

# HOUSE RESEARCH

## Bill Summary

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This bill contains technical and substantive changes to the state education code proposed by the Minnesota Department of Education (MDE).

### Section

#### Article 1: General Education

#### Overview

Clarifies the definition of a cooperative unit to explicitly include special education cooperatives and adjusts the timelines for calculating and reporting the disparity in general revenue across Minnesota's school districts.

- 1 Cooperative unit defined.** Explicitly adds special education cooperatives to the types of joint governance units that are considered "cooperative units" for purposes of the school code.
- 2 Statewide average revenue.** Grants the Minnesota Department of Education another two months to prepare the annual report that measures the disparity in adjusted general revenue among school districts by changing the date the report must be prepared from October 1 to December 1 (this delay allows the MDE to use more current data). Delays the date for the commissioner of education to make recommendations based on the results of the report from January 15 to February 1. Clarifies that the definition of adjusted general revenue includes local optional revenue.

## Section

### Article 2: Education Excellence

#### Overview

- 1 **Performance measures.** Strikes student performance on NAEP as a world's best work force measure of district and school progress.
- 2 **Adopting plans and budgets.** Requires a world's best work force plan to measure student participation, acceleration, and early admission under Minnesota's gifted and talented program.
- 3 **Report.** Consistent with school performance reports and the world's best work force, directs local school boards to consider the equitable distribution of effective, experienced, and in-field teachers.
- 4 **Gifted and talented students program.** Requires school districts to adopt guidelines and procedures for the participation of students, including early learners, in Minnesota's gifted and talented program consistent with the district's world's best work force plan for assessing and evaluating student progress.
- 5 **School and student indicators of growth.** Strikes an obsolete reference to the No Child Left Behind Act and substitutes a reference to federal expectations.
- 6 **Federal expectations for student academic achievement.** Strikes an obsolete reference to adequate yearly progress under the No Child Left Behind Act.
- 7 **State growth target; other state measures.** Strikes obsolete references to student categories identified under the No Child Left Behind Act and substitutes references to student categories identified under the federal Elementary and Secondary Education Act.
- 8 **Improving schools.** Strikes an obsolete reference to student growth measures and substitutes a reference to high performing schools identified under federal ESSA expectations.
- 9 **School accountability; appeals process.** Strikes adequate yearly progress and student performance references made obsolete by the reauthorized federal Elementary and Secondary Education Act and substitutes references to federal expectations.
- 10 **Qualified teacher defined.** Strikes obsolete language defining highly qualified teacher under the federal No Child Left Behind Act.
- 11 **Qualified teacher.** Strikes obsolete language.
- 12 **Exemption for technical education instructors.** Updates and clarifies career and technical education references.
- 13 **Restructured pay system.** Strikes obsolete language.
- 14 **Alternative teacher professional pay system.** As a condition of eligibility for Q-Comp funding, requires interested districts and schools to have a world's best work force plan instead of an educational improvement plan.

## Section

- 15 Approval process.** Strikes a statutory cross reference to conform this Q-Comp section with the change in required plans under the preceding section in this article.
- 16 Supplemental agreements; alternative teacher pay.** Strikes a statutory cross reference to conform this Q-Comp section with the change in required plans under the two preceding sections in this article.
- 17 Alternative teacher compensation revenue for Perpich Center for Arts Education and multidistrict integration collaboratives.** Strikes a statutory cross reference to conform this Q-Comp section with the change in required plans under the three preceding sections in this article.
- 18 Staff development report.** Strikes language requiring school districts and school sites to write and submit a staff development activity and expenditure report to the education commissioner. Instead requires school districts and school sites to include the staff development report in the district's world's best work force report. Strikes language specifying report content.
- 19 Center functions.** Strikes an obsolete reference to highly qualified teacher under the federal No Child Left Behind Act.
- 20 Establishment.** Strikes obsolete references to highly qualified teacher under the federal No Child Left Behind Act.
- 21 Full-service community school program.** Strikes a reference to federal reading programs included on a list of programs available under the full-service community school program.
- 22 Participating school; American Indian school.** Corrects a title reference under federal law.
- 23 Implementation of Elementary and Secondary Education Act.** Strikes obsolete language related to the federal No Child Left Behind Act. Substitutes a reference to the federal Elementary and Secondary Education Act.
- 24 Repealer.** (a) Repeals the definition of adequate yearly progress under Minnesota Statutes, section 120B.299, subdivision 5, and the language under Minnesota Statutes, section 122A.413, subdivision 3, for a Q-Comp school or district to use an educational improvement plan for site accountability purposes.
- (b) Repeals a direction under Minnesota Statutes, section 122A.413, subdivisions 1 and 2, for a Q-Comp school or district to develop an educational improvement plan for site accountability purposes.

## Article 3: Charter Schools

### Overview

- 1 Withdrawal.** Makes a technical correction.

## Section

- 2**        **Contents.** (a) Provides for a pre-operational planning period instead of a pre-operational planning year.
- (b) Directs charter schools to design their programs to meet the world's best work force goals.
- 3**        **Mutual nonrenewal.** Allows a change in charter school authorizers if the governing board of an approved authorizer votes to withdraw as an authorizer for a reason unrelated to the statutory causes for not renewing or terminating a charter school contract. When pursuing a change in authorizers under this subdivision, requires the authorizer that is the party to the charter contract to inform the proposed authorizer about unmet contract outcomes, among other required information.
- 4**        **Annual public reports.** (b) Requires an authorizer to submit an annual public report to the education commissioner by January 15 for the previous school year ending June 30 that includes at least key indicators of school academic, operational, and financial performance.

