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State of Minnesota

S.F. No. 2744 – 2016 Education Policy Omnibus (A-5 author's amendment)

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Article 1: General Education

Section 1. Cooperative unit defined. Clarifies that “cooperative unit” includes special education cooperatives organized under **section 471.59** so that these cooperatives may receive direct payment of state special education aid.

Section 2. Voluntary boundary alignment; Moorhead and Dilworth-Glyndon-Felton.

Subdivision 1. Boundary alignment allowed. Provides that the two districts may voluntarily realign their district boundaries according to the provisions of this section.

Subdivision 2. Plan to establish new boundaries. Authorizes the school boards of the two districts to establish a plan to realign their shared boundaries over a period of years. Requires certain elements in the plan. Requires that the plan be approved by each board after the board has taken public testimony. Requires that the plan be filed with the county auditor and commissioner of education. Provides certain public notice requirements.

Subdivision 3. Bonded debt. Provides that, on the effective date of the exchange of any parcel, the parcel is taxable for a portion of the bonded debt of the district to which the parcel is attached.

Subdivision 4. County auditor notified. Provides certain notification and information sharing requirements between the school district and county auditor.

Subdivision 5. Report to Department of Education. Provides certain notification and information sharing requirements between the school district and department of education.

Effective date. Makes this section is effective the day after the school boards of Independent School Districts Nos. 152, Moorhead, and 2164, Dilworth-Glyndon-Felton, and their respective chief clerical officers timely comply with **section 645.021, subdivisions 2 and 3.**

Section 3. Repealer. Repeals the commissioner's annual statewide average adjusted general revenue report, effective July 1, 2016.

Article 2: Education Excellence

Section 1. Performance Measures. Eliminates the National Assessment of Education Progress (NAEP) from the World's Best Work Force (WBWF) performance measures used to determine progress in striving for the World's Best Work Force. The NAEP results are only available at the state level because this assessment is only given to a sample of students in the state.

Section 2. Adopting Plans and Budgets. Requires districts to include their guidelines and procedures for assessing and identifying students for participation in gifted and talented programs; academic acceleration procedures, and procedures for gifted and talented early admission to kindergarten or first grade within their WBWF plans to increase transparency and access. In addition, the sections adds a district teacher equity gap data review to WBWF requirements to align with federal requirements. **Section 1111(b)(8)(C)** of the Elementary and Secondary Education Act (ESEA) requires that each state take steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced ineffective or out-of-field teachers.

Section 3. Site Team. Requires a school to establish a site team under the WBWF statute. Requires the team to include an equal number of teachers and administrators and include at least one parent. The sites team must coordinate with other district site teams to select the standardized assessments that will be administered to students at the school.

Section 4. Report. Directs districts to examine the distribution of effective, experienced and in-field teachers across the district and within school sites and include summary data as part of the WBWF annual report summary submitted to the Commissioner.

Section 5. Intervention. Requires that a student, other than a student with an individualized learning plan, who is unable to demonstrate grade-level proficiency on the grade three MCA receive a personal learning plan in a format determined by the school or school district in consultation with classroom teachers. Requires certain elements in the personal learning plan.

Section 6. Planning for students' successful transition to postsecondary education and employment; personal learning plans. Requires that a student's plan inform the student and their parent or guardian, if the student is a minor, of the student's scores on the high school MCAs. Requires the school to inform students who do not meet standards on the high school MCAs that admission to a public school is free to any resident under 21 years of age. Provides that the student's plan continues as long as the student is enrolled.

Section 7. Gifted and Talented Student Programs. Incorporates WBWF plans into the Gifted and Talented Students statute.

Section 8. Retaliation Prohibited. Provides the whistleblower protections of **section 181.932** to employees who report assessment service disruptions and technical interruptions to the Commissioner.

Section 9. Limits on Local Testing. Directs a district or charter school to publish on its Web site a comprehensive calendar of standardized tests to be administered during the school year.

Section 10. Student Participation. Directs the Commissioner to publish a form for parents to complete if they refuse for their child to participate in standardized testing.

Section 11. Access to Information. Directs a school district to provide teachers with the same information parents are provided about their student's current and longitudinal performance and progress on the state academic standards as measured by state assessments.

