirements; amending Minnesota Statutes 2016, section 245A.175.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, before "The" insert "Except for providers and services under chapter 245D,"

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 2016, section 256M.41, subdivision 3, is amended to read:

Subd. 3. **Payments based on performance.** ~~(a)~~ The commissioner shall make payments under this section to each county ~~board on a calendar year basis in an amount determined under paragraph (b)~~ on or before July 10 of each year.

~~(b) Calendar year allocations under subdivision 1 shall be paid to counties in the following manner:~~

~~(1) 80 percent of the allocation as determined in subdivision 1 must be paid to counties on or before July 10 of each year;~~

~~(2) ten percent of the allocation shall be withheld until the commissioner determines if the county has met the performance outcome threshold of 90 percent based on face-to-face contact with alleged child victims. In order to receive the performance allocation, the county child protection workers must have a timely face-to-face contact with at least 90 percent of all alleged child victims of screened-in maltreatment reports. The standard requires that each initial face-to-face contact occur consistent with timelines defined in section 626.556, subdivision 10, paragraph (i). The commissioner shall make threshold determinations in January of each year and payments to counties meeting the performance outcome threshold shall occur in February of each year. Any withheld funds from this appropriation for counties that do not meet this requirement shall be reallocated by the commissioner to those counties meeting the requirement; and~~

~~(3) ten percent of the allocation shall be withheld until the commissioner determines that the county has met the performance outcome threshold of 90 percent based on face-to-face visits by the case manager. In order to receive the performance allocation, the total number of visits made by caseworkers on a monthly basis to children in foster care and children receiving child protection services while residing in their home must be at least 90 percent of the total number of such visits that would occur if every child were visited once per month. The commissioner shall make such determinations in January of each year and payments to counties meeting the performance outcome threshold shall occur in February of each year. Any withheld funds from this appropriation for counties that do not meet this requirement shall be reallocated by the commissioner to those counties meeting the requirement. For 2015, the commissioner shall only apply the standard for monthly foster care visits.~~

~~(e) The commissioner shall work with stakeholders and the Human Services Performance Council under section 402A.16 to develop recommendations for specific outcome measures that counties should meet in order to receive funds withheld under paragraph (b), and include in those recommendations a determination as to whether the performance measures under paragraph (b) should be modified or phased out. The commissioner shall report the recommendations to the legislative committees having jurisdiction over child protection issues by January 1, 2018.~~

Sec. 3. Minnesota Statutes 2016, section 256M.41, is amended by adding a subdivision to read:

Subd. 4. County performance on child protection measures. The commissioner shall set child protection measures and standards. The commissioner shall require an underperforming county to demonstrate that the county designated sufficient funds and implemented a reasonable strategy to improve child protection performance, including the provision of a performance improvement plan and additional remedies identified by the commissioner. The commissioner may redirect up to 20 percent of a county's funds under this section toward the performance improvement plan for a county not meeting child protection standards and not demonstrating significant improvement. Sanctions under section 256M.20, subdivision 3, related to noncompliance with federal performance standards also apply.

Sec. 4. Minnesota Statutes 2016, section 256N.24, is amended by adding a subdivision to read:

Subd. 2a. Minnesota assessment of parenting for children and youth (MAPCY) revision. The commissioner, in consultation with representatives from communities of color, including but not limited to advisory councils and ombudspersons, shall review and revise the MAPCY tool and incorporate changes that take into consideration different cultures and the diverse needs of communities of color.

Sec. 5. [260C.008] FOSTER CARE SIBLING BILL OF RIGHTS.

Subdivision 1. Statement of rights. (a) A child placed in foster care who has a sibling has the right to:

(1) be placed in foster care homes with the child's siblings, when possible and when it is in the best interest of each sibling, in order to sustain family relationships;

(2) be placed in close geographical distance to the child's siblings, if placement together is not possible, to facilitate frequent and meaningful contact;

(3) have frequent contact with the child's siblings in foster care and, whenever possible, with the child's siblings who are not in foster care, unless the responsible social services agency has documented that contact is not in the best interest of any sibling. Contact includes, but is not limited to, telephone calls, text messaging, social media and other Internet use, and video calls;

(4) annually receive a telephone number, address, and e-mail address for all siblings in foster care, and receive updated photographs of siblings regularly, by regular mail or e-mail;

