Senators Ranum, Michel and Kelley introduced--

S.F. No. 1847: Referred to the Committee on Education.

A bill for an act

relating to education; authorizing positive behavioral supports, physical intervention, and isolation time-outs; authorizing rulemaking; amending Minnesota Statutes 2004, sections 121A.66, subdivision 5, by adding subdivisions; 121A.67.

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

Section 1. Minnesota Statutes 2004, section 121A.66, subdivision 5, is amended to read:

Subd. 5. [EMERGENCY.] "Emergency" means a situation in which:

(1) immediate ~~intervention~~ use of regulated interventions is necessary to protect a pupil or other individual from physical injury or to prevent serious property damage; or

(2) a law enforcement official restrains or removes a pupil from a classroom, school building, or school grounds in response to the pupil's behavior while attending school.

~~[EFFECTIVE DATE.] This section is effective the day following final enactment.~~

Sec. 2. Minnesota Statutes 2004, section 121A.66, is amended by adding a subdivision to read:

Subd. 6. [POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.] "Positive behavioral interventions and supports" means those strategies used to modify the school environment and teach pupils skills likely to increase their ability to exhibit appropriate behaviors.

[~~EFFECTIVE DATE.~~] ~~This section is effective the day following final enactment.~~

Sec. 3. Minnesota Statutes 2004, section 121A.66, is amended by adding a subdivision to read:

Subd. 7. [PHYSICAL INTERVENTION.] "Physical intervention" means the use of physical restraint techniques to safely control a pupil until the pupil regains control of the pupil's behaviors.

[~~EFFECTIVE DATE.~~] ~~This section is effective the day following final enactment.~~

Sec. 4. Minnesota Statutes 2004, section 121A.66, is amended by adding a subdivision to read:

Subd. 8. [TIME-OUT.] (a) "Time-out" means:

(1) contingent observation, which is a nonregulated intervention that involves instructing the pupil to leave the reinforcing activity and not participate for a period of time but to observe the activity and listen to the discussion from a time-out area within the same setting;

(2) exclusionary time-out, which is a nonregulated intervention that involves instructing the pupil to leave the reinforcing activity and not participate in or observe the activity but to go to another area from which the pupil may leave; or

(3) locked time-out, which is a nonregulated intervention that involves involuntarily removing the pupil from the reinforcing activity and placing the pupil in a specially designed and continuously supervised isolation room that the pupil is prevented from leaving.

(b) A time-out not specifically identified in this subdivision is prohibited.

[~~EFFECTIVE DATE.~~] ~~This section is effective the day following final enactment.~~

Sec. 5. Minnesota Statutes 2004, section 121A.67, is amended to read:

121A.67 [AVERSIVE AND DEPRIVATION PROCEDURES.]

The commissioner, in consultation with interested parent organizations and advocacy groups, the Minnesota Administrators

for Special Education, the Minnesota Association of School Administrators, Ed Minnesota, the Minnesota School Boards Association, the Minnesota Police Officers Association, and the Elementary School Principals Association and the Secondary School Principals Association, must ~~adopt~~ amend rules governing the use of aversive and deprivation procedures by school district employees or persons under contract with a school district. The rules must:

(1) promote the use of positive ~~approaches~~ behavioral interventions and supports and must not encourage or require the use of aversive or deprivation procedures;

(2) require that planned application of aversive and deprivation procedures only be ~~a part of an~~ instituted after trained personnel complete a functional behavior assessment and develop a behavior intervention plan that is included in the individual education plan;

(3) require ~~parents or guardians to be notified after the use of~~ district personnel to notify a student's parent or guardian on the same day aversive or deprivation procedures are used in an emergency or in writing within 24 hours if district personnel are unable to provide same-day notice;

(4) establish health and safety standards for the use of locked time-out procedures that require a safe environment, continuous monitoring of the child, ventilation, ~~and~~ adequate space, a locking mechanism that disengages automatically when not continuously engaged by school personnel, and full compliance with state and local fire and building codes, including state policies on time-out rooms; ~~and~~

(5) contain a list of prohibited procedures~~.~~;

(6) consolidate and clarify provisions related to behavior support plans;

(7) require school districts to register with the commissioner any room used for locked time-out, which the commissioner must monitor by making announced and unannounced on-site visits;

(8) place a student in locked time-out only if the

intervention is (i) part of the comprehensive behavior intervention plan that is included in the student's individualized education plan and the plan uses positive behavioral interventions and supports, is approved by a district oversight committee, and data support its continued use, or (ii) used in an emergency for the duration of the emergency only; and

