

House Research Act Summary

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TOPIC: Modifying education finance and policy provisions

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Overview

Modifies education finance and policy provisions.

Article 1: General Education

- 1 Education, residence, and transportation of homeless.** (a) Changes "person of school age" to "pupil" for the purposes under this section.
- (b) Clarifies that a pupil's district of residence is the residence of the parent or legal guardian unless:
- (1) parental rights have been terminated;
 - (2) the parent or guardian is not living within the state; or
 - (3) the parent or guardian is an inmate of a Minnesota correctional facility or a resident of a halfway house.
- Designates the district of residence for a homeless pupil as the district in which the pupil resided when the qualifying event occurred. Directs the Commissioner of Education to designate residency in the event of a dispute between districts.
- (c) Clarifies that the serving district is responsible for transporting a homeless pupil to and from the pupil's district of residence. Allows the serving district to transport a pupil from a permanent home in another district, but only through the end of the academic year. Clarifies that the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing transportation for homeless pupils enrolled in that school. Clarifies that the district of residence is responsible for a homeless student, with or without an individualized education program, who attends a public school other than an independent or special school district or charter school.

- 2 Assessment of performance.** Requires home-schooled children between the ages of seven and 16 to be assessed using a nationally norm-referenced standardized achievement examination.
- 3 Reports to superintendent.** Requires nonpublic schools, as well as the person providing home school instruction, to comply with district oversight requirements and submit information to the superintendent of the child's resident district.
- 4 Availability of documentation.** (a) Requires nonpublic schools providing instruction to a child to submit information about the child and the instruction to the district superintendent.
- (b) Changes a reference from home school to "nonpublic school that is not accredited by a state-recognized accrediting agency."
- (c) Requires a nonpublic school or the person providing home school instruction to make information under in this subdivision available to the county attorney when a case is commenced.
- 5 Revisions and reviews required.** (d) Allows public high school students who graduate in the 2014-2015 school year or later to satisfactorily complete a career and technical education credit premised on standards for a chemistry, physics, or biology credit or a combination of those standards approved by a district as an alternative to completing a chemistry or physics credit required for graduation.
- 6 Graduation requirements; course credits.** (a) Requires students beginning ninth grade in the 2011-2012 school year or later to complete three science credits, including a chemistry or physics credit or a technical education credit meeting chemistry, physics, or biology standards, or a combination of those standards approved by a district; does not allow a career and technical education credit to satisfy the biology credit requirement.
- (b) Allows an agriculture science credit to fulfill a science credit requirement other than a science credit in biology.
- (c) Allows a career and technical education course to fulfill a science, math, or arts credit requirement other than a biology credit.
- 7 Early graduation.** Redirects general education revenue paid by the state to school districts for students graduating early to the early graduation achievement scholarship program for participating students (current law allows a school district to continue to count a student who graduates early in its enrollment for the full school year).
- 8 Early graduation achievement scholarship program.** Modifies the early graduation achievement scholarship program to require an early graduate to choose either this program or the early graduation military service award. Requires that an eligible student, at the time of graduation, attended a Minnesota public school, was generating general education aid, and graduated before the end of the fourth school year after first enrolling in ninth grade. Requires an eligible student to apply for the scholarship money within two calendar years of the date of graduation. Requires the scholarship to be used within six years of the student's graduation.
- 9 Early graduation military service award program.** To be eligible for a military service award, requires that an eligible student, at the time of graduation, attended a Minnesota public school, was generating general education aid, graduated before the end of the fourth school year after first enrolling in ninth grade, and didn't participate in the early graduation scholarship program. Requires an eligible student to apply for the scholarship money within two calendar years of graduating.
- Makes this section effective for fiscal year 2012 and later.
- 10 Rigorous course-taking information; AP, IB, and PSEO.** Directs the education commissioner to annually report to the legislature on students' rigorous course taking related to AP, IB, and PSEO.

