

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1789

**DATE:** March 12, 2004

**Version:** Second engrossment

**Authors:** Sykora and others

**Subject:** Education department administrative bill

**Analyst:** Lisa Larson, 651-296-8036  
Tim Strom, 651-296-1886

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

### Overview

This administrative bill prepared by the state Department of Education proposes various technical and substantive amendments to state education statutes. The bill does not contain the governor's new education initiatives.

### Section

#### Article 1 - General Education

- 1 1 **Contract; duties.** Eliminates the requirement that a superintendent submit to the Department of Education an annual report that identifies the superintendent's best estimates of the expenditure level the district would need to have in order to reach an 80 percent student passage rate on the basic standards tests. **Start typing here**
- 2 **Board control of extracurricular activities.** Makes a technical change to reference the current manual that addresses fund accounting, which is called "Manual for Activity Fund Accounting."
- 3 **Debt service equalization aid.** Clarifies that a district's debt service equalization aid is the sum of its first tier and second tier debt equalization aid.
- 4 **Expenditures by building.** Requires each school district to maintain and report most general fund expenditures by site. Specifically, the expenditures for regular instruction, secondary vocational instruction and school administration must be shown separately for each site. Requires all expenditures for special education instruction, instructional support services and pupil support services provided within a specific building to be attributed to that building.

## Section

Requires salary expenditures for each building to reflect the actual salaries of the employees at that building. Requires basic skills revenue, first grade preparedness revenue, and state and federal special education aid and Title I aid to be in proportion to district expenditures for those programs by building. Requires the Department of Education to show school building expenditures by school site on the Department of Education's website. Requires other expenditures not specifically identified to be allocated on a uniform per pupil basis per site.

5 **Budget approval.** Eliminates the former requirement requiring general education revenue to be allocated among school sites. Replaces this requirement with another that requires the school board to inform each principal or other administrative authority about the amount of general education revenue and referendum revenue generated by the pupils in attendance at each site.

6 **Reorganization operating debt.** Technical correction that eliminates a reference to an obsolete fund.

7 **General education revenue; charter schools.** Clarifies the definition of general education revenue for charter schools to ensure that extended time and transition revenue are calculated at the site level.

8 **Definitions; transitions for students with disabilities program.** Clarifies an erroneous cross-reference.

9 **Violations of law; withholding state aid.** Allows the commissioner of education to withhold state aid from a charter school or a school district until an audited financial statement or audited financial data are submitted to the commissioner.

10 **Violation; aid reduction or withholding.** Prohibits the commissioner from withholding aid if the violation is corrected within the time permitted (this section is amended to conform to the commissioner's new aid withholding powers granted in section 9).

11 **Revenue for children of divorced or separated parents.** Allows parents of school children who are legally separated or residing separately to designate the district of residence for their child (this same authority currently exists for divorced parents).

12 **Cross-subsidy reports.** Authorizes the Department of Education to compute the estimated cross-subsidies of special education services and basic skills services with other general education revenue (these reports are currently being developed under a separate statutory charge that is being amended in this bill).

13 **Proposed levy.** Clarifies the levy process that school districts follow when submitting their proposed levies to the county auditor.

14 **Surplus funds.** Modifies the procedure for calculating the aid and levy reductions due to a debt excess in the final year of a school bonding project to first eliminate the amount of debt service equalization aid in the second tier of debt equalization revenue before applying the reduction proportionately among debt aid and levy.

15 **Repealer.** Repeals the current provision allocating general education revenue among buildings (this procedure is replaced with other provisions in this article).

## Article 2 - Education Excellence

1 1 **Scope.** Classifies school accountability data as nonpublic data in chapter 120B governing school accountability.

Makes this section effective immediately.

2 **School accountability.** Makes nonpublic data involving school performance report cards and

## **Section**

adequate yearly progress determinations subject to section 120B.36 governing school accountability appeals.

Makes this section effective immediately.

### **3 Graduation requirements; course credits.**

**Subd. 1. Required number of course credits.** Strikes specific credit distribution requirements related to the subject areas that are part of the social studies standards.

**Subd. 2. Rigorous course of study; waiver.** Establishes a waiver procedure to allow students to participate in a rigorous course of study, including an advanced placement, international baccalaureate or post secondary enrollment options course or program or other outside learning opportunity and to receive credit for satisfactorily completing the course or program. Directs four-year public and private post secondary institutions to annually notify the commissioner of the rigorous courses offered at the institution. Makes students who entered the ninth grade before the 2003-2004 school year eligible for this waiver.