(9) require school districts and cooperatives to establish oversight committees composed of members trained in behavioral analysis to review all data measuring the frequency and duration of the targeted behavior before and after implementing aversive and deprivation procedures in order to approve and evaluate the efficacy of behavior support plans that incorporate the use of aversive and deprivation procedures.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Senator ..... moves to amend S.F. No. 1847 as follows:

Page 1, line 17, before the period, insert "at the request of an administrator or staff supervising the student"

Page 2, line 23, delete "nonregulated" and insert "regulated"

Page 3, line 14, delete "trained personnel complete" and insert "completing"

Page 3, line 15, delete "develop" and insert "developing"

Page 3, line 20, delete "24 hours" and insert "two school days"

Page 4, line 4, delete everything after the "supports"

Page 4, line 5, delete everything before "and"

Page 4, delete lines 7 to 13 and insert:

"(9) require school districts and cooperatives to establish an oversight committee composed of members trained in behavioral analysis to annually review aggregate data regarding the use of aversive and deprivation procedures."

Senate Counsel, Research, and Fiscal Analysis

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Senate

State of Minnesota

S.F. No. 1847 - Positive Behavioral Supports, Physical Intervention, and Isolation Time-Outs

Author: Senator Jane Ranum

Prepared by: Ann Marie Butler, Senate Counsel (651/296-5301) AMB

Date: April 4, 2005

Section 1 [Emergency.] amends the definition of "emergency," for the purpose of special education, as a situation that necessitates immediate use of regulated interventions to protect a pupil or other individual from physical injury or to prevent serious property damage, or when law enforcement restrains or removes a pupil in response to the pupil's behavior while attending school.

Section 2 [Positive Behavioral Interventions and Supports.] defines "positive behavioral interventions and supports" as those strategies used to modify the school environment and teach pupils skills likely to increase their ability to exhibit appropriate behaviors.

Section 3 [Physical Intervention.] defines "physical intervention" as the use of physical restraint techniques to safely control a pupil until the pupil regains control of the pupil's behaviors.

Section 4 [Time-Out.] limits the definition of "time-out" to the following:

(1) Contingent observation;
(2) Exclusionary time-out; or
(3) Locked time-out.

Section 5 [Aversive and Deprivation Procedures.] directs the Commissioner to consult with the following groups before amending rules governing the use of aversive and deprivation procedures:

(1) Interested parent organizations and advocacy groups;
(2) Minnesota Administrators for Special Education;
(3) Minnesota Association of School Administrators;
(4) Ed Minnesota;
(5) Minnesota School Boards Association;

(6) Minnesota Police Officers Association;
(7) Elementary School Principals Association; and
(8) Secondary School Principals Association.

The amended rules must include same-day notification for parents when aversive or deprivation procedures are used; consolidated and clarified provisions related to behavior support plans; registration and monitoring of locked time-out rooms; restrictions on placing a student in locked time-out; and establishment of school district oversight committees.

All sections are effective immediately.

AMB:vs

State of Minnesota

Office of the Ombudsman for Mental Health and Mental Retardation

121 7th Place E. Suite 420 Metro Square Building, St. Paul, Minnesota 55101-2117
651-296-3848 or Toll Free 1-800-657-3506 TTY/Voice – Minnesota Relay Service 711

April 5, 2005

Senator Steve Kelley, Chair
Senate Education Committee
205 Capitol Building
75 Martin Luther King Blvd.
St. Paul, MN 55155

RE: Support for SF 1847

Dear Sen. Kelley and Members of the Committee,

The Office of Ombudsman fully supports SF 1847, authored by Senator Ranum, regulating the use of certain procedures in school settings.

The Office of Ombudsman for Mental Health and Mental Retardation is charged under MN. Stat. § 245.91 - .97 with promoting the highest attainable standards of treatment, competency, efficiency and justice for persons receiving services from an agency, facility or program, for mental illness, developmental disabilities, chemical dependency and emotional disturbance. The Department of Education and all local school districts are considered agencies which the Ombudsman has authority to review and make recommendations for appropriate treatment for affected children.

The Ombudsman shares concern with the schools that certain behaviors are disruptive to the school and need to be addressed in order for all students to learn in a safe environment, conducive to the education of all children. However, it is critical that the procedures used be the most appropriate procedures to reduce the target behavior. Our case experiences and consultations with professionals in the field, shows that for a child with a mental or developmental disability, the typical more punitive approaches not only does not abate the target behaviors but in many cases make them worse. This can lead to frustration of all parties and to a less stable environment.

There is ample research on best practices and positive behavioral interventions that are effective in minimizing negative behaviors. However, school personnel may not be aware of these practices and not enough training has been done in the past. These procedures affect children with disabilities disproportionaly to their actual numbers in the school setting. This bill will help address these issues.

