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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 3811

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The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight

1.1 A bill for an act
1.2 relating to education; reducing mandates on school districts; creating a
1.3 moratorium on unfunded mandates; amending Minnesota Statutes 2009
1.4 Supplement, section 126C.44; Laws 2009, chapter 96, article 2, section 64;
1.5 repealing Minnesota Statutes 2008, section 123B.05.

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

1.7 Section 1. Minnesota Statutes 2009 Supplement, section 126C.44, is amended to read:

1.8 **126C.44 SAFE SCHOOLS LEVY.**

1.9 (a) Each district may make a levy on all taxable property located within the district
1.10 for the purposes specified in this section. The maximum amount which may be levied
1.11 for all costs under this section shall be equal to \$30 multiplied by the district's adjusted
1.12 marginal cost pupil units for the school year. The proceeds of the levy must be reserved and
1.13 used for directly funding the following purposes or for reimbursing the cities and counties
1.14 who contract with the district for the following purposes: (1) to pay the costs incurred for
1.15 the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in
1.16 services in the district's schools; (2) to pay the costs for a drug abuse prevention program
1.17 as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;
1.18 (3) to pay the costs for a gang resistance education training curriculum in the district's
1.19 schools; (4) to pay the costs for security in the district's schools and on school property; (5)
1.20 to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary
1.21 opt-in suicide prevention tools, and violence prevention measures taken by the school
1.22 district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed
1.23 school social workers, licensed school psychologists, and licensed alcohol and chemical
1.24 dependency counselors to help provide early responses to problems. For expenditures

2.1 under clause (1), the district must initially attempt to contract for services to be provided
 2.2 by peace officers or sheriffs with the police department of each city or the sheriff's
 2.3 department of the county within the district containing the school receiving the services. If
 2.4 a local police department or a county sheriff's department does not wish to provide the
 2.5 necessary services, the district may contract for these services with any other police or
 2.6 sheriff's department located entirely or partially within the school district's boundaries.

2.7 (b) A school district that is a member of an intermediate school district may
 2.8 include in its authority under this section the costs associated with safe schools activities
 2.9 authorized under paragraph (a) for intermediate school district programs. This authority
 2.10 must not exceed \$10 times the adjusted marginal cost pupil units of the member districts.
 2.11 This authority is in addition to any other authority authorized under this section. Revenue
 2.12 raised under this paragraph must be transferred to the intermediate school district.

2.13 (c) A school district must set aside at least \$3 per adjusted marginal cost pupil
 2.14 unit of the safe schools levy proceeds for the purposes authorized under paragraph (a),
 2.15 clause (6). ~~The district must annually certify either that: (1) its total spending on services~~
 2.16 ~~provided by the employees listed in paragraph (a), clause (6), is not less than the sum of~~
 2.17 ~~its expenditures for these purposes, excluding amounts spent under this section, in the~~
 2.18 ~~previous year plus the amount spent under this section; or (2) that the district's full-time~~
 2.19 ~~equivalent number of employees listed in paragraph (a), clause (6), is not less than the~~
 2.20 ~~number for the previous year.~~

2.21 Sec. 2. Laws 2009, chapter 96, article 2, section 64, is amended to read:

2.22 Sec. 64. **RESERVED REVENUE FOR STAFF DEVELOPMENT;**
 2.23 **TEMPORARY SUSPENSION.**

2.24 (a) Notwithstanding Minnesota Statutes, section 122A.61, subdivision 1, for fiscal
 2.25 years 2010 and 2011 through 2014 only, a school district or charter school may use revenue
 2.26 reserved for staff development under Minnesota Statutes, section 122A.61, subdivision 1,
 2.27 according to the requirements of general education revenue under Minnesota Statutes,
 2.28 section 126C.13, subdivision 5.

2.29 (b) On June 30, 2010, a school district may permanently transfer any balance from
 2.30 the reserved account for staff development to the undesignated general fund balance.