(5) participate in regular face-to-face visits with the child's siblings in foster care and, whenever possible, with the child's siblings who are not in foster care. Participation in these visits shall not be withheld or restricted as a consequence for behavior, and shall only be restricted if the responsible social services agency documents that the visits are contrary to the safety or well-being of any sibling. Social workers, parents, foster care providers, and older children must cooperate to ensure regular visits and must coordinate dates, times, transportation, and other accommodations as necessary. The timing and regularity of visits shall be outlined in each sibling's service plan, based on the individual circumstances and needs of each child. A social worker need not give explicit permission for each visit or possible overnight visit, but foster care providers shall communicate with social workers about these visits;

(6) be actively involved in each other's lives and share celebrations, if they choose to do so, including but not limited to birthdays, holidays, graduations, school and extracurricular activities, cultural customs in the siblings' native language, and other milestones;

(7) be promptly informed about changes in sibling placements or circumstances, including but not limited to new placements, discharge from placements, significant life events, and discharge from foster care;

(8) be included in permanency planning decisions for siblings, if appropriate; and

(9) be informed of the expectations for and possibility of continued contact with a sibling after an adoption or transfer of permanent physical and legal custody to a relative.

(b) Adult siblings of children in foster care shall have the right to be considered as foster care providers, adoptive parents, and relative custodians for their siblings, if they choose to do so.

Subd. 2. **Interpretation.** The rights under this section are established for the benefit of siblings in foster care. This statement of rights does not replace or diminish other rights, liberties, and responsibilities that may exist relative to children in foster care, adult siblings of children in foster care, foster care providers, parents, relatives, or responsible social services agencies.

Subd. 3. **Disclosure.** Child welfare agency staff shall provide a copy of these rights to a child who has a sibling at the time the child enters foster care, to any adult siblings of a child entering foster care, if known, and to the foster care provider, in a format specified by the commissioner of human services. The copy shall contain the address and telephone number of the Office of Ombudsman for Families and a brief statement describing how to file a complaint with the office.

EFFECTIVE DATE. This section is effective for children entering foster care on or after August 1, 2018. Subdivision 3 is effective August 1, 2018, and applies to all children in foster care on that date, regardless of when the child entered foster care.

Sec. 6. **AFRICAN AMERICAN CHILD WELFARE WORK GROUP.**

The commissioner of human services shall form an African American child welfare work group within the implementation work group for the Governor's Child Protection Task Force to help formulate policies and procedures relating to African American child welfare services and to ensure that African American families are provided with all possible services and opportunities to care for their children in their homes. The work group shall include child welfare policy and social work professionals and paraprofessionals, community members, community leaders, and parents representing all regions of the state. By February 1, 2019, the work group shall report its findings and recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection issues."

Amend the title as follows:

Page 1, line 2, after "requirements" insert "; establishing foster care bill of rights; modifying the child protection grant allocation formula; requiring a report"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 2826: A bill for an act relating to health; modifying the regulation of home care providers; amending Minnesota Statutes 2016, sections 144A.43, subdivisions 11, 27, 30, by adding a subdivision; 144A.472, subdivision 5; 144A.473; 144A.474, subdivision 2; 144A.475, subdivisions 1, 2; 144A.476, subdivision 1; 144A.479, subdivision 7; 144A.4791, subdivisions 1, 3, 6, 7, 8, 9; 144A.4792, subdivisions 1, 2, 5, 10; 144A.4793, subdivision 6; 144A.4797, subdivision 3; 144A.4798; 144A.4799, subdivision 1; 144A.484, subdivision 1; Minnesota Statutes 2017 Supplement, sections

144A.472, subdivision 7; 144A.4796, subdivision 2; 144A.4799, subdivision 3; repealing Minnesota Statutes 2016, sections 144A.45, subdivision 6; 144A.481.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 9, reinstate the stricken "one year" and delete "six months"

Page 6, line 13, after the first "licensee" insert "within 90 calendar days"

Page 8, line 1, reinstate the stricken "14"

Page 8, line 2, delete "eight"

Page 11, line 8, delete "section" and insert "subdivision"

Page 11, after line 9, insert:

"Sec. 11. Minnesota Statutes 2016, section 144A.475, subdivision 5, is amended to read:

Subd. 5. **Plan required.** (a) The process of suspending or revoking a license must include a plan for transferring affected clients to other providers by the home care provider, which will be monitored by the commissioner. Within three business days of being notified of the final revocation or suspension action, the home care provider shall provide the commissioner, the lead agencies as defined in section 256B.0911, and the ombudsman for long-term care with the following information:

- (1) a list of all clients, including full names and all contact information on file;
- (2) a list of each client's representative or emergency contact person, including full names and all contact information on file;
- (3) the location or current residence of each client;
- (4) the payor sources for each client, including payor source identification numbers; and
- (5) for each client, a copy of the client's service plan, and a list of the types of services being provided.