I strongly urge your support of this bill as a vehicle to make our schools safer. Thank you for your consideration and please do not hesitate to contact me should you have questions.

Sincerely,

Roberta C. Opheim

Roberta C. Opheim, Ombudsman

State of Minnesota

Sara Benzkofer - disability and education MSCOD

From: "Joan Willshire" <Joan.Willshire@state.mn.us>
To: <sen.steve.kelley@senate.mn>
Date: 4/4/2005 7:05:49 PM
Subject: disability and education MSCOD
CC: <sen.jane.ranum@senate.mn>

The Minnesota State Council on Disability supports SF 1847 and encourages your support for the following reasons:

Background:

- SF1847 authorizes positive behavioral interventions and will regulate other physical interventions for students with disabilities.

- The Minnesota Department of Education convened a stake holder's group to discuss and advise the Special Education Policy Section on the use of aversive and deprivation procedures for students receiving special education services. The group met several times in 2003. A report with recommendations was released in Jan. 2004.
  Brief Report Summary:
  - There are clear guidelines within the Federal Individuals with Disabilities Act (IDEA), as well as state law and regulations addressing appropriate treatment of students with disabilities who violate the code of conduct of the school the student attends, it would appear not all Minnesota schools follow this guidance.

This bill:

- Identifies definitions which assist schools in moderating possible disruptive behaviors:
- Encourages use of positive supports and interventions which allow the student an opportunity to learn appropriate behaviors.
- Encourages use of the Educational Planning team to identify alternative disciplinary strategies if law enforcement officials have to be called twice within 30 days because of the student's behavior.
- Provides for fair checks and balances for both parents and schools when locked time out rooms or other aversive procedures are utilized.

If you have any questions, please feel free to contact me.
Sincerely

Joan Willshire
Executive Director
Minnesota State Council on Disability

Joan Willshire
Minnesota State Council on Disability
Executive Director
phone 651 296 1743
fax 651 296 5935

Senator Wiger introduced--

S.F. No. 1192: Referred to the Committee on Education.

A bill for an act

relating to education; including acoustical performance criteria in school district proposal to construct a facility; amending Minnesota Statutes 2004, section 123B.71, subdivision 9.

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

Section 1. Minnesota Statutes 2004, section 123B.71, subdivision 9, is amended to read:

Subd. 9. [INFORMATION REQUIRED.] A school board proposing to construct a facility described in subdivision 8 shall submit to the commissioner a proposal containing information including at least the following:

(1) the geographic area and population to be served, preschool through grade 12 student enrollments for the past five years, and student enrollment projections for the next five years;

(2) a list of existing facilities by year constructed, their uses, and an assessment of the extent to which alternate facilities are available within the school district boundaries and in adjacent school districts;

(3) a list of the specific deficiencies of the facility that demonstrate the need for a new or renovated facility to be provided, and a list of the specific benefits that the new or renovated facility will provide to the students, teachers, and community users served by the facility;

(4) the relationship of the project to any priorities established by the school district, educational cooperatives that provide support services, or other public bodies in the service area;

(5) a specification of how the project will increase community use of the facility and whether and how the project will increase collaboration with other governmental or nonprofit entities;

(6) a description of the project, including the specification of site and outdoor space acreage and square footage allocations for classrooms, laboratories, and support spaces; estimated expenditures for the major portions of the project; and the dates the project will begin and be completed;

(7) a specification of the source of financing the project; the scheduled date for a bond issue or school board action; a schedule of payments, including debt service equalization aid; and the effect of a bond issue on local property taxes by the property class and valuation;

(8) an analysis of how the proposed new or remodeled facility will affect school district operational or administrative staffing costs, and how the district's operating budget will cover any increased operational or administrative staffing costs;

(9) a description of the consultation with local or state road and transportation officials on school site access and safety issues, and the ways that the project will address those issues;

(10) a description of how indoor air quality issues have been considered and a certification that the architects and engineers designing the facility will have professional liability insurance;

(11) as required under section 123B.72, for buildings coming into service after July 1, 2002, a certification that the plans and designs for the extensively renovated or new facility's heating, ventilation, and air conditioning systems will meet or exceed code standards; will provide for the

monitoring of outdoor airflow and total airflow of ventilation systems; and will provide an indoor air quality filtration system that meets ASHRAE standard 52.1;

(12) a specification of any desegregation requirements that cannot be met by any other reasonable means; ~~and~~

(13) a specification, if applicable, of how the facility will utilize environmentally sustainable school facility design concepts; and

(14) a description of how the architects and engineers have considered the American National Standards Institute Acoustical Performance Criteria, Design Requirements and Guidelines for Schools ~~of the~~ on maximum background noise ~~level~~ levels and reverberation times.

Improve NCLB Test Scores by Amending MS123B.57 to Include Acoustical Guidelines for New Classroom Construction and Major Renovation Support S.F1192 Support HF962

Acoustics in the Classroom Are Tied To Student Achievement- ***Studies show that students in noisy classrooms have lower reading scores than students in quiet rooms.*** A 2002 study showed that about 90% of classrooms have noise levels that exceed recommended standards and result in children not being able to hear in the back of the room. Minnesota school audiologists believe the same percentage applies in Minnesota. Once noise levels in a classroom get above noise criteria of 35 decibels most children are unable to understand what a teacher says from more than 23 feet away.

Where does the noise come from? Sounds from building equipment inside the classroom, nearby highways, airports, rail lines or industry through the external wall and roofs of a school and poor design, contribute to background noise. ***If they struggle to hear, they struggle to learn.***

Classrooms need good acoustics. The environmental requirements for learning are like a 3-legged stool - air quality, good lighting, and good acoustics. The state has ventilation requirements, but no acoustic guidelines. You can't have a successful school without all three legs.

What's the solution? ***A new classroom acoustics standard.*** The Acoustical Society of America working with the US Access Board and other stakeholders -- parents, teachers, and organizations like SHHH and AG Bell Parents and education professionals across the country have developed a new standard for classroom acoustics: ANSI/ASA S12.60-2002. ***It sets maximum levels for background noise and reverberation to insure good speech intelligibility in learning environments.***

What would the law do? All school boards would comment on how their school has considered the maximum standard of background noise of 35 decibels and .6 to .7 reverberation time in the classroom. They would be asked to consider how their heating, air conditioning and ventilation (HVAC) noise could be minimized and outside sounds-such as cars or airplanes- could be decreased. The ANSI standards give suggestions on how to do this. ***If they incorporate the standards, Children would be able to hear better in the classroom and test scores would improve.***

How much does it cost Minnesota school districts not to require these guidelines? A fiscal note from House Research estimated that over 6 million square feet of new school space is built or leased every two years in Minnesota. ***We believe that to continue to build new spaces that are so noisy that it adversely impacts students' learning when scientifically proven standards exist is fiscally irresponsible.*** The costs of outside placement, grade repetition and school support services and special education would decrease significantly.

How much will this cost? The bill requires that districts comment, but not specify, how they would consider the standards. In 1999 the US Access Board estimated that school systems would incur a .5 to 2% increase to meet ANSI/ASA S12.60-2002 standards. Costs are expected to decline once the new standard is integrated into school design and construction practice. Long-term cost savings would far outweigh the one time cost investment in new construction and renovation.

Who will benefit? Children with hearing loss experience the greatest challenges in noisy classrooms. But ***research shows that even children with hearing in normal ranges can miss as much as one-third of the words in a teacher's message when they are listening in noise.*** If the room is too noisy, even the most expert teacher will have difficulty achieving sufficient loudness for good understanding.

For More Information Contact Mary Hartnett at the Minnesota Commission Serving Deaf and Hard of Hearing People 651-297-7305 or mary.hartnett@state.mn.us

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Minneapolis school gets an A for acoustical design

The Burroughs Elementary School, designed by the Kodet Architectural Group of Minneapolis, is consic a model for design standards that mitigate exterior c interior noise problems.

By Brian Johnson/F&C Staff Writer
September 13, 2003

A room full of grade school students is hardly the quietest place in the world – especially when jet noise and loud mechanical systems contribute to the din. B least one Minneapolis school should be less noisy this year, thanks to a new bu and an innovative design.

The new Burroughs Elementary School, which opened Sept. 2, is considered a for sound abatement and acoustical design.

Located at 1601 W. 50th St., the school uses such features as triple-pane windc muffle exterior noises), double-layer ceilings (to insulate noisy mechanical sys and nonparallel walls (to reduce echoes) — all in an effort to create a better lea environment.

Project Architect Ed Kodet said the building follows design standards that beg take shape about three years ago, when the Minneapolis School District assem group of architects, engineers and acoustical consultants to study the emerging of acoustical design in school buildings.

"We were a part of that team," said Kodet, president of the Minneapolis-based Architectural Group. "And after those guidelines were published, Burroughs w first school to follow those guidelines."

Exterior noise has long been an issue at Burroughs, which is next to a busy str under an active flight path. The new building replaced a 73-year-old structure located on the same block.

