

HOUSE RESEARCH

Bill Summary

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Overview

This bill contains Minnesota Department of Education administration provisions and other education policy changes.

Section

Article 1: General Education Revenue

Overview

Article 1 makes changes to Minnesota's education finance programs.

- 1** **Age limitations; pupils.** Clarifies that public school admission is free to all students who are at least five year of age and who are not yet 21 years of age. States that a pupil who is 21 years of age may continue to enroll until at least one of the following occurs: (1) the first September 1st after the pupil's 21st birthday; (2) the pupil completes the work needed to graduate; (3) the pupil withdraws and does not subsequently enroll within 21 calendar days; or (4) the school year ends.
- 2** **Revenue amount.** Increases alternative compensation revenue in proportion to the increase in the basic formula allowance. Requires alternative compensation revenue to be placed in a reserve account.
- 3** **Revenue timing.** Clarifies the portion of alternative compensation revenue that is set aside

Section

for charter schools. Keeps the percentage of alternative compensation revenue available for charter schools fixed as the formula allowance increases.

- 4 **People to be served.** Clarifies that area learning centers may serve pupils in kindergarten through grade 12.
- 5 **Expenditures by building.** Clarifies the way that alternative compensation revenue must be allocated among school buildings for purposes of tracking expenditures by building.
- 6 **Secondary school programs.** Clarifies the process for a school board to follow in allowing a person over the age of 21 to enroll in a secondary school.
- 7 **Student fee allowed.** Clarifies the cross reference in the statute that allows a school district to charge a fee to a student over the age of 21.
- 8 **Eligible pupils.** Clarifies that pupils served by the graduation incentives program must be under the age of 21, except for those pupils who are 21 years of age and meet all of the conditions of section 1.
- 9 **Eligible programs.** Removes language that permits a school board to adopt a resolution to allow a pupil over the age of 21 to enroll in a public school.
- 10 **Educational program; tuition.** Modifies general education revenue payments for students attending the Minnesota State Academies so that compensatory revenue is paid directly to the Minnesota State Academies. Continues to require the remainder of each pupil's general education revenue to be paid to the student's resident school district to be used for tuition payments to the Minnesota State Academies.
- 11 **Unreimbursed costs.** Modifies the special education payments to the Minnesota State Academies so that they include the academies' unreimbursed costs of instructional aides. Speeds up the final payments to the Minnesota State Academies beginning in fiscal year 2008.
- 12 **Tuition reduction.** Modifies the Minnesota State Academies' tuition charges to compensate for any direct aid adjustments.
- 13 **Student count; tuition.** Modifies the general education basic revenue adjustment for students attending the Minnesota State Academies.
- 14 **Annual appropriation.** Annually appropriates any aid payments as well as tuition payments amounts received and credited to the general operation account of the Academies.
- 15 **Out-of-state admissions.** Clarifies that money received from other states for out-of-state students attending the Academies must be deposited in the Academies' special revenue fund.
- 16 **Pupil unit.** Clarifies the definition of "pupil unit" so that pupils over the age of 21 do not generate revenue under Minnesota's general education revenue program.
- 17 **Sparsity revenue; definitions.** Clarifies that the calculations of elementary and secondary sparsity revenue are based on the location of schools operated by school districts and not the location of charter schools.
- 18 **Basic alternative teacher compensation aid.** Clarifies the calculation of alternative teacher compensation aid for fiscal year 2008 and later.
- 19 **Payment to unemployment insurance program trust fund by state and political subdivisions.** Prohibits a school district from carrying over a balance in its reserve account for reemployment insurance. Requires a school district to make fund balance adjustments on an annual basis.
- 20 **Safe schools levy.** Requires revenue raised through the safe schools levy to be maintained in a reserve account. Clarifies language.
- 21 **Payments to school nonoperating funds.** Clarifies that advance payments of state aid for

Section

certain debt service payments to a school district include the share of any state-paid credits as well as the direct state aid.

