

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 2359**

(SENATE AUTHORS: COLEMAN and Morrison)

DATE  
03/02/2023

D-PG

Introduction and first reading  
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to education; modifying postsecondary enrollment options provisions;  
1.3 amending Minnesota Statutes 2022, section 124D.09, subdivisions 2, 4, 5a, 7, 9,  
1.4 10, 10b, 11, 12.

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

1.6 Section 1. Minnesota Statutes 2022, section 124D.09, subdivision 2, is amended to read:

1.7 Subd. 2. **Purpose.** The purpose of this section is to promote rigorous academic pursuits,  
1.8 to facilitate career preparation, and to provide a wider variety of options to high school  
1.9 pupils by encouraging and enabling secondary pupils to enroll full time or part time in  
1.10 nonsectarian courses or programs in eligible postsecondary institutions, as defined in  
1.11 subdivision 3.

1.12 Sec. 2. Minnesota Statutes 2022, section 124D.09, subdivision 4, is amended to read:

1.13 Subd. 4. **Alternative pupil.** (a) "Alternative pupil" means a 10th, 11th, or 12th grade  
1.14 student, ~~subject to paragraph (b)~~, who is not enrolled in a public school district. Alternative  
1.15 pupil includes students attending nonpublic schools and students who are home schooled.  
1.16 An alternative pupil is considered a pupil for purposes of this section only. An alternative  
1.17 pupil must register with the commissioner of education before participating in the  
1.18 postsecondary enrollment options program. The commissioner must prescribe the form and  
1.19 manner of the registration, in consultation with the Nonpublic Education Council under  
1.20 section 123B.445, and may request any necessary information from the alternative pupil.

1.21 (b) A 10th grade student qualifies as an alternative pupil if the student: (1) is enrolled  
1.22 in a career or technical education course offered by an eligible institution; and (2) received

2.1 a passing score on the 8th grade Minnesota Comprehensive Assessment or another reading  
2.2 assessment accepted by the enrolling postsecondary institution. A career or technical  
2.3 education course must meet the requirements under subdivision 5a. If an alternative pupil  
2.4 in 10th grade receives a grade of "C" or better in the career or technical education course  
2.5 taken under this subdivision, the postsecondary institution must allow the student to take  
2.6 additional postsecondary courses for credit at that institution, not to exceed the limits in  
2.7 subdivision 8.

2.8 Sec. 3. Minnesota Statutes 2022, section 124D.09, subdivision 5a, is amended to read:

2.9 Subd. 5a. **Authorization; career or technical education.** A 10th, 11th, or 12th grade  
2.10 pupil enrolled in a district or an American Indian-controlled tribal contract or grant school  
2.11 eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district  
2.12 under a cultural exchange program, may enroll in a career or technical education course  
2.13 offered by a Minnesota state college or university. ~~A 10th grade pupil applying for enrollment~~  
2.14 ~~in a career or technical education course under this subdivision must have received a passing~~  
2.15 ~~score on the 8th grade Minnesota Comprehensive Assessment in reading as a condition of~~  
2.16 ~~enrollment. A current 10th grade pupil who did not take the 8th grade Minnesota~~  
2.17 ~~Comprehensive Assessment in reading may substitute another reading assessment accepted~~  
2.18 ~~by the enrolling postsecondary institution.~~ A secondary pupil may enroll in the pupil's first  
2.19 postsecondary options enrollment course under this subdivision. A student who is refused  
2.20 enrollment by a Minnesota state college or university under this subdivision may apply to  
2.21 an eligible institution offering a career or technical education course. The postsecondary  
2.22 institution must give priority to its students according to subdivision 9. If a secondary student  
2.23 receives a grade of "C" or better in the career or technical education course taken under this  
2.24 subdivision, the postsecondary institution must allow the student to take additional  
2.25 postsecondary courses for secondary credit at that institution, not to exceed the limits in  
2.26 subdivision 8. A "career or technical course" is a course that is part of a career and technical  
2.27 education program that provides individuals with coherent, rigorous content aligned with  
2.28 academic standards and relevant technical knowledge and skills needed to prepare for further  
2.29 education and careers in current and emerging professions and provide technical skill  
2.30 proficiency, an industry recognized credential, and a certificate, a diploma, or an associate  
2.31 degree.

2.32 Sec. 4. Minnesota Statutes 2022, section 124D.09, subdivision 7, is amended to read:

2.33 Subd. 7. **Dissemination of information; notification of intent to enroll.** By the earlier  
2.34 of (1) three weeks prior to the date by which a student must register for district courses for

3.1 the following school year, or (2) March 1 of each year, a district must provide up-to-date  
3.2 information on the district's website and in materials that are distributed to parents and  
3.3 students about the program, including information about enrollment requirements and the  
3.4 ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the  
3.5 district in planning, a pupil must inform the district by October 30 or May 30 of each year  
3.6 of the pupil's intent to enroll in postsecondary courses during the following ~~school year~~  
3.7 academic term. A pupil is bound by notifying or not notifying the district by October 30 or  
3.8 May 30 unless a district fails to provide timely up-to-date information as required by this  
3.9 subdivision.

3.10 Sec. 5. Minnesota Statutes 2022, section 124D.09, subdivision 9, is amended to read:

3.11 Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its  
3.12 postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A  
3.13 postsecondary institution may provide information about its programs to a secondary school  
3.14 or to a pupil or parent, ~~and it may advertise or otherwise recruit or solicit a secondary pupil~~  
3.15 ~~to enroll in its programs on educational and programmatic grounds only except,~~  
3.16 ~~notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school~~  
3.17 ~~years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit~~  
3.18 ~~a secondary pupil residing in a school district with 700 students or more in grades 10, 11,~~  
3.19 ~~and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

3.20 (b) An institution must not enroll secondary pupils, for postsecondary enrollment options  
3.21 purposes, in remedial, developmental, or other courses that are not college level except  
3.22 when a student eligible to participate and enrolled in the graduation incentives program  
3.23 under section 124D.68 enrolls full time in a middle or early college program. A middle or  
3.24 early college program must be specifically designed to allow the student to earn dual high  
3.25 school and college credit with a well-defined pathway to allow the student to earn a  
3.26 postsecondary degree or credential. In this case, the student must receive developmental  
3.27 college credit and not college credit for completing remedial or developmental courses.

3.28 (c) Once a pupil has been enrolled in any postsecondary course under this section, the  
3.29 pupil must not be displaced by another student.

3.30 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this  
3.31 section, the postsecondary institution also must enroll in the same course an otherwise  
3.32 enrolled and qualified postsecondary student who qualifies as a veteran under section  
3.33 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's  
3.34 established enrollment timelines were not practicable for that student.

4.1 (e) A postsecondary institution must allow secondary pupils to enroll in online courses  
4.2 under this section consistent with the institution's policy regarding postsecondary pupil  
4.3 enrollment in online courses.

4.4 Sec. 6. Minnesota Statutes 2022, section 124D.09, subdivision 10, is amended to read:

4.5 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to  
4.6 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a  
4.7 postsecondary faculty member and offered at a secondary school, or another location,  
4.8 according to an agreement between a public school board and the governing body of an  
4.9 eligible public postsecondary system or an eligible private postsecondary institution, as  
4.10 defined in subdivision 3. All provisions of this section apply to a pupil, public school board,  
4.11 district, and the governing body of a postsecondary institution, except as otherwise provided.  
4.12 A secondary school and a postsecondary institution who enroll eligible pupils in courses  
4.13 according to agreements must annually report to the commissioner the participation rates  
4.14 of pupils enrolled in courses according to agreements, including the number of pupils  
4.15 enrolled and the number of courses taken for postsecondary credit.

4.16 (b) To encourage students, especially American Indian students and students of color,  
4.17 to consider teaching as a profession, participating schools, school districts, and postsecondary  
4.18 institutions are encouraged to develop and offer an "Introduction to Teaching" or  
4.19 "Introduction to Education" course under this subdivision. For the purpose of applying for  
4.20 grants under this paragraph, "eligible institution" includes schools and districts that partner  
4.21 with an accredited college or university in addition to postsecondary institutions identified  
4.22 in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report  
4.23 to the commissioner in a form and manner determined by the commissioner on the  
4.24 participation rates of students in courses under this paragraph, including the number of  
4.25 students who apply for admission to colleges or universities with teacher preparation  
4.26 programs and the number of students of color and American Indian students who earned  
4.27 postsecondary credit. Grant recipients must also describe recruiting efforts intended to  
4.28 ensure that the percentage of participating students who are of color or American Indian  
4.29 meets or exceeds the overall percentage of students of color or American Indian students  
4.30 in the school.

4.31 Sec. 7. Minnesota Statutes 2022, section 124D.09, subdivision 10b, is amended to read:

4.32 Subd. 10b. **Concurrent Enrollment Advisory Board; membership; duties.** (a) A  
4.33 postsecondary institution offering courses taught by the secondary teacher according to

5.1 subdivision 10 must establish an advisory board. The purpose of the advisory board is to  
 5.2 engage stakeholders in concurrent enrollment decisions. The duties of the board must include  
 5.3 the following:

5.4 (1) providing strategic advice and input relating to concurrent enrollment issues;

5.5 (2) recommend and review proposals for concurrent enrollment course offerings;

5.6 (3) serve as a coordinating entity between secondary education and postsecondary  
 5.7 institutions; and

5.8 (4) increase the understanding and collaboration among concurrent enrollment partners,  
 5.9 stakeholders, the legislature, and the public.

5.10 (b) The advisory board at each institution must consist of 16 members in addition to a  
 5.11 concurrent enrollment faculty coordinator who shall serve as the chair and convene the  
 5.12 meetings. A postsecondary institution may elect to have an advisory board of less than 16  
 5.13 members if the institution determines that the extent of its concurrent program warrants a  
 5.14 smaller board. Except for the original members, advisory board members must serve  
 5.15 three-year staggered terms. Advisory board members, appointed by the postsecondary  
 5.16 institution, must be balanced based on geography and school size, and include, if practical,  
 5.17 representatives from the following:

5.18 (1) postsecondary faculty members;

5.19 (2) school superintendents;

5.20 (3) secondary and postsecondary students;

5.21 ~~(3)~~ (4) high school principals;

5.22 ~~(4)~~ (5) concurrent enrollment teachers;

5.23 ~~(5)~~ (6) high school counselors;

5.24 ~~(6)~~ (7) charter school administrators;

5.25 ~~(7)~~ (8) school board members;

5.26 ~~(8)~~ (9) secondary academic administrators;

5.27 ~~(9)~~ (10) parents; and

5.28 ~~(10)~~ (11) other local organizations.

