

1.1 A bill for an act

1.2 relating to education finance; simplifying and repealing mandates on districts;
 1.3 amending Minnesota Statutes 2008, sections 120A.24, subdivision 4; 120A.26,
 1.4 subdivision 5; 120B.11, subdivision 5; 122A.50; 122A.61, subdivision 1;
 1.5 123B.10, subdivision 1; 123B.71, subdivisions 1, 8, 12; 124D.19, subdivision 3;
 1.6 125A.57, subdivision 2; repealing Minnesota Statutes 2008, sections 120A.26,
 1.7 subdivision 4; 120A.41; 120B.11, subdivisions 6, 7, 8; 120B.39; 122A.32;
 1.8 122A.628; 122A.75.

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

1.10 Section 1. Minnesota Statutes 2008, section 120A.24, subdivision 4, is amended to
 1.11 read:

1.12 Subd. 4. **Reports to the state.** A superintendent must make an annual report to the
 1.13 commissioner of education. The report must include ~~the following information:~~

1.14 ~~(1) the number of children residing in the district attending nonpublic schools or~~
 1.15 ~~receiving instruction from persons or institutions other than a public school;~~

1.16 ~~(2) the number of children in clause (1) who are in compliance with section 120A.22~~
 1.17 ~~and this section; and~~

1.18 ~~(3) the number of children in clause (1) who the superintendent has determined are~~
 1.19 ~~not in compliance with section 120A.22 and this section.~~

1.20 Sec. 2. Minnesota Statutes 2008, section 120A.26, subdivision 5, is amended to read:

1.21 Subd. 5. **Notice to county attorney.** If the alleged violations are not corrected
 1.22 ~~through the fact-finding and mediation process under subdivision 4~~ within 15 days of
 1.23 receipt of the written notification, the superintendent must notify the county attorney of
 1.24 the alleged violations. The superintendent must notify the parents, by certified mail, of the
 1.25 superintendent's intent to notify the county attorney of the alleged violations.

2.1 Sec. 3. Minnesota Statutes 2008, section 120B.11, subdivision 5, is amended to read:

2.2 Subd. 5. **Report.** (a) By October 1 of each year, the school board shall use standard
2.3 statewide reporting procedures the commissioner develops and adopt a report that includes
2.4 the following:

2.5 (1) student achievement goals for meeting state academic standards;

2.6 (2) results of local assessment data, and any additional test data;

2.7 (3) the annual school district improvement plans including staff development goals
2.8 under section 122A.60;

2.9 (4) information about district and learning site progress in realizing previously
2.10 adopted improvement plans; and

2.11 (5) the amount and type of revenue attributed to each education site as defined
2.12 in section 123B.04.

2.13 (b) The school board shall publish a summary of the report in the local newspaper
2.14 with the largest circulation in the district, by mail, or by electronic means such as the
2.15 district Web site. If electronic means are used, school districts must publish notice of the
2.16 report in a periodical of general circulation in the district. School districts must make
2.17 copies of the report available to the public on request. ~~The board shall make a copy of the~~
2.18 ~~report available to the public for inspection. The board shall send a copy of the report to~~
2.19 ~~the commissioner of education by October 15 of each year.~~

2.20 (c) The title of the report shall contain the name and number of the school district and
2.21 read "Annual Report on Curriculum, Instruction, and Student Achievement." The report
2.22 must include at least the following information about advisory committee membership:

2.23 (1) the name of each committee member and the date when that member's term
2.24 expires;

2.25 (2) the method and criteria the school board uses to select committee members; and

2.26 (3) the date by which a community resident must apply to next serve on the
2.27 committee.

2.28 Sec. 4. Minnesota Statutes 2008, section 122A.50, is amended to read:

2.29 **122A.50 PREPARATION TIME.**

2.30 Beginning with agreements effective July 1, 1995, and thereafter, all collective
2.31 bargaining agreements for teachers provided for under chapter 179A, must include
2.32 provisions for preparation time or a provision indicating that the parties to the agreement
2.33 chose not to include preparation time in the contract. Preparation time included in
2.34 bargaining agreements beginning July 1, 2009, and later must not exceed 80 percent of

3.1 the preparation time agreed upon in the bargaining agreement immediately preceding
3.2 July 1, 2009.

3.3 If the parties cannot agree on preparation time the following provision shall apply
3.4 and be incorporated as part of the agreement: "Within the student day for every 25 minutes
3.5 of classroom instructional time, a minimum of five additional minutes of preparation time
3.6 shall be provided to each licensed teacher. Preparation time shall be provided in one or
3.7 two uninterrupted blocks during the student day. Exceptions to this may be made by
3.8 mutual agreement between the district and the exclusive representative of the teachers."

3.9 Sec. 5. Minnesota Statutes 2008, section 122A.61, subdivision 1, is amended to read:

3.10 Subdivision 1. **Staff development revenue.** A district is required to reserve
3.11 an amount equal to at least two percent of the basic revenue under section 126C.10,
3.12 subdivision 2, for in-service education for programs under section 120B.22, subdivision
3.13 2, for staff development plans, including plans for challenging instructional activities
3.14 and experiences under section 122A.60, and for curriculum development and programs,
3.15 other in-service education, teachers' workshops, teacher conferences, the cost of
3.16 substitute teachers staff development purposes, preservice and in-service education for
3.17 special education professionals and paraprofessionals, and other related costs for staff
3.18 development efforts. A district may annually waive the requirement to reserve their basic
3.19 revenue under this section if a majority vote of the licensed teachers in the district and
3.20 a majority vote of the school board agree to a resolution to waive the requirement. A
3.21 district in statutory operating debt is exempt from reserving basic revenue according to
3.22 this section. Districts may expend an additional amount of unreserved revenue for staff
3.23 development based on their needs. ~~With the exception of amounts reserved for staff~~
3.24 ~~development from revenues allocated directly to school sites, the board must initially~~
3.25 ~~allocate 50 percent of the reserved revenue to each school site in the district on a per~~
3.26 ~~teacher basis, which must be retained by the school site until used. The board may retain~~
3.27 ~~25 percent to be used for district wide staff development efforts. The remaining 25 percent~~
3.28 ~~of the revenue must be used to make grants to school sites for best practices methods.~~
3.29 A grant The revenue may be used for any purpose authorized under section 120B.22,
3.30 subdivision 2, 122A.60, or for the costs of curriculum development and programs, other
3.31 in-service education, teachers' workshops, teacher conferences, substitute teachers for
3.32 staff development purposes, and other staff development efforts, and determined by
3.33 the site professional development team. The site professional development team must
3.34 demonstrate to the school board the extent to which staff at the site have met the outcomes

4.1 of the program. The board may withhold ~~a portion of initial allocation of~~ the revenue if
4.2 the board determines that the staff development outcomes are not being met.

4.3 Sec. 6. Minnesota Statutes 2008, section 123B.10, subdivision 1, is amended to read:

4.4 Subdivision 1. **Budgets; form of notification.** (a) Every board must publish revenue
4.5 and expenditure budgets for the current year and the actual revenues, expenditures, fund
4.6 balances for the prior year and projected fund balances for the current year in a form
4.7 prescribed by the commissioner within one week of the acceptance of the final audit by
4.8 the board, or November 30, whichever is earlier. The forms prescribed must be designed
4.9 so that year to year comparisons of revenue, expenditures and fund balances can be made.

4.10 (b) A school board annually must notify the public of its revenue, expenditures, fund
4.11 balances, and other relevant budget information. The board must include the budget
4.12 information required by this section in the materials provided as a part of its truth in
4.13 taxation hearing, post the materials in a conspicuous place on the district's official Web
4.14 site, including a link to the district's school report card on the Department of Education's
4.15 Web site, and publish a summary of the information in a qualified newspaper of general
4.16 circulation in the district.

4.17 Sec. 7. Minnesota Statutes 2008, section 123B.71, subdivision 1, is amended to read:

4.18 Subdivision 1. **Consultation.** A school district shall consult with the commissioner
4.19 of education before developing any plans and specifications to construct, remodel, or
4.20 improve the building or site of an educational facility for which the estimated cost
4.21 exceeds ~~\$250,000~~ \$500,000. This consultation shall occur before a referendum for bonds,
4.22 solicitation for bids, or use of capital expenditure facilities revenue according to section
4.23 126C.10, subdivision 14, clause (2). The commissioner may require the district to
4.24 participate in a management assistance plan before conducting a review and comment
4.25 on the project.

4.26 Sec. 8. Minnesota Statutes 2008, section 123B.71, subdivision 8, is amended to read:

4.27 Subd. 8. **Review and comment.** A school district, a special education cooperative,
4.28 or a cooperative unit of government, as defined in section 123A.24, subdivision 2,
4.29 must not initiate an installment contract for purchase or a lease agreement, hold a
4.30 referendum for bonds, nor solicit bids for new construction, expansion, or remodeling of
4.31 an educational facility that requires an expenditure in excess of ~~\$500,000~~ \$1,000,000
4.32 per school site prior to review and comment by the commissioner. The commissioner
4.33 may exempt a facility maintenance project funded with general education aid and levy,

5.1 alternative facilities bonding and levy program, or health and safety revenue from this
5.2 provision after reviewing a written request from a school district describing the scope of
5.3 work. A school board shall not separate portions of a single project into components to
5.4 avoid the requirements of this subdivision.

5.5 Sec. 9. Minnesota Statutes 2008, section 123B.71, subdivision 12, is amended to read:

5.6 Subd. 12. **Publication.** (a) At least 20 days but not more than 60 days before a
5.7 referendum for bonds or solicitation of bids for a project that has received a positive or
5.8 unfavorable review and comment under section 123B.70, the school board shall publish a
5.9 summary of the commissioner's review and comment of that project in the legal newspaper
5.10 of the district. Supplementary information shall be available to the public.

5.11 (b) The publication requirement in paragraph (a) does not apply to alternative
5.12 facilities projects approved under section 123B.59. Publication for alternative facilities
5.13 projects shall be as specified in section 123B.59, subdivisions 3 and 3a.

5.14 Sec. 10. Minnesota Statutes 2008, section 124D.19, subdivision 3, is amended to read:

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

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

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

5.28 Sec. 11. Minnesota Statutes 2008, section 125A.57, subdivision 2, is amended to read:

5.29 Subd. 2. **Assistive technology device.** "Assistive technology device" means any
5.30 item, piece of equipment, ~~software,~~ or product system, whether acquired commercially
5.31 off the shelf, modified, or customized, that is used to increase, maintain, or improve
5.32 functional capabilities of children with disabilities. It does not mean a medical device that
5.33 is surgically implanted, or the replacement of such device.

6.1 Sec. 12. **REPEALER.**

6.2 Minnesota Statutes 2008, sections 120A.26, subdivision 4; 120A.41; 120B.11,
6.3 subdivisions 6, 7, and 8; 120B.39; 122A.32; 122A.628; and 122A.75, are repealed.