22 Repealer. Repeals the following:

- 120A.20, subd. 3 - Pupils at least 21 years of age.

Article 2: Education Excellence

Overview

Proposes to make changes related to improving K-12 education.

- 1 1 Parent defined; residency determined.** Allows a school to remove an enrolled student who does not meet school district residency requirements only after satisfying board-established due process procedures that include at least parent notice and an opportunity for the parent to be heard.
- 2 Benchmarks.** Changes from four years to six years the length of the cycle for the education commissioner to review required academic standards and related benchmarks in math, the arts, science, language arts and social studies and elective standards. Also postpones the beginning of the review cycle to a later school year. Adds math and science credit requirements.
- 3 Graduation requirements; course credits; student transfers.** Adds math and science requirements to the course credits needed for graduation. Allows students to satisfy the one-half credit of economics by studying agriculture education. Allows students to satisfy a science credit by successfully completing an agriculture science course. Directs school districts, ALCs and charter schools to establish a process by which to allow transferring students to satisfy course credit requirements.

Makes this section immediately effective.

- 4 Reimbursement for examination fees.** Allows the state to reimburse students for CLEP fees whether or not students earn a satisfactory score on CLEP exams.
- 5 School performance report cards.** Requires school performance report cards to indicate, in addition to cut scores, the percent of tests items students must answer correctly at each performance level for the statewide tests that the education commissioner uses to designate high and low performing schools.

Makes this section effective for the 2006-2007 school year and later.

- 6 Crisis management policy.**

Subd. 1. Model policy. Directs the education commissioner to maintain and make available to school boards and charter schools a model crisis management policy that includes school lock-down, tornado and fire drills.

Subd. 2. School district and charter school policy. Directs school board and charter schools to develop, in cooperation with school officials, community members, emergency management personnel and others, and then adopt, a crisis management policy that includes at least five school lock-down and five school fire drills and one

Section

tornado drill each school year.

Makes the section effective for the 2006-2007 school year and later.

- 7 **School safety drills.** Directs private schools and educational institutions not subject to section 6 to have at least 5 school lock-down drills, 5 fire drills consistent with section 22, and 1 tornado drill. Makes this section effective for the 2006-2007 school year.
- 8 **Online learning parameters.** Strikes language that allows a student with a disability to enroll in an online learning course or program if the student's individual education plan team determines that the online learning is appropriate for the student.
- 9 **Transportation.** Requires charter schools annually by July 1 to notify the school district in which the charter school is located and the education department if it will provide transportation for its students or use the transportation services of the school district in which the charter school is located.
- 10 **General requirements for programs.** Requires school districts with limited English proficiency programs to, among other things: document, uniformly apply and distribute to parents and others upon request the identification and reclassification criteria for limited English proficiency children; make available upon parents' request a written services plan that describes proficiency level programming and indicates the extent of the services available to limited English proficiency children; provide ongoing professional development activities for staff who work with limited English proficiency children that are coordinated with other district professional development opportunities and related to the needs of limited English proficiency children.
- 11 **Wages; how often paid.** Exempts nonpublic schools from having to make timely payment of wages and instead allows nonpublic schools to pay make wage payments according the terms of an applicable contract, collective bargaining agreement or personnel policy.
- 12 **Fire drill in school; doors and exits.** Directs the state fire marshal to require schools to have at least five fire drills each school year.

Makes the section effective for the 2006-2007 school year and later.

- 13 **Examination fees; teacher training and support programs.** Strikes language allocating funds annually for AP and IB teachers' subject matter summer training programs and follow-up support workshops.

Makes this section effective immediately.

- 14 **Advisory task force on school and staff emergency/all hazard preparedness.** (a) Establishes an advisory task force on school and staff emergency/all hazard preparedness to recommend to the legislature proposals for strengthening K-12 crisis management and school safety efforts including, at least, whether or not to: develop teacher and school administrators competencies; provide teachers and school administrators with relevant training; incorporate teacher and school administrator competencies into teacher and school administrator preparation curriculum; identify competencies appropriate to teacher and school administrator preparation curriculum and ongoing teacher and school administrator training; and expect federal funds to supplement these initiatives.