Sections 12, 13, 14, 15, 16, 17, 26, 27, 30, 31, and 32. Strikes and updates references to the repealed federal requirements of No Child Left Behind.

Section 18. Exemption for Technical Education Instructors. Provides clarification to local school districts as to which licenses are exempt according to **section 122A.30**.

Section 19. Restructured Pay System. Strikes language that was specific to No Child Left Behind.

Sections 20, 21, 22, 23 and 24. Alternative Teacher Professional Pay System. Conforms these sections to the repeal of **section 122A.413**, Educational Improvement Plan, and replaces this requirement with the WBWF reporting.

Section 25. Staff Development Report. Integrates the staff development report into a district's WBWF plans and reports.

Section 28. Lotteries. Provides that children of district staff may receive priority in the open enrollment lottery.

Effective date: makes the section effective immediately for open enrollment applications that have yet not been accepted or rejected by the school district.

Section 29. Application and Reporting Requirements. Integrates the school readiness biennial plan into the WBWF plan.

Effective date: makes the section effective July 1, 2016.

Section 33. Student Discipline Working Group. Establishes a student discipline working group to review the Pupil Fair Dismissal Act and related student discipline provisions. The working group must submit a report to the legislature with recommendations on improving disciplinary policies, practices, and procedures.

Effective date: makes the section effective immediately.

Section 34. Assessment Report. Requires the Commissioner to report to the Legislature on the question of replacing the required high school MCA assessments with a nationally recognized college entrance exam.

Effective date: makes the section effective immediately.

Section 35. Repealer. (a) Repeals sections 120B.299, subdivision 5 (Adequate Yearly Progress); 120B.35, subdivision 4 (High Growth Schools Report); 122A.413, subdivision 3 (Educational Improvement Plan); 122A.43, subdivision 6 (Short-Limited Contracts Optional Report); and 123B.06 (Evaluation of Pupil Growth and Progress; Permanent Records).

(b) Repeals section 122A.413, subdivisions 1 and 2 (Educational Improvement Plan).

Article 3: Charter Schools

Section 1. Application content. Requires a prospective charter school authorizer to include in its application certain information about the capacity of the organization to serve as an authorizer. Allows the commissioner to use information about specific individuals performing the authorizing duties to be considered approving or disapproving new authorizer applications, but not for the review of an existing authorizer's performance. Provides that an applicant that is a school district may satisfy certain application requirements by submitting a written promise to comply.

Effective date: makes this section effective immediately.

Section 2. Review by commissioner. Requires the commissioner to review a charter school authorizer's performance using criteria appropriate to the authorizer and the schools it charts and developed in consultation with charter school authorizers, operators, and other stakeholders. Directs the commissioner to minimize duplicate reporting in the review process. Prohibits the commissioner from failing to credit, withholding points, or otherwise penalizing an authorizer for failing to charter additional schools or for an absence of complaints against the authorizer's current portfolio of schools.

Effective date: makes this section effective immediately.

Section 3. Withdrawal. Clarifies that, if the governing board of an approved authorizer votes to withdraw for a reason unrelated to any cause under section 124E.10 subd 4, the same process applies to the change of authorizer as in the case where an authorizer and the charter school board of directors mutually agree not to renew the contract

Section 4. Contents. Clarifies that the preoperational planning period may last longer than one year. Clarifies that a charter school must design its programs to meet the world's best workforce goal.

Section 5. Mutual nonrenewal. Makes conforming changes and clarifies that a change in authorizers is allowed when a governing board of an approved authorizer votes to withdraw as an authorizer. Clarifies that an existing authorizer must inform the proposed authorizer of any outstanding contractual obligations between the authorizer and the charter school.

Section 6. Annual public reports. Clarifies the content of and deadline for submission of the authorizer annual report.

Article 4: Special Education

Section 1. Planning for students' successful transition to postsecondary education and employment; personal learning plans. Allows a student's individualized education program (IEP) or standardized written plan to substitute for the personal learning plan if it is aligned with the components required in the personal learning plan.