Makes this section effective for the 2012-2013 school year.

- 11 Revenue timing.** Eliminates obsolete language relating to the alternative teacher compensation aid entitlement allocated to charter schools. Clarifies the base year of the charter school enrollment ratio used to generate future entitlements.
- 12 Alternative attendance programs.** Requires transportation for homeless nonresident pupils be provided from the pupil's residence to and from the school of enrollment.
- 13 Continued enrollment for homeless students.** Allows homeless students whose parent or guardian moved to another district to continue to enroll in the non-resident district without the approval of the school board of the nonresident or resident district.
- 14 Authorization; career and technical education.** Allows a 10th, 11th, or 12th grade student, except a foreign exchange student, to enroll in a career and technical education course offered by MnSCU. Requires a 10th grade student to pass the 8th grade reading MCA in order to participate. Allows an eligible student who is refused enrollment by MnSCU to apply to an eligible institution offering a career and technical education course. Requires these institutions to give enrollment priority to their postsecondary students. Requires a postsecondary institution to allow a secondary student who receives a career and technical education course grade of "C" or better to take additional postsecondary courses for secondary credit at the institution. Defines a "career and technical education course" as part of a career and technical education program that (1) provides students with coherent, rigorous content aligned with academic standards and the technical knowledge and skills needed to prepare for further education and careers in current and emerging professions and (2) provide technical skill proficiency, an industry-recognized credential, and a certificate, diploma, or associate degree.
- 15 Dissemination of information; notification of intent to enroll.** Delays from March to May 30 the date by which a student must notify the school district of the student's intent to enroll in PSEO. Makes the notice binding on the student.
- 16 Enrollment priority.** Allows postsecondary institutions to advertise or to solicit secondary pupils to participate in PSEO on educational and programmatic grounds only.
- 17 Credits.** Allows a pupil to enroll in a postsecondary course and receive both secondary and postsecondary credit. Requires postsecondary institutions to grant postsecondary credit to an entering student who successfully completed postsecondary courses, consistent with the institution's credit transfer policy.
- 18 Transportation.** (b) Allows an alternative PSEO pupil's parents, if the family income is at or below the poverty level, to apply to the pupil's postsecondary institution for reimbursement for transporting the pupil between the secondary school or home and the pupil's postsecondary institution when the pupil enrolls in a PSEO course for secondary credit.
- 19 Limit; state obligation.** Makes a technical change.
- Makes this section effective for the 2012-2013 school year and later.
- 20 Federal, state and local requirements.** Allows a charter school to generate shared time aid revenue for serving home-school students for a portion of the school day.
- 21 Career and technical levy.** Adjusts the statewide cap for the career and technical levy for taxes payable in 2014. Modifies the calculations for the career and technical levy beginning with taxes payable in 2015 by making the levy equal to 35 percent of the district's expenditures for career and technical programming.

- 22 Career and technical levy guarantee.** Makes a conforming change to the career and technical levy guarantee.
- Makes this section effective immediately.
- 23 Career and technical levy; taxes payable in 2012, 2013, and 2014.** Conforms the career and technical levy for taxes payable in 2013 and 2014 to match the administration of the levy for taxes payable in 2012.
- Makes this section effective immediately.
- 24 Equity region.** Changes the qualifying date necessary to determine a school district's equity region from July 1, 1999, to January 1, 2012, and applies the date change to revenue calculations for fiscal years 2013 and later (this has the effect of moving the Northfield school district from the metro to the non-metro equity region).
- Makes this section effective for revenue for fiscal years 2013 and later.
- 25 Reallocating general education revenue for all-day kindergarten and prekindergarten.** Eliminates the reallocation of general education revenue for early graduates since early graduates no longer generate general education revenue after the date of graduation.
- 26 Exception.** Requires a resident district to allow a charter school where a shared time pupil attends class to claim the pupil as a resident for state aid purposes. Allows the charter school to bill the resident district for transportation costs if the resident district agrees. Allows the resident district and the district or charter school of attendance to negotiate an agreement to pay specified transportation costs.
- Makes this section effective for revenue for fiscal year 2014 and later.
- 27 Cash flow adjustment.** Allows a charter school serving fewer than 200 students, instead of 150 students, to request accelerated special education aid payments from the commissioner if the percentage of students eligible for special education services equals at least 90 percent of the school's total enrollment.
- 28 Aid to serving district.** Pays general education revenue to the resident district for a homeless child enrolled in a school other than an independent or special school district or charter school.
- 29 Requirements for participation.** Allows a college or university to recruit or solicit secondary students to enroll in PSEO courses on educational and programmatic grounds.
- 30 May pay differential of reserve on active duty.** Modifies Minnesota's Pay Differential Program for school employees who, as members of the National Guard or other Reserves, are ordered into active military service. Requires a school district to create a special account and place the salary for all deployed employees in that account. Requires the district to pay each employee the full salary differential from that account. Makes any funds remaining in the account at the end of the year available to pay for substitutes for the deployed employees. Under current law, such pay is available to the employee only if the person's salary as a service member is less than the person's salary as a public employee and only by the amount of a salary differential up to the amount of savings the school district accrues for an employee's specific position, after hiring a replacement (i.e., often resulting in a partial payment).
- Makes this section effective July 1, 2012, for school district employees serving in active military duty on or after that date.

31 Fund transfer; fiscal year 2012 through 2015 only. Continues for two more years a school district's authority to transfer funds and accounts from funds other than the food service and community service fund so long as such fund or account transfers do not increase a local levy or impose an added state aid obligation.

Makes this section effective immediately.

32 Appropriation. Adjusts the general education appropriation to reflect the cost savings from both PSEO program changes and early graduation scholarship program modifications.

Makes this section effective immediately.

33 Revisor's instruction. Instructs the Revisor of Statutes to substitute "English learner," "EL," or similar term for "limited English proficient," "English language learner," "LEP," or "ELL," or similar term when referring to early childhood through grade 12 education.

34 Repealer. Repeals sections 124D.09, subdivision 23 (PSEO: exception; intermediate schools) and 127A.47, subdivision 2 (payments to resident and nonresident districts: reporting; revenue for homeless).

Article 2: Education Excellence

1 Applicability. Strikes an obsolete cross-reference.

2 Identification; report. Directs districts to submit local reading assessments results to the commissioner by July 1 instead of June 1.

3 Program structure; training programs for teachers. Strikes a purpose statement.

4 Statewide testing. For the 2012-2013 and 2013-2014 school years only, allows students who have not successfully passed the basic skills test by the end of the 2011-2012 school year to satisfy the state's math test requirement by: (1) completing all state and local coursework and credits required for graduation by the school board granting their diploma; and (2) fully participating in at least two retests of the math GRAD test or until they pass the test, whichever comes first.

5 Probationary period. Allows a school board to give written notice to a probationary teacher by July 1 instead of June 1 that it is not going to renew the probationary teacher's contract.

Makes the section effective for the 2012-2013 school year and later.

6 Immediate discharge. Allows a school board to suspend without pay a teacher whom the school board is proposing to immediately discharge for conduct that is also the subject of a felony charge, pending the conclusion of the immediate discharge hearing and a determination of the issues raised in the hearing. Requires the school board to reimburse the teacher for the salary and other compensation it withheld if the final decision does not result in a penalty to or suspension, termination, or discharge of the teacher.

Makes this section immediately effective.

7 Site decision-making; individualized learning agreement; other agreements.

Subd. 1a. Individualized learning and instruction; improved student achievement.

Allows a school board that enters into an achievement contract under this section to consider how to:

- (1) assist a school site to adapt instruction to individual student needs, and establish goals and standards for individual students in addition to the state academic standards applicable to

all students;

- (2) coordinate the pace of instruction and learning with the needs and aptitudes of individual students at the school site;
- (3) provide useful data and assist with research in developing and improving innovative, cost-effective, research-based individualized learning, instruction, and assessment;
- (4) demonstrate and help evaluate instructional alternatives to age-based grade progression;
- (5) more effectively motivate students and teachers; and
- (6) expand use of learning technology to support individualized learning, instruction, assessment, and achievement.

Subd. 2. Agreement. Permits a school board and school site to enter into an agreement solely to develop and implement an individualized learning and achievement contract.

Subd. 4. Achievement contract. Allows a school board and a site decision-making team to enter into a site achievement contract for:

- (1) setting individualized learning and achievement measures and short- and long-term education goals for each student at the site;
- (2) recognizing each student's educational needs and aptitudes and levels of academic attainment, whether at, above, or below grade level, so as to improve student performance;
- (3) using student performance data to diagnose a student's academic strengths and weaknesses and indicate to teachers the specific skills and concepts that need to be introduced to the student and developed through instruction or applied learning during the next year, consistent with the student's short- and long-term educational goals; and
- (4) assisting the education site if progress in achieving student or contract goals or other performance expectations agreed to by the board and site team are not realized or implemented.

Subd. 4a. Additional site agreements premised on successful achievement contracts.

Allows a school board that enters into an achievement contract with a school site where student performance data at the site show at least three consecutive school years of improved student achievement consistent with terms of the contract to try to establish a similar contract with other school sites in the district.

Makes the section effective immediately.

8 Duties; evaluation. Bases 35 percent of the annual principal evaluation on longitudinal data showing student academic growth.

Makes the section effective for the 2013-2014 school year and later.

9 Authorizer. (f) Allows any approved authorizer, instead of one that has chartered multiple schools, to vote to withdraw as an approved authorizer.

10 Formation of school. (e) Directs a charter school to publish and maintain the following information on the school's Web site:

- (1) minutes from board of director meetings and meetings of members and committees having board-delegated authority, for at least one calendar year;
- (2) directory information about members of the board of directors and committees having board-delegated authority; and
- (3) identifying and contact information for the school's authorizer.

Requires charter schools to comply with data requests in a timely fashion.

(f) Strikes the requirement that the ongoing training of charter school board members be department-approved. Directs the school to include in its annual report the training attended by each board member during the previous year.

- 11 Charter contract.** Allows an initial charter school contract of up to five years, instead of up to three years.
- 12 Length of school year.** Conforms the length of the school year for charter schools to the length of the school year for traditional public schools by basing it on hours, not days.
- 13 Review and comment.** Prohibits an authorizer from assessing fees for any required services except those already provided for in this subdivision.
- 14 Affiliated nonprofit building corporation.** (b) Clarifies that an affiliated nonprofit building corporation must comply with applicable Internal Revenue Service regulations, including those for "supporting organizations."
- (c) Requires a charter school to have a plan to renovate or purchase an existing facility that describes the parameters and budget for the project if the charter school is organizing an affiliated nonprofit building corporation to renovate or purchase the facility.
- (d) Allows a charter school to organize an affiliated nonprofit building corporation to expand an existing school facility or construct a new school facility. Requires a charter school to have a net positive unreserved general fund balance for the preceding five, instead of eight, fiscal years. Requires a charter school planning to expand a facility or construct a new facility to have a plan for the expansion or new facility that describes the project parameters and budget.
- (e) Prohibits a charter school or an affiliated nonprofit building corporation from initiating an installment contract for purchase, or a lease agreement, or from soliciting bids to construct, expand, or remodel an educational facility that requires an expenditure above \$1,400,00 unless it meets the criteria of paragraphs (b) and (c) or (d), as applicable, and receives a positive review and comment from the commissioner.
- 15 Collaboration between charter school and school district.** Allows a charter school board to enter into a two-year renewable agreement to collaborate with a school district to enhance student achievement. Requires the charter school to be located within the school district's boundaries. Does not require the school district to be an approved authorizer or the charter school's authorizer. Allows the agreement to include collaboration regarding facilities, transportation, training, student achievement, assessments, mutual performance standards and other areas of mutual agreement. Allows the school district to include the academic performance data of the students of a collaborating charter school site for the purposes of student assessment and reporting to the state. Makes the parties to the collaborative agreement equally and collectively subject to the same state and federal accountability measures. Requires the parties to a collaborative agreement to post the agreement and all accountability measures on the Web.
- 16 Proficiency aid.** Modifies the proficiency aid portion of the literacy aid formula so that the proficiency aid allowance is based on the school's count of third grade pupils, instead of the school's total enrollment.
- 17 Growth aid.** Modifies the growth aid portion of the literacy aid formula so that the growth aid allowance is based on the school's count of fourth grade pupils instead of the school's total enrollment.

- 18 To lease building or land.** (i) Extends the levy authority for school districts that are members of the TIES joint powers board for another 11 years (these districts may levy a total of up to \$632,000 per year for building and land improvements).
- (j) Authorizes a school district to use the building lease levy authority to lease administrative space (under current law, the levy authority is limited to instructional space). Requires a school district to demonstrate to the commissioner's satisfaction that the lease for administrative space is more cost-effective than a lease for additional instructional space.
- Makes the section effective for taxes payable in 2013 and later.
- 19 Student organizations.** Corrects the acronyms for the student organizations appropriation.
- 20 One-year licenses.** Despite an immediate 2012 law change requiring teacher candidates to pass a basic skills test before being issued an initial teaching license, allows a person who holds a temporary one-year license to teach and who taught during the 2011-2012 school year to continue to teach through the 2012-2013 school year while trying to pass the required basic skills test.
- 21 Repealers.** Repeals sections 120A.28 (school boards; duties); 120B.019 (repealing profile of learning statutes and rules); 120B.31, subdivision 3 (Office of Educational Accountability); 121A.60, subdivisions 3 (school site mediation board) and 4 (school-based ombudsperson); 121A.62 (school site mediation board); 121A.63 (ombudsperson service); and 122A.18, subdivision 9 (teacher licenses).

Article 3: Special Education and Other Programs

- 1 Extended school year.** Strikes references to a statutory provision repealed in this article.
- 2 Nonresident education; billing.** Requires tuition billing for education services provided to children and youth placed in residential facilities to be done on uniform forms prescribed by the education commissioner. Eliminates a requirement to file a copy of each bill with the commissioner.
- 3 Approval of education programs.** Requires the commissioner to approve "on-site" education programs for children and youth placed in residential facilities. Defines "on-site education program" as educational services provided directly on the grounds of the care and treatment facility to children and youth placed for care or treatment.
- 4 Early childhood education scholarships.** Changes the appropriation for early childhood scholarship grants from \$4,000,000 to \$2,000,000 for fiscal year 2013 and increases the base in each subsequent year from \$2,000,000 to \$3,000,000.
- 5 Appropriation.** Appropriates \$250,000 from the general fund in fiscal year 2013 to the Department of Education for a grant to the evidence-based early literacy parent-child home program.
- 6 Repealer.** (a) Repeals sections 125A.16 (placement in a state institution; responsibility), 125A.80 (uniform billing system for the education costs of out-of-home placed students), and 475.53, subdivision 5 (limit on net debt; independent school districts located wholly or partially in a city of the first class) effective July 1, 2012.
- (b) Repeals sections 124D.135, subdivision 8 and 9 (ECFE reserve account, waiver), 124D.16, subdivisions 6 and 7 (school readiness aid reserve account limit, waiver), 124D.20, subdivisions 11 and 12 (community education revenue reserve account limit, waiver), effective for revenue for fiscal year 2014.