(b) The revocation or suspension notification requirement is satisfied by mailing the notice to the address in the license record. The home care provider shall cooperate with the commissioner and the lead agencies during the process of transferring care of clients to qualified providers. Within three business days of being notified of the final revocation or suspension action, the home care provider must notify and disclose to each of the home care provider's clients, or the client's representative or emergency contact persons, that the commissioner is taking action against the home care provider's license by providing a copy of the revocation or suspension notice issued by the commissioner.

(c) A home care provider subject to this section may continue operating during the period of time home care clients are being transferred to other providers."

Page 15, line 25, strike everything after "(4)"

Page 15, line 26, strike the old language and delete the new language and insert "the schedule and methods of monitoring staff providing home care services; and"

Page 15, delete lines 27 to 30

Page 16, delete lines 1 to 5

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2977, 3463, 3001, 3441, 3512, 3021, 3143, 3793, 1961, 3086, 2483, 2836, 3745, 3310 and 2902 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Miller introduced--

S.F. No. 3885: A bill for an act relating to capital investment; appropriating money to correct safety, energy, and operational efficiency problems at the Department of Agriculture/Department of Health Laboratory Building; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Dziejdzic introduced--

S.F. No. 3886: A bill for an act relating to taxation; sales and use; expanding the exemption for firefighting equipment; amending Minnesota Statutes 2016, section 297A.70, subdivision 3.

Referred to the Committee on Taxes.

Senator Pappas introduced--

S.F. No. 3887: A bill for an act relating to capital investment; appropriating money for the Saint Paul College academic excellence renovation and renewal project design; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Pappas introduced--

S.F. No. 3888: A bill for an act relating to capital investment; appropriating money for asset preservation at Saint Paul College; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Wiklund introduced--

S.F. No. 3889: A bill for an act relating to human services; modifying requirements for information for child care license holders; appropriating money; amending Minnesota Statutes 2017 Supplement, section 245A.1434.

Referred to the Committee on Human Services Reform Finance and Policy.

Senator Relph introduced--

S.F. No. 3890: A bill for an act relating to economic development; appropriating money for the dislocated worker program.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senator Latz introduced--

S.F. No. 3891: A bill for an act relating to judiciary finance; appropriating money to the Guardian Ad Litem Board.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senator Draheim introduced--

S.F. No. 3892: A bill for an act relating to broadband; making certain satellite broadband providers eligible for grants; amending Minnesota Statutes 2016, sections 116J.394; 116J.395, subdivisions 2, 5, 7.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senators Weber and Ingebrigtsen introduced--

S.F. No. 3893: A bill for an act relating to waters; modifying appropriation for certain watershed restoration; amending Laws 2016, chapter 189, article 3, section 4.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Eken introduced--

S.F. No. 3894: A bill for an act relating to public safety; appropriating money for emergency management readiness grants for local planning and preparedness efforts; providing for a report.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senator Wiklund introduced--

S.F. No. 3895: A bill for an act relating to human services; establishing an ombudsperson for family child care; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Human Services Reform Finance and Policy.

Senators Eaton, Clausen, Carlson, and Tomassoni introduced--

S.F. No. 3896: A bill for an act relating to education finance; increasing funding and modifying provisions for gifted and talented programs; amending Minnesota Statutes 2016, sections 120B.11, subdivision 5; 120B.15; 120B.20; 126C.10, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on E-12 Policy.

Senators Lourey, Rosen, Abeler, Klein, and Hayden introduced--

S.F. No. 3897: A bill for an act relating to health care; requiring a health plan company to make available a fee schedule; amending Minnesota Statutes 2016, section 62Q.735, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Senator Benson introduced--

S.F. No. 3898: A bill for an act relating to capital improvements; modifying a prior appropriation for local road improvements in Anoka County; amending Laws 2017, First Special Session chapter 8, article 1, section 15, subdivision 3.

Referred to the Committee on Capital Investment.

Senator Newman introduced--

S.F. No. 3899: A bill for an act relating to arts and cultural heritage; appropriating money for Litchfield Opera House.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Newman introduced--

S.F. No. 3900: A bill for an act relating to arts and cultural heritage; appropriating money for Grove City Mill.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senator Gazelka introduced--

S.F. No. 3901: A bill for an act relating to capital investment; appropriating money for expansion of Highway 10 in the city of Wadena; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Mathews introduced--

S.F. No. 3902: A bill for an act relating to energy; eliminating the requirement that the Public Utilities Commission establish a range of environmental costs for use in utility planning; amending Minnesota Statutes 2016, section 216B.243, subdivisions 3, 3a; repealing Minnesota Statutes 2016, section 216B.2422, subdivision 3.