Section 2. Qualified interpreters. Corrects obsolete references to the Resource Center for Deaf/Hard of Hearing and Blind/Visually Impaired.

Section 3. Eligibility. Corrects obsolete references to "individual interagency intervention plan."

Section 4. Individualized education programs. Makes conforming changes to clarify that, if a student's IEP meets the plan components required for transition services, no additional plan is required.

Section 5. Facilitated team meeting. Corrects obsolete references to "individual interagency intervention plan."

Section 6. Physical holding or seclusion. Strikes obsolete language. Requires districts to report incidents of individual seclusion quarterly. Requires the commissioner to make an annual report to the legislature regarding districts progress in reducing restrictive procedures and making recommendations to eliminate the use of seclusion.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 7. Prohibitions. Makes technical change to clarify that prone restraint is prohibited.

Effective date: makes this section effective immediately.

Section 8. Advisory committees. Provides that the advisory committees for the deaf and hard of hearing and for the blind and visually impaired review, approve, and submit biennial reports to the commissioner and other parties.

Article 5: Facilities and Technology

Section 1. Contracts. Excludes school district contracts for information systems software from the uniform municipal contracting law and bidding process otherwise applicable to contracts exceeding \$100,000.

Section 2. Definitions. Corrects obsolete references to the energy loan levy.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 3. Radon testing. Corrects obsolete references to the health and safety program.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 4. Solar panel fire safety. Clarifies that a solar photovoltaic system installed at a school must comply with the most recently-adopted version of the Minnesota electric code.

Section 5. Facilities plans. Clarifies that facilities plans are to be updated and submitted to the commissioner annually, as required to calculate levy limitations and state aid entitlements.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Sections 6 to 9. Long-term facilities maintenance. Clarifies that the long-term facilities maintenance revenue includes an equalized levy and an unequalized levy, and that the reduction to aid for districts levying less than the maximum applies only to the equalized levy.

Effective date: makes these sections effective for revenue in fiscal year 2017 and later.

Section 10. Allowed uses for long-term facilities maintenance revenue. Provides that districts may transfer funds from the long-term facilities maintenance (LTFM) account in fund 1 to fund 7 to pay LTFM debt obligations.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 11. Restrictions on long-term facilities maintenance revenue. Corrects cross-reference.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 12. Bonds. Corrects obsolete references to the health and safety program.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 13. Review and comment. Corrects obsolete references to the health and safety; deferred maintenance; and alternative facilities programs.

Effective date: makes this section effective immediately and applies to review and comment for projects funded with revenue in fiscal year 2017 and later.

Section 14. Deficits; exception. Corrects obsolete reference.

Section 15. Account transfer for reorganizing districts. Corrects obsolete references.

Section 16. Elimination of reserve accounts. Clarifies the process for closing out the reserved fund balances for deferred maintenance, health and safety, and alternative facilities programs.

Effective date: makes this section effective July 1, 2016, for fiscal year 2017 and later.

Section 17. Energy conservation. Strikes obsolete language.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 18. Taconite payment and other reductions. Corrects obsolete references.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 19. Required debt service levy. Clarifies that required debt for long-term facilities maintenance and other facilities and equipment bonds are excluded from the definition of required debt for the purpose of calculating a capital or debt service loan payment if the required debt is less than the maximum effort debt levy.

Effective date: makes this section effective for revenue in fiscal year 2017 and later.

Section 20. Repealer. Repeals **section 123B.60, subdivision 2**, an obsolete reference to health and safety revenue. Repeals **section 123B.79, subdivisions 2 and 6**, obsolete references to transfers from the school district fund for technical colleges and the establishment of statutory operating debt accounting for school districts.

Article 6: Self-Sufficiency and Lifelong Learning

Section 1. Program requirements. Clarifies the eligible age of participation in adult basic education programs.

Section 2. Program approval. Clarifies that a consortium applying for adult basic education aid may consist of districts, nonprofit organizations or both.

Article 7: Teachers

Section 1. School district process for reviewing curriculum, instruction, and student achievement; striving for the world's best workforce.

Subdivision 1. Definitions. Amends the definition of "world's best workforce" to include striving to provide all students with equitable access to effective, more diverse, and more representative teachers.