2.31 Sec. 3. **MORATORIUM ON UNFUNDED SCHOOL MANDATES.**

2.32 (a) Until otherwise provided in law, the legislature may not enact a law and a state
 2.33 agency may not adopt a rule that imposes a new unfunded mandate or unfunded increase
 2.34 to a prior mandate on a school district or charter school.

3.1 (b) For purposes of this section:

3.2 (1) "mandate" means a requirement imposed upon a school district or charter school
3.3 that if not complied with results in civil liability, injunctive relief, a criminal penalty, or
3.4 administrative sanction, including reduction of loss of funding; and

3.5 (2) "unfunded" means an expected additional cost to school districts and charter
3.6 schools that exceeds the legislative increase to appropriations to school districts and
3.7 charter schools to cover these costs.

3.8 (c) Exemptions may be granted to the restriction in paragraph (a):

3.9 (1) by the legislature, if it determines that a new or increased mandate passed by law
3.10 is necessary to protect public health or is required to implement federal law; and

3.11 (2) by the governor, if the governor determines that a new or increased mandate
3.12 adopted by rule is necessary to protect public health or is required to implement federal
3.13 law.

3.14 Sec. 4. **REPEALER.**

3.15 Minnesota Statutes 2008, section 123B.05, is repealed.

123B.05 CONTRACT DEADLINE AND PENALTY.

Subdivision 1. **Definitions.** The following definitions apply to this section.

(1) "Public employer" means:

(i) a district; and

(ii) a public employer, as defined by section 179A.03, subdivision 15, other than a district that (i) negotiates a contract under chapter 179A with teachers, and (ii) is established by, receives state money, or levies under chapters 120A to 129C, or 136D, or 268A.

(2) "Teacher" means a person, other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisor or confidential employee who occupies a position for which the person must be licensed by the Board of Teaching, commissioner of education, the former Board of Technical Colleges, or the Board of Trustees of the Minnesota State Colleges and Universities.

Subd. 2. **Contract deadline date; state aid penalty.** Notwithstanding any law to the contrary, a public employer and the exclusive representative of the teachers must both sign a collective bargaining agreement on or before January 15 of an even-numbered calendar year. If a collective bargaining agreement is not signed by that date, state aid paid to the public employer for that fiscal year must be reduced. However, state aid must not be reduced if:

(1) a public employer and the exclusive representative of the teachers have submitted all unresolved contract items to interest arbitration according to section 179A.16 before December 31 of an odd-numbered year and filed required final positions on all unresolved items with the commissioner of mediation services before January 15 of an even-numbered year; and

(2) the arbitration panel has issued its decision within 60 days after the date the final positions were filed.

Subd. 3. **State aid penalty exemptions.** (a) For a district that reorganizes according to section 123A.46, 123A.48, or sections 123A.35 to 123A.43 effective July 1 of an odd-numbered year, state aid must not be reduced according to this section if the board and the exclusive representative of the teachers both sign a collective bargaining agreement on or before the March 15 following the effective date of reorganization.

(b) For a district that jointly negotiates a contract before the effective date of reorganization under section 123A.46, 123A.48, or sections 123A.35 to 123A.43 that, for the first time, includes teachers in all districts to be reorganized, state aid must not be reduced according to this section if the board and the exclusive representative of the teachers sign a collective bargaining agreement on or before the March 15 following the expiration of the teacher contracts in each district involved in the joint negotiation.

(c) Only one extension of the contract deadline is available to a district under this subdivision.

Subd. 4. **Calculation of state aid reduction.** (a) The reduction must equal \$25 times the number of adjusted pupil units:

(1) for a district, that are in the district during that fiscal year; or

(2) for a public employer other than a district, that are in programs provided by the employer during the preceding fiscal year.

(b) The department must determine the number of full-time equivalent resident pupil units in the programs. The department must reduce general education aid; if general education aid is insufficient or not paid, the department must reduce other state aids.

Subd. 5. **State aid reductions returned to general fund.** Reductions from aid to districts and public employers other than districts must be returned to the general fund.