5.29 (c) Members of the board serve without compensation.

6.1 (d) The board shall report to the postsecondary institution periodically as requested by  
6.2 the postsecondary institution to provide advice and proposals described in paragraph (a).

6.3 (e) The postsecondary institution shall provide administrative services and meeting space  
6.4 for the board to do its work.

6.5 (f) A board established under this section expires when the postsecondary institution no  
6.6 longer offers concurrent enrollment course offerings.

6.7 (g) The postsecondary institution shall appoint the first members to the advisory board  
6.8 by October 31, 2015, or by October 15 following the year it establishes a concurrent  
6.9 enrollment program. The postsecondary institution shall designate the terms of the first  
6.10 members so that an approximately equal number serve terms of two, three, and four years.

6.11 Sec. 8. Minnesota Statutes 2022, section 124D.09, subdivision 11, is amended to read:

6.12 Subd. 11. **Participation in high school activities.** Enrolling in a course under this section  
6.13 shall not, by itself, prohibit a pupil from participating in activities sponsored by the pupil's  
6.14 high school; accessing scholarships awarded, sponsored, or disbursed by the school; or  
6.15 participating in leadership roles or national organizations sponsored by the pupil's high  
6.16 school.

6.17 Sec. 9. Minnesota Statutes 2022, section 124D.09, subdivision 12, is amended to read:

6.18 Subd. 12. **Credits; grade point average weighting policy.** (a) A pupil must not audit  
6.19 a course under this section.

6.20 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary  
6.21 credit if the pupil successfully completes the course. Seven quarter or four semester college  
6.22 credits equal at least one full year of high school credit. Fewer college credits may be  
6.23 prorated. A district must also grant academic credit to a pupil enrolled in a course for  
6.24 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
6.25 offered by the district, the district must, as soon as possible, notify the commissioner, who  
6.26 shall determine the number of credits that shall be granted to a pupil who successfully  
6.27 completes a course. If a comparable course is offered by the district, the school board shall  
6.28 grant a comparable number of credits to the pupil. If there is a dispute between the district  
6.29 and the pupil regarding the number of credits granted for a particular course, the pupil may  
6.30 appeal the board's decision to the commissioner. The commissioner's decision regarding  
6.31 the number of credits shall be final.

7.1 (c) A school board must adopt a policy regarding weighted grade point averages for any  
7.2 high school or dual enrollment course. A school board must adopt an identical policy  
7.3 regarding weighted grade point averages for credits earned via postsecondary coursework  
7.4 as it gives to credits earned via concurrent enrollment coursework. The policy must state  
7.5 whether the district offers weighted grades. A school board must annually publish on its  
7.6 website a list of courses for which a student may earn a weighted grade.

7.7 (d) The secondary credits granted to a pupil must be counted toward the graduation  
7.8 requirements and subject area requirements of the district. Evidence of successful completion  
7.9 of each course and secondary credits granted must be included in the pupil's secondary  
7.10 school record. A pupil shall provide the school with a copy of the pupil's grade in each  
7.11 course taken for secondary credit under this section. Upon the request of a pupil, the pupil's  
7.12 secondary school record must also include evidence of successful completion and credits  
7.13 granted for a course taken for postsecondary credit. In either case, the record must indicate  
7.14 that the credits were earned at a postsecondary institution. If a pupil withdraws from a  
7.15 postsecondary course consistent with the institution's policy regarding course enrollment  
7.16 and withdrawal, then the course shall not be counted toward the graduation requirements  
7.17 and subject area requirements of the district and the pupil's secondary school must not  
7.18 include the course in the pupil's secondary school record.

7.19 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
7.20 postsecondary institution must award postsecondary credit for any course successfully  
7.21 completed for secondary credit at that institution. Other postsecondary institutions may  
7.22 award, after a pupil leaves secondary school, postsecondary credit for any courses  
7.23 successfully completed under this section. An institution may not charge a pupil for the  
7.24 award of credit.

7.25 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the  
7.26 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary  
7.27 postsecondary institutions should, award postsecondary credit for any successfully completed  
7.28 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships  
7.29 offered according to an agreement under subdivision 10. Consistent with section 135A.101,  
7.30 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who  
7.31 completes for postsecondary credit a postsecondary course or program that is part or all of  
7.32 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a  
7.33 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies  
7.34 as completed a secondary student's postsecondary course or program that is part or all of a

- 8.1 goal area or a transfer curriculum, every MnSCU institution must consider the student's
- 8.2 course or program for that goal area or the transfer curriculum as completed.