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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. 511

February 14, 2011

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

1.1 A bill for an act
1.2 relating to education; removing unneeded mandates on public schools;
1.3 amending Minnesota Statutes 2010, sections 120B.023, subdivision 2; 123A.16,
1.4 subdivision 1; 123B.02, subdivision 15; 124D.19, subdivision 3; 125A.07;
1.5 126C.44; repealing Minnesota Statutes 2010, section 123B.05.

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

1.7 Section 1. Minnesota Statutes 2010, section 120B.023, subdivision 2, is amended to
1.8 read:

1.9 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must
1.10 revise and appropriately embed technology and information literacy standards consistent
1.11 with recommendations from school media specialists into the state's academic standards
1.12 and graduation requirements and implement a review cycle for state academic standards
1.13 and related benchmarks, consistent with this subdivision. The commissioner must
1.14 review the state's academic standards, graduation requirements, and related benchmarks
1.15 consistent with the cycle established in this subdivision but must not proceed to revise or
1.16 align the academic standards, graduation requirements, or related benchmarks without
1.17 first receiving specific legislative authority to do so. After completing a review under this
1.18 subdivision, the commissioner must submit to the legislature recommended changes in the
1.19 relevant academic standards, graduation requirements, and related benchmarks. During
1.20 each review cycle, the commissioner also must examine the alignment of each required
1.21 academic standard and related benchmark with the knowledge and skills students need for
1.22 college readiness and advanced work in the particular subject area.

1.23 (b) The commissioner in the 2006-2007 school year must revise and align the state's
1.24 academic standards and high school graduation requirements in mathematics to require

2.1 that students satisfactorily complete the revised mathematics standards, beginning in the
2.2 2010-2011 school year. Under the revised standards:

2.3 (1) students must satisfactorily complete an algebra I credit by the end of eighth
2.4 grade; and

2.5 (2) students scheduled to graduate in the 2014-2015 school year or later must
2.6 satisfactorily complete an algebra II credit or its equivalent.

2.7 The commissioner also must ensure that the statewide mathematics assessments
2.8 administered to students in grades 3 through 8 and 11 are aligned with the state academic
2.9 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph
2.10 (b). The commissioner must implement a review of the academic standards and related
2.11 benchmarks in mathematics beginning in the 2015-2016 school year.

2.12 (c) The commissioner in the 2007-2008 school year must revise and align the state's
2.13 academic standards and high school graduation requirements in the arts to require that
2.14 students satisfactorily complete the revised arts standards beginning in the 2010-2011
2.15 school year. The commissioner must implement a review of the academic standards and
2.16 related benchmarks in arts beginning in the 2016-2017 school year.

2.17 (d) The commissioner in the 2008-2009 school year must revise and align the state's
2.18 academic standards and high school graduation requirements in science to require that
2.19 students satisfactorily complete the revised science standards, beginning in the 2011-2012
2.20 school year. Under the revised standards, students scheduled to graduate in the 2014-2015
2.21 school year or later must satisfactorily complete a chemistry or physics credit. The
2.22 commissioner must implement a review of the academic standards and related benchmarks
2.23 in science beginning in the 2017-2018 school year.

2.24 (e) The commissioner in the 2009-2010 school year must revise and align the state's
2.25 academic standards and high school graduation requirements in language arts to require
2.26 that students satisfactorily complete the revised language arts standards beginning in the
2.27 2012-2013 school year. The commissioner must implement a review of the academic
2.28 standards and related benchmarks in language arts beginning in the 2018-2019 school year.

2.29 (f) The commissioner in the ~~2010-2011~~ 2014-2015 school year must ~~revise and~~
2.30 ~~align~~ review the state's academic standards and high school graduation requirements
2.31 in social studies ~~to require~~ that students must satisfactorily complete ~~the revised social~~
2.32 ~~studies standards~~ beginning in the ~~2013-2014~~ 2017-2018 school year and recommend any
2.33 revisions to the legislature. The commissioner must again implement a review of the
2.34 academic standards and related benchmarks in social studies beginning in the ~~2019-2020~~
2.35 2023-2024 school year.

3.1 (g) School districts and charter schools must revise and align local academic
3.2 standards and high school graduation requirements in health, world languages, and career
3.3 and technical education to require students to complete the revised standards beginning
3.4 in a school year determined by the school district or charter school. School districts and
3.5 charter schools must formally establish a periodic review cycle for the academic standards
3.6 and related benchmarks in health, world languages, and career and technical education.

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.8 Sec. 2. Minnesota Statutes 2010, section 123A.16, subdivision 1, is amended to read:

3.9 Subdivision 1. **School district representation.** The education district board shall
3.10 be composed of at least one representative appointed by the school board or governing
3.11 board of each member. Each representative must be a member of the appointing school or
3.12 governing board. Each representative shall serve at the pleasure of the appointing board
3.13 and may be recalled by a majority vote of the appointing board. Each representative shall
3.14 serve for the term that is specified in the agreement. The board shall select its officers
3.15 from among its members and shall determine the terms of the officers. The board shall
3.16 adopt bylaws for the conduct of its business. The board may conduct public meetings via
3.17 interactive television and, notwithstanding section 13D.02, may also conduct meetings
3.18 via video and audio link if the board complies with chapter 13D in each location where
3.19 board members are present.

3.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.21 Sec. 3. Minnesota Statutes 2010, section 123B.02, subdivision 15, is amended to read:

3.22 Subd. 15. **Annuity contract; payroll allocation.** (a) At the request of an employee
3.23 and as part of the employee's compensation arrangement, the board may purchase an
3.24 individual annuity contract for an employee for retirement or other purposes and may
3.25 make payroll allocations in accordance with such arrangement for the purpose of paying
3.26 the entire premium due and to become due under such contract. The allocation must be
3.27 made in a manner which will qualify the annuity premiums, or a portion thereof, for
3.28 the benefit afforded under section 403(b) of the current Federal Internal Revenue Code
3.29 or any equivalent provision of subsequent federal income tax law. The employee shall
3.30 own such contract and the employee's rights under the contract shall be nonforfeitable
3.31 except for failure to pay premiums. Section 122A.40 shall not be applicable hereto and the
3.32 board shall have no liability thereunder because of its purchase of any individual annuity
3.33 contracts. This statute shall be applied in a nondiscriminatory manner to employees of

4.1 the school district. The school board of a school district shall determine the identity and
4.2 number of the available vendors under federal Internal Revenue Code, section 403(b) is a
4.3 term and condition of employment under section 179A.03.

4.4 (b) When considering vendors under paragraph (a), the school district and the
4.5 exclusive representative of the employees shall consider all of the following:

4.6 (1) the vendor's ability to comply with all employer requirements imposed by
4.7 section 403(b) of the Internal Revenue Code of 1986 and its subsequent amendments,
4.8 other provisions of the Internal Revenue Code of 1986 that apply to section 403(b) of the
4.9 Internal Revenue Code, and any regulation adopted in relation to these laws;

4.10 (2) the vendor's experience in providing 403(b) plans;

4.11 (3) the vendor's potential effectiveness in providing client services attendant to
4.12 its plan and in relation to cost;

4.13 (4) the nature and extent of rights and benefits offered under the vendor's plan;

4.14 (5) the suitability of the rights and benefits offered under the vendor's plan;

4.15 (6) the vendor's ability to provide the rights and benefits offered under its plan; and

4.16 (7) the vendor's financial stability.

4.17 **EFFECTIVE DATE.** This section is effective July 1, 2011.

4.18 Sec. 4. Minnesota Statutes 2010, section 124D.19, subdivision 3, is amended to read:

4.19 Subd. 3. **Community education director.** (a) Except as provided under paragraphs
4.20 (b) and (c), each board shall employ a licensed community education director. The board
4.21 shall submit the name of the person who is serving as director of community education
4.22 under this section on the district's annual community education report to the commissioner.

4.23 (b) A board may apply to the Minnesota Board of School Administrators under
4.24 Minnesota Rules, part 3512.3500, subpart 9, for authority to use an individual who is not
4.25 licensed as a community education director.

4.26 (c) A board of a district with a total population of ~~2,000~~ 10,000 or less may identify
4.27 an employee who holds a valid Minnesota principal or superintendent license under
4.28 Minnesota Rules, chapter 3512, to serve as director of community education. To be
4.29 eligible for an exception under this paragraph, the board shall certify in writing to the
4.30 commissioner that the district has not placed a licensed director of community education
4.31 on unrequested leave.

4.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 5. Minnesota Statutes 2010, section 125A.07, is amended to read:

5.2 **125A.07 RULEMAKING.**

5.3 (a) Consistent with this section, the commissioner shall adopt new rules and
5.4 amend existing rules related to children with disabilities only ~~under~~ after receiving
5.5 specific legislative authority to do so, consistent with section 127A.05, subdivision 4, and
5.6 consistent with the requirements of chapter 14 and paragraph (c). ~~Technical changes and~~
5.7 corrections are exempted from this paragraph.

5.8 (b) As provided in this paragraph, the state's regulatory scheme should support
5.9 schools by assuring that all state special education rules adopted by the commissioner
5.10 result in one or more of the following outcomes:

5.11 (1) increased time available to teachers and, where appropriate, to support staff
5.12 including school nurses for educating students through direct and indirect instruction;

5.13 (2) consistent and uniform access to effective education programs for students with
5.14 disabilities throughout the state;

5.15 (3) reduced inequalities and conflict, appropriate due process hearing procedures
5.16 and reduced court actions related to the delivery of special education instruction and
5.17 services for students with disabilities;

5.18 (4) clear expectations for service providers and for students with disabilities;

5.19 (5) increased accountability for all individuals and agencies that provide instruction
5.20 and other services to students with disabilities;

5.21 (6) greater focus for the state and local resources dedicated to educating students
5.22 with disabilities; and

5.23 (7) clearer standards for evaluating the effectiveness of education and support
5.24 services for students with disabilities.

5.25 (c) Subject to chapter 14, the commissioner may adopt, amend, or rescind a rule
5.26 related to children with disabilities if such action is specifically required by federal law.

5.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.28 Sec. 6. Minnesota Statutes 2010, section 126C.44, is amended to read:

5.29 **126C.44 SAFE SCHOOLS LEVY.**

5.30 (a) Each district may make a levy on all taxable property located within the district
5.31 for the purposes specified in this section. The maximum amount which may be levied
5.32 for all costs under this section shall be equal to \$30 multiplied by the district's adjusted
5.33 marginal cost pupil units for the school year. The proceeds of the levy must be reserved and
5.34 used for directly funding the following purposes or for reimbursing the cities and counties

6.1 who contract with the district for the following purposes: (1) to pay the costs incurred for
 6.2 the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in
 6.3 services in the district's schools; (2) to pay the costs for a drug abuse prevention program
 6.4 as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;
 6.5 (3) to pay the costs for a gang resistance education training curriculum in the district's
 6.6 schools; (4) to pay the costs for security in the district's schools and on school property; (5)
 6.7 to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary
 6.8 opt-in suicide prevention tools, and violence prevention measures taken by the school
 6.9 district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed
 6.10 school social workers, licensed school psychologists, and licensed alcohol and chemical
 6.11 dependency counselors to help provide early responses to problems. For expenditures
 6.12 under clause (1), the district must initially attempt to contract for services to be provided
 6.13 by peace officers or sheriffs with the police department of each city or the sheriff's
 6.14 department of the county within the district containing the school receiving the services. If
 6.15 a local police department or a county sheriff's department does not wish to provide the
 6.16 necessary services, the district may contract for these services with any other police or
 6.17 sheriff's department located entirely or partially within the school district's boundaries.

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

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

6.32 **Sec. 7. RESERVED REVENUE FOR STAFF DEVELOPMENT; TEMPORARY**
 6.33 **SUSPENSION.**

6.34 Notwithstanding Minnesota Statutes, section 122A.61, subdivision 1, for fiscal years
 6.35 2012 and 2013 only, a school district or charter school may use revenue reserved for staff

7.1 development under Minnesota Statutes, section 122A.61, subdivision 1, according to the
7.2 requirements of general education revenue under Minnesota Statutes, section 126C.13,
7.3 subdivision 5.

7.4 **EFFECTIVE DATE.** This section is effective July 1, 2011.

7.5 Sec. 8. **FUND TRANSFER; FISCAL YEARS 2012 AND 2013 ONLY.**

7.6 (a) Notwithstanding Minnesota Statutes, section 123B.80, subdivision 3, for fiscal
7.7 years 2012 and 2013 only, the commissioner must approve a request for a fund transfer
7.8 if the transfer does not increase state aid obligations to the district or result in additional
7.9 property tax authority for the district. This section does not permit transfers from the
7.10 community service fund.

7.11 (b) A school board may approve a fund transfer under paragraph (a) only after
7.12 adopting a resolution stating the fund transfer will not diminish instructional opportunities
7.13 for students.

7.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.15 Sec. 9. **REPEALER.**

7.16 Minnesota Statutes 2010, section 123B.05, is repealed.

7.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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.