Subdivision 1a. Performance measures. Requires school performance measures to include data on the proportional representation of teachers and the extent to which teachers are representative of the racial, ethnic, and economic diversity of students in the school.

Subdivision 2. Adopting plans and budgets. Requires school districts to include in its planning process under the world's best workforce a system to evaluate students' equitable access to effective, more diverse, and more representative teachers.

Subdivision 3. District advisory committee. Requires the district advisory committee to make recommendations to the school board regarding the means to improve students' equitable access to effective and more diverse teachers.

Subdivision 4. Site team. Includes the development and implementation of strategies and practices related to cultural fluency among the duties of the district site team.

Subdivision 5. Report. Requires the school board, at its annual world's best workforce public meeting, to review and revise plans, strategies, and practices related to students' increased and equitable access to effective and more diverse teachers.

Subdivision 7. Periodic Report. (No changes.)

Subdivision 9. Annual evaluation. Requires the commissioner to assist districts in providing all enrolled students, including low-income students, American Indian students, and students of color with improved and equitable access to effective and more diverse teachers.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 2. Report. Requires that a district include in its annual school performance report information regarding 1) the number of non-Caucasian or underrepresented teachers; 2) the number and subject areas of community experts providing instruction; 3) the school year testing schedule for the district; and 4) class sizes.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 3. State growth target; other state measures. Corrects obsolete language relating to the requirements of the recently reauthorized federal Elementary and Secondary Education Act.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 4. Duties [of the Board of Teaching]. Makes technical and clarifying changes to standardize the statutory names of teacher licenses. Makes other grammatical corrections. Strikes duplicative language. Requires the Board of Teaching to adopt rules to require at least one hour of suicide prevention best practices for renewal of an existing license.

Effective date: makes **subdivision 4, paragraph (m)**, effective immediately and applies to teachers renewing their teaching licenses beginning August 1, 2017. Otherwise effective August 1, 2016.

Section 5. Endorsement; dual enrollment instruction. Directs the Board of Teaching to adopt standards for, and issue an endorsement for dual enrollment instruction to a high school teacher

licensed in a content-specific field who successfully completes the faculty qualification requirements established by the Higher Learning Commission.

Effective date: makes this section effective immediately and requires the Board of Teaching must start issuing endorsements by September 1, 2017.

Section 6. Board to issue licenses. Makes technical and clarifying changes to standardize the statutory names of teacher licenses. Makes other grammatical corrections. Strikes duplicative language.

Section 7. Teachers' and administrators' licenses; fees. Clarifies that the license for school administrators is set by the Board of School Administrators. Makes technical and clarifying changes to standardize the statutory names of teacher licenses. Makes other grammatical corrections.

Section 8. Applicants trained in other states. Makes technical and clarifying changes to standardize the statutory names of teacher licenses and the process for licensure of applicants trained in other states. Makes other grammatical corrections.

Section 9. Alternative teacher preparation program and preliminary teacher license. Makes technical and clarifying changes to standardize the statutory names of teacher licenses.

Section 10. Exceptions. Provides that the license required for adult basic education teachers, early childhood and family educators, and community education teachers in a course offered for credit for graduation to persons under age 18 may be construed to bring the individual within the definition of teacher for purposes of the continuing contract law and Teacher Tenure Act.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 11. Development, evaluation, and peer coaching for continuing contract teachers. Clarifies that a purpose of the teacher development and evaluation process is to provide all enrolled students in a district or school, including low-income students, American Indian students, and students of color with improved and equitable access to more diverse teachers. Requires that the process include staff development activities that improve cultural fluency and competency. Clarifies that the mentoring and induction process may include underrepresented teachers and those that reflect the racial, ethnic, and economic diversity among students.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 12. Development, evaluation, and peer coaching for continuing contract teachers. For districts in cities of the first class, clarifies that a purpose of the teacher development and evaluation process is to provide all enrolled students in a district or school, including low-income students, American Indian students, and students of color with improved and equitable access to more diverse teachers. Requires that the process include staff development activities that improve cultural fluency and competency. Clarifies that the mentoring and induction process may include underrepresented teachers and those that reflect the racial, ethnic, and economic diversity among students.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 13. Staff development committee. Authorizes a district to use staff development revenue for activities relating to a teacher's individual growth plan or the recommendations resulting from the peer review process. Provides that, for the purposes of a district staff development program and membership of the staff development committee, "teacher" includes any public employee other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisory or confidential employee, employed by a school district: (1) in a position for which the person must be licensed by the Board of Teaching or the Commissioner of Education; or (2) in a position as a physical therapist, occupational therapist, art therapist, music therapist, or audiologist.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 14. Duties; evaluation. Requires that a principal evaluation and professional development process be designed to support the principal in shaping the school's cultural fluency and competency and students' increased and equitable access to effective and more diverse teachers.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 15. Courses according to agreements. Clarifies that a school board and eligible postsecondary institution may develop an "introduction to teaching" concurrent enrollment course to encourage high school students to consider teaching as a profession.