(b) Directs the education commissioner to appoint a task force composed of representatives from the Board of Teaching, the Board of School Administrators, the state fire marshal, law enforcement agencies, emergency responders, school principals, school counselors,

Section

nonlicensed school employees, the Minnesota School Boards Association, Education Minnesota, the Minnesota Departments of Education, Health and Public Safety, Minnesota State Colleges and Universities, Minnesota Association of School Administrators, and others recommended by task force members. Makes task force members' terms and related matters subject to the statutory section governing advisory groups. Allows the commissioner to reimburse task force members for task force activities. Requires the task force to submit written recommendations to the legislature by February 15, 2007.

(c) Causes the task force to expire on February 16, 2007.

Makes this section effective immediately.

15 School accountability report. Allows the education department in 2006 only to delay releasing and posting school performance report cards and AYP data.

16 Advisory task force on options for accelerated K-12 technology science and math programs throughout Minnesota. (a) Establishes an advisory task force to recommend to the legislature alternatives for delivering accelerated technology science and math programs to eligible students throughout Minnesota that include creating an academic center. Requires recommendations for cost effective, efficiently implemented and operated accelerated technology science and math instruction for students in grades 6 through 12 and accepts similar recommendations for other elementary grade students and out-of-school and summer school instruction.

(b) Requires the task force to: (1) evaluate and compare at least five alternatives for delivering accelerated technology science and math programs to Minnesota students that include creating an academic center; (2) identify and evaluate possible members for a consortium of qualified entities to help implement accelerated technology science and math programs in Minnesota that include creating an academic center; (3) evaluate and compare at least three alternatives for preparing and assisting qualified educational leaders to help implement accelerated technology science and math programs in Minnesota and evaluate how such programs may be integrated into an academic center; and (4) identify and evaluate postsecondary career and technical education programs that offer accelerated technology science and math instruction.

(c) Directs the education commissioner to appoint a 17-member advisory task force composed of specified members. Directs the commissioner to try to ensure geographical balance when making the appointments. Directs task force members to seek the advice of gifted and talented students. Prohibits task force members from receiving compensation or reimbursement for expenses related to serving on the task force. Allows the task force to receive gifts for the benefit of the task force. Allows the task force to conduct meetings electronically. Makes task force members' terms and other task force matters subject to the statutory section (Minn. Stat. § 15.059) governing the operation of advisory councils and committees. Requires the task force by January 30, 2007, to report its recommendations to the legislature.

(d) Directs the education commissioner to provide the task force with technical, fiscal and other support services upon request. Directs the commissioner to use current operating

Section

budget funds to pay support service costs.

(e) Causes the task force to expire on June 20, 2007.

Makes this section immediately effective.

Article 3: Special Programs

Overview

Proposes to make changes related to interagency early intervention requirements and students receiving care and treatment at home or in certain facilities.

- 1 1 **Child with a disability.** Includes blindness within the definition of disability.
- 2 **Nonresident tuition rate; other costs.** Clarifies how tuition rates for students placed in nonresident school districts and how the ensuing aid adjustments for resident school districts are calculated. Allows a school district that served as the applicant agency for a group of school districts for federal special education aids for fiscal year 2006 to apply to the commissioner for authority to charge the resident district an additional amount to recover unreimbursed costs.

