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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **637**

February 5, 2007

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to education finance; authorizing full-day kindergarten; providing a new
1.3 state aid for certain costs of full-day kindergarten programs; authorizing a sliding
1.4 scale fee for full-day kindergarten; appropriating money; amending Minnesota
1.5 Statutes 2006, sections 123B.35; 123B.36, subdivision 1; 123B.37, subdivision
1.6 1; proposing coding for new law in Minnesota Statutes, chapter 126C.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 123B.35, is amended to read:

1.9 **123B.35 GENERAL POLICY.**

1.10 It is the policy of the state of Minnesota that public school education, other than
1.11 full-day kindergarten, shall be free and no pupil shall be denied an education because
1.12 of economic inability to furnish educational books and supplies necessary to complete
1.13 educational requirements necessary for graduation. Any practice leading to suspension,
1.14 coercion, exclusion, withholding of grades or diplomas, or discriminatory action based
1.15 upon nonpayment of fees denies pupils their right to equal protection and entitled
1.16 privileges. It is recognized that school boards do have the right to accept voluntary
1.17 contributions and to make certain charges and to establish fees in areas considered
1.18 extra curricular, noncurricular or supplementary to the requirements for the successful
1.19 completion of a class or educational program. School boards may charge a fee for full-day
1.20 kindergarten programs. No public school board may require, except as authorized by
1.21 sections 123B.36 and 123B.38, the payment of fees.

1.22 **EFFECTIVE DATE.** This section is effective July 1, 2007.

1.23 Sec. 2. Minnesota Statutes 2006, section 123B.36, subdivision 1, is amended to read:

- 2.1 Subdivision 1. **School boards may require fees.** (a) For purposes of this
2.2 subdivision, "home school" means a home school as defined in sections 120A.22 and
2.3 120A.24 with five or fewer students receiving instruction.
- 2.4 (b) A school board is authorized to require payment of fees in the following areas:
- 2.5 (1) in any program where the resultant product, in excess of minimum requirements
2.6 and at the pupil's option, becomes the personal property of the pupil;
- 2.7 (2) admission fees or charges for extracurricular activities, where attendance
2.8 is optional and where the admission fees or charges a student must pay to attend or
2.9 participate in an extracurricular activity is the same for all students, regardless of whether
2.10 the student is enrolled in a public or a home school;
- 2.11 (3) a security deposit for the return of materials, supplies, or equipment;
- 2.12 (4) personal physical education and athletic equipment and apparel, although any
2.13 pupil may personally provide it if it meets reasonable requirements and standards relating
2.14 to health and safety established by the board;
- 2.15 (5) items of personal use or products that a student has an option to purchase such as
2.16 student publications, class rings, annuals, and graduation announcements;
- 2.17 (6) fees specifically permitted by any other statute, including but not limited to
2.18 section 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual
2.19 cost to the school and school district of providing driver education, and (ii) the driver
2.20 education courses are open to enrollment to persons between the ages of 15 and 18 who
2.21 reside or attend school in the school district;
- 2.22 (7) field trips considered supplementary to a district educational program;
- 2.23 (8) any authorized voluntary student health and accident benefit plan;
- 2.24 (9) for the use of musical instruments owned or rented by the district, a reasonable
2.25 rental fee not to exceed either the rental cost to the district or the annual depreciation plus
2.26 the actual annual maintenance cost for each instrument;
- 2.27 (10) transportation of pupils to and from extracurricular activities conducted at
2.28 locations other than school, where attendance is optional;
- 2.29 (11) transportation to and from school of pupils living within two miles from school
2.30 and all other transportation services not required by law. If a district charges fees for
2.31 transportation of pupils, it must establish guidelines for that transportation to ensure that
2.32 no pupil is denied transportation solely because of inability to pay;
- 2.33 (12) motorcycle classroom education courses conducted outside of regular school
2.34 hours; provided the charge must not exceed the actual cost of these courses to the school
2.35 district;

3.1 (13) transportation to and from postsecondary institutions for pupils enrolled under
 3.2 the postsecondary enrollment options program under section 123B.88, subdivision 22.
 3.3 Fees collected for this service must be reasonable and must be used to reduce the cost
 3.4 of operating the route. Families who qualify for mileage reimbursement under section
 3.5 124D.09, subdivision 22, may use their state mileage reimbursement to pay this fee. If
 3.6 no fee is charged, districts must allocate costs based on the number of pupils riding the
 3.7 route; and

3.8 (14) full-day kindergarten programs conducted under section 126C.08.

3.9 **EFFECTIVE DATE.** This section is effective July 1, 2007.

3.10 Sec. 3. Minnesota Statutes 2006, section 123B.37, subdivision 1, is amended to read:

3.11 Subdivision 1. **Boards shall not charge certain fees.** (a) A board is not authorized
 3.12 to charge fees in the following areas:

3.13 (1) textbooks, workbooks, art materials, laboratory supplies, towels;

3.14 (2) supplies necessary for participation in any instructional course except as
 3.15 authorized in sections 123B.36 and 123B.38;

3.16 (3) field trips that are required as a part of a basic education program or course;

3.17 (4) graduation caps, gowns, any specific form of dress necessary for any educational
 3.18 program, and diplomas;

3.19 (5) instructional costs for necessary school personnel employed in any course or
 3.20 educational program required for graduation other than full-day kindergarten programs;

3.21 (6) library books required to be utilized for any educational course or program;

3.22 (7) admission fees, dues, or fees for any activity the pupil is required to attend;

3.23 (8) any admission or examination cost for any required educational course or
 3.24 program;

3.25 (9) locker rentals;

3.26 (10) transportation to and from school of pupils living two miles or more from
 3.27 school.

3.28 (b) Notwithstanding paragraph (a), clauses (1) and (6), a board may charge fees
 3.29 for textbooks, workbooks, and library books, lost or destroyed by students. The board
 3.30 must annually notify parents or guardians and students about its policy to charge a fee
 3.31 under this paragraph.

3.32 **EFFECTIVE DATE.** This section is effective July 1, 2007.

3.33 Sec. 4. **[126C.08] FULL-DAY KINDERGARTEN.**

4.1 Subdivision 1. **Full-day kindergarten programs authorized.** A school district
 4.2 may operate a full-day kindergarten program as a part of its general fund activities. A
 4.3 school board, at its discretion, may choose to offer half-day kindergarten programs,
 4.4 full-day kindergarten programs, or a combination of kindergarten programs.

4.5 Subd. 2. **State sliding scale fee.** The commissioner of education must determine a
 4.6 sliding scale fee schedule for full-day kindergarten students. The fee schedule shall reflect
 4.7 family size and family income and may be based on the limits established for free or
 4.8 reduced-price meal eligibility. A school district may use the fee schedule established by
 4.9 the commissioner or adopt a different fee schedule according to subdivision 3.

4.10 Subd. 3. **Locally determined fee authorized.** A school district may charge a
 4.11 sliding scale fee for full-day kindergarten programs for costs associated with the portion
 4.12 of the school day not otherwise covered by state aid. A school board may use the fee
 4.13 schedule established by the commissioner in subdivision 2, or by adoption of a written
 4.14 resolution, establish a different fee schedule. The maximum fee must not exceed the
 4.15 unfunded costs of the full-day kindergarten program.

4.16 Subd. 4. **Full-day kindergarten funding.** In addition to revenue under section
 4.17 126C.10, each school district is eligible for full-day kindergarten aid equal to the adjusted
 4.18 average daily membership of its kindergarten population times 0.5 less the amount that
 4.19 would be generated by the state sliding scale fee applied to the kindergarten pupils
 4.20 attending kindergarten on a full-day, every day basis.

4.21 Subd. 5. **Fee waiver; inability to pay.** A school board may waive the fee for any
 4.22 student at its discretion. A school board may not deny a student full-day kindergarten
 4.23 services for nonpayment of the fee.

4.24 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2008.

4.25 Sec. 5. **APPROPRIATION.**

4.26 \$..... in fiscal year 2008 and \$..... in fiscal year 2009 are appropriated from the
 4.27 general fund to the commissioner of education for full-day kindergarten aid under section
 4.28 4.