Referred to the Committee on Energy and Utilities Finance and Policy.

Senators Hawj, Tomassoni, Ingebrigtsen, and Bigham introduced--

S.F. No. 3903: A bill for an act relating to natural resources; appropriating money to enhance efforts to ensure that staff of the Department of Natural Resources includes members of communities traditionally underrepresented on the agency's staff.

Referred to the Committee on Environment and Natural Resources Finance.

Senators Abeler, Eichorn, and Wiger introduced--

S.F. No. 3904: A bill for an act relating to education finance; appropriating money for a study comparing financing of charter schools and school districts; requiring a report.

Referred to the Committee on E-12 Finance.

Senator Pappas introduced--

S.F. No. 3905: A bill for an act relating to public safety; enhancing the penalty for patrons of sex trafficking victims; amending Minnesota Statutes 2016, section 609.324, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senator Pappas introduced--

S.F. No. 3906: A bill for an act relating to taxation; property; reattaching land constituting an intermediate airport to the city and school district; amending Minnesota Statutes 2016, sections 473.625; 473F.02, subdivision 2.

Referred to the Committee on Taxes.

Senators Rosen and Weber introduced--

S.F. No. 3907: A bill for an act relating to capital investment; appropriating money for utility reconstruction along County State-Aid Highway 14 in Jackson; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Osmek introduced--

S.F. No. 3908: A bill for an act relating to capital investment; establishing certain prerequisites for the Metropolitan Council and political subdivisions related to application for federal funds for transit capital projects; amending Minnesota Statutes 2017 Supplement, section 473.4485, subdivision 1a, by adding a subdivision.

Referred to the Committee on Capital Investment.

Senators Kent, Bigham, and Wiger introduced--

S.F. No. 3909: A bill for an act relating to transportation; appropriating money for Interstate Highways 94, 494, and 694 interchange project.

Referred to the Committee on Transportation Finance and Policy.

Senators Senjem, Draheim, Eken, Simonson, and Limmer introduced--

S.F. No. 3910: A bill for an act relating to labor and industry; prohibiting mandatory fire sprinkler installation; amending Minnesota Statutes 2016, sections 299F.011, by adding a subdivision; 326B.809.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senator Dzedzic introduced--

S.F. No. 3911: A bill for an act relating to education; requiring affirmative consent instruction; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on E-12 Policy.

Senators Anderson, B. and Dzedzic introduced--

S.F. No. 3912: A bill for an act relating to taxation; sales and use; exempting additional purchases made by public and private health plans; amending Minnesota Statutes 2016, section 297A.67, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Senjem and Pappas introduced--

S.F. No. 3913: A bill for an act relating to capital investment; appropriating money to the commissioner of health for a grant to a nonprofit dental clinic serving the southeastern area of the state.

Referred to the Committee on Capital Investment.

Senator Clausen introduced--

S.F. No. 3914: A bill for an act relating to education; defining cultural competency training for teacher licensure; amending Minnesota Statutes 2016, section 122A.06, by adding a subdivision; Minnesota Statutes 2017 Supplement, sections 122A.181, subdivision 3; 122A.182, subdivisions 3, 7; 122A.187, subdivision 3.

Referred to the Committee on E-12 Policy.

Senator Abeler introduced--

S.F. No. 3915: A bill for an act relating to human services; modifying child care provisions related to families experiencing homelessness; amending Minnesota Statutes 2016, sections 119B.011, by adding a subdivision; 119B.03, subdivision 9; Minnesota Statutes 2017 Supplement, sections 119B.011, subdivision 20; 119B.025, subdivision 1; 119B.095, by adding a subdivision; 119B.13, subdivision 1.

Referred to the Committee on Human Services Reform Finance and Policy.

Senator Abeler introduced--

S.F. No. 3916: A bill for an act relating to human services; modifying electronic visit verification; amending Laws 2017, First Special Session chapter 6, article 3, section 49; repealing Minnesota Statutes 2016, section 256B.0705.

Referred to the Committee on Health and Human Services Finance and Policy.

Senator Rosen introduced--

S.F. No. 3917: A bill for an act relating to state finances; eliminating an obsolete transfer and expiration clause; amending Minnesota Statutes 2017 Supplement, section 16A.152, subdivision 2.

Referred to the Committee on Finance.

Senator Rosen introduced--

S.F. No. 3918: A bill for an act relating to state finances; increasing the budget reserve cap for purposes of allocating additional general fund revenue; eliminating an obsolete transfer and expiration clause; amending Minnesota Statutes 2017 Supplement, section 16A.152, subdivision 2.

Referred to the Committee on Finance.