## Article 4: Special Education

### Overview

- 1**        **Planning for students' successful transition to postsecondary education and employment; personal learning plans.** (e) Indicates that if the individualized education program or standardized written plan of a student with disabilities meets the components of a plan required in this section, no additional plan is needed.
- 2**        **Qualified interpreters.** Strikes a reference to the resource center and substitutes and makes a technical correction to a reference to the state specialist for deaf and hard-of-hearing.
- 3**        **Eligibility.** Changes a reference from an individual interagency intervention plan to a standardized written plan.
- 4**        **Individualized education programs.** Indicates that if the individualized education program of a student with disabilities meets the components of a personal learning plan, no additional plan is needed.
- 5**        **Facilitated team meeting.** Makes a technical change to refer to a multiagency team.
- 6**        **Physical holding or seclusion.** (a) Requires a school, before secluding a student, to review and document in the student's individualized education program whether the student has any known medical or psychological conditions that might recommend against seclusion. Strikes obsolete language.
- (b) Directs school districts to provide the education department with data on incidents of seclusion and the students who are secluded. Requires the department to collect and publish the data. Directs the department to contact and provide technical assistance to a school

## Section

district after reviewing the district's seclusion data. Substitutes references to prone restraints with references to seclusion.

Makes this section effective for the 2016-2017 school year and later.

- 7 **Prohibitions.** Adds prone restraint to the list of prohibited restrictive procedures.

Makes this section effective immediately.

## Article 5: Facilities and Technology

### Overview

Conforms facilities and technology provisions to match the creation of the long-term facilities maintenance revenue program that was established by the 2015 Legislature. Many of these provisions replace school district authority under the health and safety revenue program with the same authority under the long-term facilities maintenance revenue program.

- 1 **Definitions; eligible debt service.** Removes energy loans from the definition of eligible debt service.
- 2 **Radon testing.** Clarifies that a school district's costs associated with radon testing should be included in the district's ten-year facility plan and are eligible expenses under the long-term facilities maintenance revenue program (radon testing was previously covered under a district's health and safety program).
- 3 **Facilities plan; long-term facilities maintenance revenue program.** Clarifies that a school district's ten-year facilities plan must be updated annually and submitted to the commissioner of education by July 31 of each year.
- 4 **Long-term facilities maintenance equalization revenue.** Clarifies the calculation of the portion of a school district's long-term facilities maintenance revenue that is subject to equalization.
- 5 **Long-term facilities maintenance equalized levy.** Clarifies that "average tax base per pupil unit" should be calculated using only school district pupil units (and not charter school pupil units) as the denominator.
- 6 **Long-term facilities maintenance unequalized levy.** Defines a district's long-term facilities maintenance unequalized levy as the difference between the district's total long-term facilities maintenance revenue and the district's long-term facilities maintenance equalized revenue.
- 7 **Long-term facilities maintenance equalized aid.** Defines a school district's long-term facilities maintenance equalized aid as the difference between the district's long-term facilities maintenance equalized revenue and the district's long-term facilities maintenance equalized levy.

## Section

- 8**      **Allowed use for long-term facilities maintenance revenue.** Allows a school district to transfer any long-term facilities maintenance revenue from the general fund (where the program's revenue is currently held) to the district's debt redemption fund to make the principal and interest payments on any bonds issued for long-term facilities maintenance projects.
- 9**      **Restrictions on long-term facilities maintenance revenue.** Corrects an erroneous cross reference.
- 10**     **Bonds for building calamities.** Transfers the authority for a school district to issue general obligation bonds to fund a rebuilding project resulting from a building calamity (fire, flood, etc.) from the health and safety revenue program to the long-term facilities maintenance program.
- 11**     **Review and comment.** Specifically exempts long-term facilities maintenance projects that are already included in a district's ten-year plan from the facilities review and comment process.
- 12**     **Deficits; exemption.** Updates an obsolete reference from the capital expenditure fund (a fund that was eliminated about 20 years ago) to the reserve for operating capital account in the general fund.
- 13**     **Account transfer for reorganizing districts.** Clarifies that a school district that has reorganized (consolidating or dissolving) is prohibited from transferring funds out of its long-term facilities maintenance account in the general fund.
- 14**     **Elimination of reserve accounts.** Closes each district's health and safety accounts (as the program is replaced by the long-term facilities maintenance revenue program) as of June 30, 2019, and transfers any balances into the unassigned general fund. Transfers any balance remaining in the alternative facilities account to the long-term facilities maintenance account in the building construction fund as of June 30, 2016.
- 15**     **Energy conservation.** Eliminates obsolete references to energy conservation loans received prior to March 1, 1998.
- 16**     **Taconite payment and other reductions.** Replaces obsolete references to health and safety revenue with references to long-term facilities maintenance revenue.
- 17**     **Required debt service levy.** Clarifies that the required debt service levy does not include amounts necessary for repayment of three types of bonds that have separate revenue authority:
- (1) long-term facilities maintenance revenue bonds (§ 123B.595);
  - (2) bonds for certain capital equipment (§ 123B.61); and
  - (3) bonds for certain capital facilities (§ 123B.62).
- 18**     **Repealer.** Repeals the following:
- ▶ § 123B.60, subd. 2. – health and safety revenue pledged for calamity bonds; and
  - ▶ § 123B.79, subds. 2 and 6. – obsolete school fund and account references for technical colleges and certain separation and retirement benefits.

**Section**

**Article 6: Self-Sufficiency and Lifelong Learning**

**Overview**

- 1**      **Program requirements.** Indicates that an adult basic education program is for people who are not subject to compulsory attendance laws.
- 2**      **Program approval; adult basic education.** Clarifies that an adult basic education consortium may consist of school districts, nonprofit organizations, or both.