Makes this section immediately effective.
- 1 3 **Interagency child find systems.** Requires interagency groups to use rigorous standards when engaged in child find system activities that include finding and referring children under three who are abused or neglected or affected by withdrawal symptoms resulting from prenatal drug exposure in order to reduce their need for future services.
- 2 4 **Responsibilities of county boards and school boards.** Requires county boards and school boards to provide and fund services consistent with an IFSP to eligible infants and toddlers through age two and their families, including American Indian infants and toddlers and their families residing on a Minnesota reservation, homeless infants and toddlers and their families, and infants and toddlers who are wards of the state.
- 3 5 **Interagency early intervention committees.** Directs interagency early intervention committees, among other initiatives, to work to: (1) make potential recipient families aware of available services, particularly parents with premature infants or infants experiencing other risk factors implicating learning or development complications; and (2) refer children under three who are abused or affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure and their families with premature infants or infants experiencing other risk factors implicating learning or development complications in order to reduce their need for future services. Strikes language directing interagency early intervention committees to encourage agencies to develop IFSPs for eligible children age three and older.
- 4 6 **Individualized family service plan.** Requires a service coordinator who is a member of an IFSP team to coordinate the IFSP, including transition services, with other agencies. Requires the IFSP to include, among other components, developmentally appropriate preliteracy and language skills for the child, early intervention services based on peer-reviewed research, and a timely transition conference before the child is eligible for

Section

preschool services. Amends a federal law reference.

- 5 7 **Service coordination.** Requires the IFSP service coordinator to help develop a transition plan not more than nine months before the child is eligible for preschool services.
- 6 8 **State interagency agreement.** Requires the state interagency agreement, among other goals, to ensure the meaningful involvement of underserved groups, including children with disabilities from minority, low-income, homeless and rural families and children with disabilities who are wards of the state. Amends a federal law reference.
- 7 9 **Approval of education programs.** Clarifies that the education commissioner's authority to approve education programs for the placement of children and youth in care and treatment facilities applies only to placement in facilities licensed by the department of Human Services or the Department of Corrections.
- 8 10 **Responsibilities for providing education.** Strikes language indicating that placing a student in a care and treatment facility does not automatically make that student eligible for special education services and that student eligibility depends on federal and state special education law.
- 9 11 **Education programs for students placed in residential facilities.** Strikes references to care and treatment facilities.
- 10 12 **Exit report summarizing educational progress.** Strikes a reference to a care and treatment facility.
- 11 13 **Minimum educational services required.** Adds a reference to a student placed in an approved facility.
- 12 14 **Reimbursement for educational services.** Strikes a reference to a care and treatment facility.
- 13 15 **Students unable to attend school but not covered under this section.** Makes district-provided regular and special education services available to students who are absent from school for 15 consecutive or intermittent days and placed at home for care and treatment or in a care and treatment facility not licensed by the Department of Corrections or Department of Human Services.
- 14 16 **Advisory committees.** Directs the commissioner, instead of the special Education Advisory Council, to establish an advisory committee for each resource center. Directs the advisory committees to annually submit a report with recommendations to the commissioner.
- 15 17 **Travel aid.** Directs the state to pay a school district one-half the amount the district actually expends, based on mileage, for necessary travel of essential personnel to provide home-based services to disabled children under five and their families.
- 18 **Special education maintenance of effort.** Allows any excesses in other special education programs to be reallocated to the regular special education funding formula if the state is failing to meet the federal maintenance of effort funding.
- 19 **Definitions.** Clarifies that alternative teacher compensation revenue does not affect a school district's special education excess cost revenue.
- 16 20 **Rule on visually impaired to include references to blind and blindness.** Directs the education commissioner to incorporate references to blind and blindness into the rule definition of visually impaired.
- 17 21 **Department of Education rules.** Directs the education department, before July 1, 2007, to amend Minnesota Rules, part 3525.2325, governing K-12 regular and special education programs for pupils placed in care and treatment centers, to conform with the related

Section

provisions in this article.

- 18 22** **Special education tuition billing for fiscal years 2006 and 2007.** Authorizes intermediate school districts, special education cooperatives and school districts serving as special education fiscal hosts to request a waiver from the special education uniform tuition billing procedures.
- 19 23** **Repealer.** Repeals the section on coordinating interagency services (Minn. Stat. § 125A.10) and the definition of care and treatment (Minn. Stat. § 125A.515, subd. 2).