Senator Westrom introduced--

S.F. No. 3919: A bill for an act relating to telecommunications; appropriating money for the broadband grant program.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

Senators Anderson, B.; Johnson, and Eichorn introduced--

S.F. No. 3920: A joint resolution applying to Congress to call a constitutional convention to propose an amendment to the Constitution of the United States to provide that every law enacted by Congress shall embrace only one subject, which shall be clearly expressed in its title.

Referred to the Committee on State Government Finance and Policy and Elections.

Senators Abeler and Hayden introduced--

S.F. No. 3921: A bill for an act relating to health occupations; increasing certain Board of Social Work fees; amending Minnesota Statutes 2016, section 148E.180.

Referred to the Committee on Human Services Reform Finance and Policy.

Senators Abeler and Hayden introduced--

S.F. No. 3922: A bill for an act relating to health occupations; modifying and establishing new Board of Optometry fees; amending Minnesota Statutes 2016, section 148.59.

Referred to the Committee on Health and Human Services Finance and Policy.

MOTIONS AND RESOLUTIONS

Senator Housley moved that the name of Senator Bigham be added as a co-author to S.F. No. 2179. The motion prevailed.

Senator Franzen moved that the name of Senator Pratt be added as a co-author to S.F. No. 2399. The motion prevailed.

Senator Limmer moved that the name of Senator Hall be added as a co-author to S.F. No. 2525. The motion prevailed.

Senator Pratt moved that the name of Senator Hall be added as a co-author to S.F. No. 2582. The motion prevailed.

Senator Hawj moved that the name of Senator Abeler be added as a co-author to S.F. No. 2631. The motion prevailed.

Senator Marty moved that the name of Senator Hall be added as a co-author to S.F. No. 2750. The motion prevailed.

Senator Latz moved that the name of Senator Hall be added as a co-author to S.F. No. 2778. The motion prevailed.

Senator Dziejdzic moved that the name of Senator Pappas be added as a co-author to S.F. No. 2949. The motion prevailed.

Senator Utke moved that the names of Senators Hoffman and Weber be added as co-authors to S.F. No. 3050. The motion prevailed.

Senator Dibble moved that the name of Senator Champion be added as a co-author to S.F. No. 3129. The motion prevailed.

Senator Ruud moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Ingebrigtsen be shown as chief author to S.F. No. 3141. The motion prevailed.

Senator Limmer moved that his name be stricken as a co-author to S.F. No. 3463. The motion prevailed.

Senator Utke moved that the name of Senator Eichorn be added as a co-author to S.F. No. 3463. The motion prevailed.

Senator Anderson, P. moved that the name of Senator Clausen be added as a co-author to S.F. No. 3514. The motion prevailed.

Senator Kent moved that the name of Senator Hoffman be added as a co-author to S.F. No. 3570. The motion prevailed.

Senator Chamberlain moved that the name of Senator Bigham be added as a co-author to S.F. No. 3573. The motion prevailed.

Senator Nelson moved that the name of Senator Anderson, P. be added as a co-author to S.F. No. 3607. The motion prevailed.

Senator Koran moved that the name of Senator Draheim be added as a co-author to S.F. No. 3638. The motion prevailed.

Senator Johnson moved that the name of Senator Westrom be added as a co-author to S.F. No. 3705. The motion prevailed.

Senator Champion moved that the name of Senator Carlson be added as a co-author to S.F. No. 3736. The motion prevailed.

Senator Senjem moved that the name of Senator Cwodzinski be added as a co-author to S.F. No. 3832. The motion prevailed.

Senator Newton moved that the name of Senator Abeler be added as a co-author to S.F. No. 3855. The motion prevailed.

Senator Gazelka moved that S.F. No. 3300 be withdrawn from the Committee on Transportation Finance and Policy and re-referred to the Committee on Finance. The motion prevailed.

Senator Utke moved that S.F. No. 3512, on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources Policy and Legacy Finance. The motion prevailed.

Senator Ruud moved that the appointments withdrawn from the Committee on Environment and Natural Resources Policy and Legacy Finance and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Journal for April 9, 2018, be returned to the committee from which they were withdrawn.

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

Nicole Kessler
Norman Moody

CLEAN WATER COUNCIL

Steven Besser
Pamela Blixt
Sharon Doucette
Robert Hoefert
Douglas Losee
Rylee Main
Victoria A. Reinhardt

The motion prevailed.

Senator Koran introduced --

Senate Resolution No. 196: A Senate resolution congratulating Braham Area Elementary School for being selected as a Minnesota School of Excellence.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senators Champion, Hayden, and Latz were excused from the Session of today.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 12, 2018. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate