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## State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 579

01/31/2019 Authored by Kresha, Pryor, Scott, Jurgens, Haley and others
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act

relating to education finance; authorizing certain school facility safety projects under the long-term facilities maintenance revenue program; expanding the safe schools revenue program; appropriating money; amending Minnesota Statutes 2018, sections 123B.595; 123B.61; 126C.44.

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

Section 1. Minnesota Statutes 2018, section 123B.595, is amended to read:

## 123B.595 LONG-TERM FACILITIES MAINTENANCE REVENUE.

Subdivision 1. Long-term facilities maintenance revenue. (a) For fiscal year 2017 only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$193 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (ii) for a sehool district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.

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(b) For fiscal year 2018 only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$292 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.

(e) (a) For fiscal year 2019 and later, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$380 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.

(d) (b) Notwithstanding paragraphs paragraph (a), (b), and (c), a school district that qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2010 remains eligible for funding under this section as a district that would have qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2017 and later.

Subd. 2. **Long-term facilities maintenance revenue for a charter school.** (a) For fiscal year 2017 only, long-term facilities maintenance revenue for a charter school equals \$34 times the adjusted pupil units.

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(b) For fiscal year 2018 only, long-term facilities maintenance revenue for a charter school equals \$85 times the adjusted pupil units.

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(e) For fiscal year 2019 and later, long-term facilities maintenance revenue for a charter school equals \$132 times the adjusted pupil units.

- Subd. 3. **Intermediate districts and other cooperative units.** Upon approval through the adoption of a resolution by each member district school board of an intermediate district or other cooperative units under section 123A.24, subdivision 2, and the approval of the commissioner of education, a school district may include in its authority under this section a proportionate share of the long-term maintenance costs of the intermediate district or cooperative unit. The cooperative unit may issue bonds to finance the project costs or levy for the costs, using long-term maintenance revenue transferred from member districts to make debt service payments or pay project costs. Authority under this subdivision is in addition to the authority for individual district projects under subdivision 1.
- Subd. 4. **Facilities plans.** (a) To qualify for revenue under this section, a school district or intermediate district, not including a charter school, must have a ten-year facility plan adopted by the school board and approved by the commissioner. The plan must include provisions for implementing a health and safety program that complies with health, safety, and environmental regulations and best practices, including indoor air quality management and remediation of lead hazards. The plan may include provisions for enhancing school safety through physical modifications to school facilities authorized under subdivision 4a.
- (b) The district must annually update the plan, submit the plan to the commissioner for approval by July 31, and indicate whether the district will issue bonds to finance the plan or levy for the costs.
- (c) For school districts issuing bonds to finance the plan, the plan must include a debt service schedule demonstrating that the debt service revenue required to pay the principal and interest on the bonds each year will not exceed the projected long-term facilities revenue for that year.
- Subd. 4a. School safety facility enhancements. A school district may include in its facilities plan a school safety facilities plan. School safety projects may include remodeling or new construction for school security enhancements, public announcement systems, emergency communications devices, or equipment and facility modifications related to violence prevention and facility security.
- Subd. 5. **Bond authorization.** (a) A school district may issue general obligation bonds under this section to finance facilities plans approved by its board and the commissioner.

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Chapter 475, except sections 475.58 and 475.59, must be complied with. The authority to issue bonds under this section is in addition to any bonding authority authorized by this chapter or other law. The amount of bonding authority authorized under this section must be disregarded in calculating the bonding or net debt limits of this chapter, or any other law other than section 475.53, subdivision 4.

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- (b) At least 20 days before the earliest of solicitation of bids, the issuance of bonds, or the final certification of levies under subdivision 6, the district must publish notice of the intended projects, the amount of the bond issue, and the total amount of district indebtedness.
- (c) The portion of revenue under this section for bonded debt must be recognized in the debt service fund.
- Subd. 6. **Levy authorization.** A district may levy for costs related to an approved plan under subdivision 4 as follows:
  - (1) if the district has indicated to the commissioner that bonds will be issued, the district may levy for the principal and interest payments on outstanding bonds issued under subdivision 5 after reduction for any aid receivable under subdivision 9;
  - (2) if the district has indicated to the commissioner that the plan will be funded through levy, the district may levy according to the schedule approved in the plan after reduction for any aid receivable under subdivision 9; or
  - (3) if the debt service revenue for a district required to pay the principal and interest on bonds issued under subdivision 5 exceeds the district's long-term facilities maintenance revenue for the same fiscal year, the district's general fund levy must be reduced by the amount of the excess.
  - Subd. 7. **Long-term facilities maintenance equalization revenue.** (a) For fiscal year 2017 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$193 times the adjusted pupil units or (2) the district's revenue under subdivision 1.
  - (b) For fiscal year 2018 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2) the district's revenue under subdivision 1.
- (e) (a) For fiscal year 2019 and later, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$380 times the adjusted pupil units or (2) the district's revenue under subdivision 1.
- (d) (b) Notwithstanding paragraphs paragraph (a) to (e), a district's long-term facilities maintenance equalization revenue must not be less than the lesser of the district's long-term

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facilities maintenance revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6.

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- Subd. 8. **Long-term facilities maintenance equalized levy.** (a) For fiscal year 2017 and later, A district's long-term facilities maintenance equalized levy equals the district's long-term facilities maintenance equalization revenue minus the greater of:
- (1) the lesser of the district's long-term facilities maintenance equalization revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6; or
- (2) the district's long-term facilities maintenance equalization revenue times the greater of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted pupil unit in the year preceding the year the levy is certified to 123 percent of the state average adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding the year the levy is certified.
- (b) For purposes of this subdivision, "adjusted net tax capacity" means the value described in section 126C.01, subdivision 2, paragraph (b).
  - Subd. 8a. **Long-term facilities maintenance unequalized levy.** For fiscal year 2017 and later, A district's long-term facilities maintenance unequalized levy equals the difference between the district's revenue under subdivision 1 and the district's equalization revenue under subdivision 7.
  - Subd. 9. Long-term facilities maintenance equalized aid. For fiscal year 2017 and later, A district's long-term facilities maintenance equalized aid equals its long-term facilities maintenance equalization revenue minus its long-term facilities maintenance equalized levy times the ratio of the actual equalized amount levied to the permitted equalized levy.
- Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A district may use revenue under this section for any of the following:
- 5.26 (1) deferred capital expenditures and maintenance projects necessary to prevent further erosion of facilities;
- 5.28 (2) increasing accessibility of school facilities;
- 5.29 (3) health and safety capital projects under section 123B.57;
- 5.30 (4) school safety facility enhancements authorized under subdivision 4a; or

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(4) (5) by board resolution, to transfer money from the general fund reserve for long-term 6.1 facilities maintenance to the debt redemption fund to pay the amounts needed to meet, when 6.2 due, principal and interest on general obligation bonds issued under subdivision 5. 6.3 (b) A charter school may use revenue under this section for any purpose related to the 6.4 school, including school safety facility enhancements. 6.5 Subd. 11. **Restrictions on long-term facilities maintenance revenue.** Notwithstanding 6.6 subdivision 10, for projects other than school safety facility enhancements, long-term 6.7 facilities maintenance revenue may not be used: 6.8 (1) for the construction of new facilities, remodeling of existing facilities, or the purchase 6.9 of portable classrooms; 6.10 (2) to finance a lease purchase agreement, installment purchase agreement, or other 6.11 deferred payments agreement; 6.12 (3) for energy-efficiency projects under section 123B.65, for a building or property or 6.13 part of a building or property used for postsecondary instruction or administration, or for a 6.14 purpose unrelated to elementary and secondary education; or 6.15 (4) for violence prevention and facility security, ergonomics, or emergency 6.16 communication devices. 6.17 Subd. 12. **Reserve account.** The portion of long-term facilities maintenance revenue 6.18 not recognized under subdivision 5, paragraph (c), must be maintained in a reserve account 6.19 within the general fund. 6.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later. 6.21 Sec. 2. Minnesota Statutes 2018, section 123B.61, is amended to read: 6.22 123B.61 PURCHASE OF CERTAIN EQUIPMENT. 6.23 (a) The board of a district may issue general obligation certificates of indebtedness or 6.24 capital notes subject to the district debt limits to: 6.25 (a) (1) purchase vehicles, computers, telephone systems, cable equipment, photocopy 6.26 and office equipment, technological equipment for instruction, public announcement systems, 6.27 emergency communications devices, other equipment related to violence prevention and 6.28 facility security, and other capital equipment having an expected useful life at least as long 6.29 as the terms of the certificates or notes; 6.30

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(b) (2) purchase computer hardware and software, without regard to its expected useful life, whether bundled with machinery or equipment or unbundled, together with application development services and training related to the use of the computer; and

(e) (3) prepay special assessments.

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- (b) The certificates or notes must be payable in not more than ten years and must be issued on the terms and in the manner determined by the board, except that certificates or notes issued to prepay special assessments must be payable in not more than 20 years. The certificates or notes may be issued by resolution and without the requirement for an election. The certificates or notes are general obligation bonds for purposes of section 126C.55.
- (c) A tax levy must be made for the payment of the principal and interest on the certificates or notes, in accordance with section 475.61, as in the case of bonds. The sum of the tax levies under this section and section 123B.62 for each year must not exceed the lesser of the sum of the amount of the district's total operating capital revenue and safe schools revenue or the sum of the district's levy in the general and community service funds excluding the adjustments under this section for the year preceding the year the initial debt service levies are certified.
  - (d) The district's general fund levy for each year must be reduced by the sum of:
- (1) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on the certificates or notes issued under this section as required by section 475.61;
- (2) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on bonds issued under section 123B.62-; and
- (3) any excess amount in the debt redemption fund used to retire bonds, certificates, or notes issued under this section or section 123B.62 after April 1, 1997, other than amounts used to pay capitalized interest.
- (e) If the district's general fund levy is less than the amount of the reduction, the balance shall be deducted first from the district's community service fund levy, and next from the district's general fund or community service fund levies for the following year.
- (f) A district using an excess amount in the debt redemption fund to retire the certificates or notes shall report the amount used for this purpose to the commissioner by July 15 of the following fiscal year. A district having an outstanding capital loan under section 126C.69 or an outstanding debt service loan under section 126C.68 must not use an excess amount in the debt redemption fund to retire the certificates or notes.

Sec. 2. 7

8.1	<b>EFFECTIVE DATE.</b> This section is effective July 1, 2019.
8.2	Sec. 3. Minnesota Statutes 2018, section 126C.44, is amended to read:
8.3	126C.44 SAFE SCHOOLS <del>LEVY</del> <u>REVENUE</u> .
8.4	Subdivision 1. Safe schools revenue. (a) A school district's total safe schools revenue
8.5	equals the sum of:
8.6	(1) the greater of \$30,000 or \$54 per adjusted pupil unit;
8.7	(2) the amounts under subdivision 6; and
8.8	(3) for a district not accessing revenue under subdivision 6, the amount under subdivision
8.9	<u>7.</u>
8.10	(b) A school district's equalized safe schools revenue equals \$36 times the district's
8.11	adjusted pupil units for that year.
8.12	(c) A charter school's safe schools revenue equals \$18 times its adjusted pupil units for
8.13	that year. The revenue must be reserved and used only for costs associated with safe schools
8.14	activities authorized under subdivision 5, paragraph (a), clauses (1) to (9), or for building
8.15	lease expenses not funded by charter school building lease aid that are attributable to facility
8.16	security enhancements made by the landlord after March 1, 2019.
8.17	Subd. 2. Safe schools equalized levy. (a) Each district may make a levy on all taxable
8.18	property located within the district for the purposes specified in this section. The maximum
8.19	amount which may be levied for all costs under this section shall be equal to \$36 multiplied
8.20	by the district's A school district's safe school equalized levy equals the product of its
8.21	equalized safe schools revenue under subdivision 1 times the lesser of one or the ratio of
8.22	its adjusted net tax capacity per adjusted pupil units for the school year unit to 68.5 percent
8.23	of the statewide adjusted net tax capacity equalizing factor.
8.24	Subd. 3. Safe schools aid. (a) A school district's safe schools aid equals the sum of:
8.25	(1) \$18 times its adjusted pupil units for that year;
8.26	(2) its safe schools equalization aid equal to the difference between its safe schools
8.27	equalized revenue minus its safe schools equalized levy;
8.28	(3) its cooperative unit aid under subdivision 7; and
8.29	(4) for fiscal year 2020 only, \$6.50 times its adjusted pupil units for that year for school
8.30	district members of intermediate school districts.

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8.31

(b) A charter school's safe schools aid equals its safe schools revenue.

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9.1	Subd. 4. Revenue reserved. The proceeds of the levy A school district's safe schools
9.2	revenue must be reserved and used for directly funding the following purposes or for
9.3	reimbursing the cities and counties who contract with the district for the following purposes:
9.4	authorized in subdivision 5.
9.5	Subd. 5. Revenue uses. (a) A school district must use its safe schools revenue for the
9.6	<u>following:</u>
9.7	(1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace
9.8	officers and sheriffs for liaison in services in the district's schools, whether through contract
9.9	or reimbursement to the city or county employing authority;
9.10	(2) to pay the costs for a drug abuse prevention program as defined in section 609.101,
9.11	subdivision 3, paragraph (e), in the elementary schools;
9.12	(3) to pay the costs for a gang resistance education training curriculum in the district's
9.13	schools;
9.14	(4) to pay the costs for security in the district's schools and on school property;
9.15	(5) to pay the costs for other crime prevention, drug abuse, student and staff safety,
9.16	voluntary opt-in suicide prevention tools, and violence prevention measures taken by the
9.17	school district;
9.18	(6) to pay costs for licensed school counselors, licensed school nurses, licensed school
9.19	social workers, licensed school psychologists, and licensed alcohol and chemical dependency
9.20	counselors to help provide early responses to problems;
9.21	(7) to pay for facility security enhancements including laminated glass, public
9.22	announcement systems, emergency communications devices, and equipment and facility
9.23	modifications related to violence prevention and facility security;
9.24	(8) to pay for costs associated with improving the school climate; or
9.25	(9) to pay costs for colocating and collaborating with mental health professionals who
9.26	are not district employees or contractors-; or
9.27	(10) by board resolution, to transfer money into the debt redemption fund to pay the
9.28	amounts needed to meet, when due, principal and interest payments on obligations issued
9.29	under sections 123B.61 and 123B.62 for purposes included in clause (7).
9.30	(b) For expenditures under paragraph (a), clause (1), the district must initially attempt
9.31	to contract for services to be provided by peace officers or sheriffs with the police department
9.32	of each city or the sheriff's department of the county within the district containing the school

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receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

Subd. 6. Intermediate school districts. (e) A school district that is a member of an intermediate school district may include in add to its levy authority under this section the costs associated with safe schools activities authorized under paragraph (a) subdivision 5 for intermediate school district programs. This levy authority must not exceed \$15 times the adjusted pupil units of the member districts. This levy authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph subdivision must be transferred to the intermediate school district.

Subd. 7. Other cooperative units. A school district that is a member of a cooperative unit defined under section 123A.24, subdivision 2, other than a member of an intermediate school district, is eligible for additional safe schools aid equal to \$7.50 times its adjusted pupil units for that year. Revenue raised under this subdivision must be transferred to the cooperative unit.

Subd. 8. **Reporting.** A school district or charter school receiving revenue under this section must annually report safe schools expenditures to the commissioner, in the form and manner specified by the commissioner. The report must include spending by functional area, any new staff positions hired, and revenue uses under subdivision 5.

**EFFECTIVE DATE.** This section is effective for fiscal year 2020 and later.

## Sec. 4. APPROPRIATIONS.

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Subdivision 1. Department of Education. The sums indicated in this section are appropriated from the general fund to the Department of Education for the specified purposes.

10.25 Subd. 2. Safe schools aid. (a) For safe schools aid under Minnesota Statutes, section 10.26 126C.44:

10.27 <u>\$</u> <u>...... 2020</u>

10.28 <u>\$ ...... 2021</u>

(b) For fiscal year 2020 only, each district's safe schools state aid equals its safe schools
 revenue for fiscal year 2020 minus the safe schools levy certified by the school district for
 taxes payable in 2019.

Sec. 4. 10

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Subd. 3. Physical security audit grants for public schools. (a) For transfer to the 11.1 commissioner of public safety for grants to school districts and charter schools to reimburse 11.2 11.3 applicants up to 100 percent of the cost for an audit of the physical security of public school campuses and crisis management policies adopted pursuant to Minnesota Statutes, section 11.4 121A.035, subdivision 2: 11.5 \$ 2,000,000 ..... 2020 11.6 (b) The commissioner of public safety must establish specific eligibility and application 11.7 criteria including a requirement that audits be conducted by consultants holding professional 11.8 certification deemed acceptable by the commissioner, including but not limited to a Certified 11.9 Protection Professional certification from the American Society for Industrial Security. 11.10 (c) This is a onetime appropriation. 11.11 Subd. 4. School resource officer training grants. (a) For grants to reimburse school 11.12 districts and charter schools for up to one-half of the costs of school resource officer training: 11.13 <u>.....</u> <u>2020</u> 400,000 11.14 \$ (b) The commissioner and the director of the Minnesota School Safety Center are 11.15 encouraged to develop school resource officer training guidelines and provide school districts 11.16 11.17 and charter schools a list of approved school resource officer training programs. 11.18 (c) A district or charter school seeking a grant under this subdivision must submit an application in the form and manner specified by the commissioner of education. 11.19 Reimbursement must not exceed \$500 per officer. The commissioner must prorate grant 11.20 amounts if the appropriation is insufficient to fully fund the state's share of the training. 11.21 (d) A recipient school district or charter school and the local law enforcement agency 11.22 must enter into an agreement to pay for the remaining training costs for school resource 11.23 officer training. The school district or charter school and the law enforcement agency may 11.24 seek private funds to pay for the local share of the school resource officer training costs. 11.25 11.26 (e) This is a onetime appropriation. 11.27 Subd. 5. Suicide prevention training for teachers. (a) For a grant to a nationally 11.28 recognized organization to offer teachers evidence-based online training on suicide prevention and engaging with students experiencing mental distress: 11.29 \$ 11.30 273,000 ..... 2020 11.31 (b) This is a onetime appropriation.

Sec. 4.

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(c) The recipient of the suicide prevention training grant under this subdivision must make the training accessible to all Minnesota school districts; cooperative units defined under Minnesota Statutes, section 123A.24, subdivision 2; tribal schools; and charter schools.

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Sec. 4. 12