### **4 Gifted and talented program development and student identification.**

**Subd. 1. Purpose.** Declares that it is critical to identify and appropriately serve gifted and talented students.

**Subd. 2. Student identification.** Establishes seven parameters for assessing and placing gifted and talented students.

### **5 School accountability; appeals process.**

**Subd. 1. School performance report cards.** Makes school performance report cards nonpublic data until the education department posts the data on its public website. Directs the department to annually post the data by September 1.

**Subd. 2. Adequate yearly progress data.** Classifies data obtained for purposes of determining adequate yearly progress under the federal No Child Left Behind Act as nonpublic data until the education department posts the data on its public website. Requires school districts to give parents enough data to permit an appeal of a school's adequate yearly progress designation under the federal No Child Left Behind Act. Directs the department to annually post the data by September 1.

Makes this section effective immediately.

### **6 Definitions.**

**Subd. 1a. Primary language.** Defines "primary language" as a language other than English that a child uses or speaks in the home or that a parent declares is the child's primary language under some circumstances. Requires at the time of district enrollment that a student's primary language also be determined with a home language questionnaire.

**Subd. 1b. Language minority student.** Defines "language minority student" as a K-

## Section

12 student with a primary language other than English.

**Subd. 2. English language learner.** Redefines a limited English proficiency student as an English language learner.

**Subd. 2a. Transitional language learner.** Defines transitional language learner as a student who is a language minority student, demonstrates proficiency on an approved English language acquisition test, and three times or within the last three academic years in Minnesota has not yet demonstrated proficiency on a state reading assessment aligned with state academic standards.

**Subd. 2b. Fluent language learner.** Defines fluent language learner as a K-12 student who is a language minority student, demonstrates proficiency on an approved English language acquisition test, and three times or within the last three academic years in Minnesota has demonstrated proficiency on a state reading assessment aligned with state academic standards.

**Subd. 3. Essential instructional personnel.** Strikes teachers with training to teach limited English proficiency students from the definition of "essential instructional personnel."

Strikes and amends existing statutory language to be consistent with the definitions in this section.

7 **General requirements for programs.** Establishes new and amends existing requirements for English language learner programs.

8 **Rulemaking authority.**

**Subd. 1. Supplemental education service providers.** Directs the commissioner to adopt permanent rules on supplemental education service providers.

**Subd. 2. Statewide testing.** Directs the commissioner to adopt rules on administering statewide accountability tests to ensure test security, integrity and results.

Makes this section effective immediately.

9 **Revisor's instruction.** Directs the revisor to make technical changes related English language learners.

## **Article 3 - Special Programs**

1 1 **Online learning parameters.** Strikes language making an individualized education plan team determine a condition for allowing a special education student to enroll in an online course or program. Requires the individualized education plan team to adapt the student's individualized education plan to reflect the online learning option.

2 **Definitions.** Amends the definition of interagency intervention service system to indicate that disabled children birth to 21, instead of three to 21, are eligible to receive services and programs under state and federal special education law. Makes the Minnesota Children with Special Health Needs program part of the interagency intervention service system. Adds,

## **Section**

amends and strikes references to various federal and state laws, programs, funds and entities that are part of the interagency intervention service system.

**3 State interagency committee.** Changes the composition of the governor-convened state interagency committee and adds two parent representatives.

**4 Special instruction for children with a disability.** Requires school districts to provide special instruction and services to disabled children who are suspended or expelled from school for more than 10 days, consistent with the state's Pupil Fair Dismissal Act.

**5 Department responsibility.** Directs the commissioner to adopt rules by June 1, 2004, instead of January 1, 2004, on requirements related to hearing officers.

Makes this section retroactively effective to July 1, 2003.

## **Article 4 - Libraries**

**1 1 Advisory committee.** Directs the commissioner to appoint a five member advisory committee to advise the Minnesota Library for the Blind and Physically Handicapped staff on long-range planning and library services. Makes the committee members subject to the terms governing advisory councils and committees except that the committee expires on June 30, 2007.

Makes this section effective June 30, 2004.

**2 Qualification.** Increases from \$150,000 to \$200,000 the amount of a state grant available to a public library jurisdiction for removing architectural barriers from a building or site.

## **Article 5 - State Agencies**

**1 1 Mandatory reporting.** Requires school boards to report to the Board of Teaching or the Board of School Administrators when a teacher or administrator is suspended without an investigation on one of three statutory grounds for teacher discharge or demotion or for maltreatment of a minor.