Article 4: School District Accounting

Overview

This article makes changes to school district accounting procedures.

- 1 1** **Budgets.** Requires school districts to publish their revenue and expenditure budgets for the current year and their fund balances for the prior year by November 30, instead of October 1 of each year. Allows the district to post the information to its website so long as an announcement in a newspaper of general circulation includes the internet address of the where the information has been posted.
- 1 2** **School district consolidated financial statement.** Directs the education commissioner to develop, implement and maintain a school district consolidated financial statement format that converts UFARS data into a more understandable format.
- Makes this section immediately effective.
- 2 3** **Statement for comparison and correction.** Directs the education commissioner to convert required audited financial data into the consolidated financial statement format and to publish the information on the department's Web site by December 15 of the year in which the data are submitted.
- Makes this section effective for 2006 financial statements.
- 3 4** **Elimination of reserve accounts.** Requires all school districts to eliminate reserve accounts for programs that no longer exist. Transfers the balances from the reserve accounts to each district's unrestricted general fund, with the exception of any money in the bus purchase account which is transferred to the reserved for operating capital account. Allows a school board to create a designated account for any money that was formerly held in a reserve account that has been eliminated.
- 4 5** **Errors in distribution.** Allows the Department of Education to make aid adjustments to a school district's general education aid amount for any aid adjustments to discontinued programs. Clarifies that any excess amounts cancel to the state general fund.

Section

Article 5: Self-Sufficiency and Lifelong Learning

Overview

This article makes technical changes to the adult basic education program.

- 1 1 **First prior program year.** Amends the definition of "first prior program year" to align the reporting year and academic year under the adult basic education program.
- 2 2 **Program requirements.** Requires a state-approved adult basic education program that offers high school credit toward an adult high school diploma to count and submit student contact hours according to the student eligibility and competency demonstration requirements established by the commissioner.

Article 6: Pupil Transportation

Overview

This article aligns Minnesota's school bus standards with a more recent set of school bus standards adopted by the National Congress on School Transportation. Current standards are based on the 2000 Standards. This article requires new school buses to meet the standards set forth in the document identified as the 2005 edition of the "National School Transportation Specifications and Procedures." By adopting the more recent standards, some of the state statutory exceptions and additions to the old standards can be eliminated or updated.

- 1 1 **Student training.** Requires that all students in grade 10 must receive training in the laws and procedures to follow when cars are near school buses.
- 2 **Compliance by nonpublic and charter school students.** Requires all nonpublic and charter school students transported by a public school district to comply with the district's bus conduct and student discipline policies while on the bus.
- 3 **Transportation definitions.** Allows a school district to designate a school day care facility as the pupil's home for purposes of providing to and from school transportation.
- 4 **School bus.** Conforms the definition of a type A and type C school buses to the new national standards.
- 5 **Driver seat belt.** Clarifies that all school buses and Head Start buses manufactured after 1994 must have driver seat belts.
- 6 **National standards adopted.** Conforms the state's school bus equipment standards to the 2005 (instead of 2000) "National School Transportation Specifications and Procedures".
- 7 **Applicability.** Makes the new standards apply to school buses manufactured after December 31, 2006.
- 8 **Electrical system; battery.** Raises the minimum amperage of school bus generators and alternators to 130 amperes.
- 9 **Seat and crash barriers.** Requires all school bus seats to have a minimum mounting height of 15 inches and a seat back height of at least 20 inches above the seating point reference.
- 10 **Training.** Allows a school bus driver to receive at least eight hours of school bus in-service training as an alternative to being assessed for bus driver competencies.

Section

11 Repealer. Repeals:

- 169.4502, subdivision 15 - oil filters and oil filtration systems;
- 169.4503, subdivision 17 - number of mirrors on school buses;
- 169.4503, subdivision 18 - overall width limits on school buses; and
- 169.4503, subdivision 26 - crossing control arm automatic relays.