Effective date: makes this section effective immediately.

Section 16. Achievement and integration for Minnesota.

Subdivision 1. Program to close the academic achievement and opportunity gap; revenue uses. Provides that district must use achievement and integration revenue to provide integrated learning environments that give students improved and equitable access to effective and more diverse teachers, culturally fluent and competent instructors, improved and equitable access to effective and diverse teachers, including those for underserved student populations, among other allowed uses.

Subdivision 2. Plan implementation; components. Provides that a district eligible to develop an achievement and integration plan may include components related to teacher and administrator effectiveness, equitable access, and diversity.

Subdivision 3. Public engagement; progress report and budget process. Requires the school board, at its annual achievement and integration public hearing, to review data related to students' increased and equitable access to effective and more diverse teachers.

Subdivision 4. Timeline and implementation. (No changes.)

Subdivision 5. Evaluation. Requires the commissioner to report on district outcomes related to improving students' equitable access to effective and diverse teachers, and realizing racial and economic diversity and integration.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 17. Survey of districts. Requires the commissioner to include in the biennial teacher supply and demand report data on student access to effective and more diverse teachers and teacher hiring and retention patterns.

Effective date: makes this section effective for the 2016-2017 school year and later.

Section 18. Definitions. Amends the definition of “teacher shortage area” to include school districts where minority populations are underrepresented among licensed teachers.

Effective date: makes this section effective immediately.

Section 19. Use of report on teacher shortage areas. Directs the commissioner to make a report of teacher supply and demand to the Legislature, including the school districts where minority populations are underrepresented among licensed teachers.

Effective date: makes this section effective immediately.

Section 20. Career and technical educator licensing advisory task force. Provides for the creation, membership, duties, reporting requirements, and other administrative provisions of a career and technical educator licensing advisory task force.

Effective date: makes this section effective immediately.

Section 21. Legislative task force on kindergarten through grade 12 teacher licensure. Provides for the creation, membership, purpose, reporting requirements, and other administrative provisions for a legislative task force on teacher licensure.

Effective date: makes this section effective immediately.

Section 22. Repealer. Repeals a reference to “highly qualified teacher” in the section relating to alternative teacher preparation programs to conform with the requirements of the recently reauthorized federal Elementary and Secondary Education Act.

Article 8. Early childhood.

Section 1. Family eligibility. Provides that a child age three or four who has not started kindergarten and whose family is homeless is eligible to receive an early learning scholarship.

Article 9. Charter school recodification.

The 2015 education omnibus bill authorized a renumbering of the charter school law into its own chapter, **124E**. The renumbering moved related pieces of the law closer together, creating a body of law that is conceptually easier to understand.

Aided by the conceptual clarity of the new organization, when the new chapter was reviewed in editing, nonpartisan staff found many instances of ambiguity caused by passive voice and modifier placement, as well as instances of inconsistent use of terminology and grammar.

This article seeks to increase the written clarity of the existing charter law by making technical correction of various types, including changing passive voice verbs to active voice, moving modifiers within a sentence to increase clarity, removing unnecessary words, clarifying and correcting cross references, making terminology consistent, including changing “department” to “commissioner”, making structures within sentences parallel, reorganizing paragraphs and clauses, and making other technical grammar corrections.