Principal Tim Cadotte said the new facility is a big improvement when it come blocking out noise. On one of his first days in the new building, Cadotte said, l talking on the phone in his office when a plane flew overhead, and he "didn't e hear one engine sound."

That wasn't the case in the old building, he said.

"With trucks and buses and car traffic, teachers who were closer to the street h lot of traffic noise," Cadotte said. "And now you don't hear that.

"The beauty of it is that we don't have to use what we refer to as that teacher v You really can talk quite softly and hear a person from across the room. Becau there aren't as many flat surfaces, the sounds are able to bounce off and come you better."

Kodet said the classrooms were designed to be more like music practice rooms theaters; rectangular shapes were avoided to reduce echoes.

"The real focus is the design of the classroom, so that the students in the back hear as well as students in the front," Kodet said. "That means shaping the roo geometrically and using the right material so the sound goes back to the room."

Peggy Nelson, an assistant professor of communication disorders at the Univer Minnesota, said poor acoustics and noisy classrooms interfere with learning, especially for younger students, students with attention deficit disorder and thc are still learning English.

Nelson said there's been a growing awareness of the relationship between acou and learning. Last year, the American National Standards Institute approved acoustical standards designed to limit background noise and echoes in classroc

The issue began to emerge in the late 1990s, Nelson said, after teachers in the Angeles school district complained of having to turn the air-conditioning syste at times because the units were unreasonably loud.

At about the same time, a Georgia family filed a complaint with the Departme Justice on behalf of their hearing-impaired child. Citing the Americans with Disabilities Act, the complaint argued that it was a reasonable accommodation school district to provide good acoustics for the child's classroom.

Despite the increased awareness, acoustics are still poor in a majority of the na classrooms, Nelson noted. She took part in a survey of 36 Ohio schools, and or met the minimum standards for classroom acoustics.

Nelson said she's not aware of any similar studies of Minnesota schools, but sl say that acoustics are a big concern in classrooms throughout the nation.

"I know that schools are in financial straits, but I hope that they're weighing th concern also as they're making their decisions," she said.

Kodet estimates that good acoustical design adds only about 2 percent to a typ school construction budget, adding that features such as triple-glaze windows help a school district save on energy costs. The key, he said, is planning for it front.

Burroughs is the fourth Minneapolis school designed by Kodet Architectural. Kodet-designed schools in Minneapolis include Nellie Stone Johnson Commu School, Jordan Park Elementary School for Extended Learning and Whittier Elementary School for the Arts.

In many ways, Kodet said, the Minneapolis district has set the standard for goc school designs.

"They're the first district to look at indoor air quality — not only in their new s but in their remodeling — [and] the first to look at acoustics," he said. "It's rea an innovative district."

How new is the idea of a 35dB background maximum?

"The school was established to promote learning, which is acquired largely by word of mouth and listening. Therefore, acoustics is one of the most important physical properties that determine how well the school building can serve its primary function. Thus the exclusion of noise and the reduction of reverberation are indispensable in adapting classrooms to the function of oral instruction."

Vern Knudsen and Cyril Harris "Acoustical Designing in Architecture", (1950) This book went on to recommend a background noise level of 35 dBA for classrooms for children with "special needs".

Is the Standard Achievable?

"In regard to the provisions of ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, I believe that the acoustical criteria for classrooms as described by this standard are entirely achievable. This standard was formulated primarily by professional acoustical consultants with much experience in the design of classrooms and similar education spaces. Certainly none of us involved would have suggested criteria that is not achievable. Also, I am not aware that the criteria of ANSI S12.60-2002 violates any national building codes.

Bob Coffeen, Faculty, University of Kansas School of Architecture and Urban Design,member of the ANSI Working Group

Schools designed to meet sustainability/energy conservation objectives already have 99% of the improvements they need for good acoustics (insulated glass, central HVAC, high levels of roof/wall/slab insulation); most need only a better quality (higher-absorbing) ceiling tile to meet the guidelines.

Lois Thibault, US ACCESS Board, Architect, ANSI Working Group Member

States, local jurisdictions, and boards of education that have taken action on classroom acoustics are listed below:

Adopted ANSI/ASA S12.60-2002
--New Hampshire State Board of Education
--New Jersey School Construction Board

Other Classroom Acoustics Standards/Directives in Use
--New York State Department of Education
--Los Angeles Unified School District
--Minneapolis Public Schools
--Washington State Board of Health
--Washington, DC Public Schools
--California Collaborative for High-Performance Schools (CHPS)

Standards/Guidelines in Development
--Maryland State Department of Education

International Standards/Guidelines
--UK
--Sweden
--Italy
--Switzerland
--World Health Organization (WHO)

Children's Need for Favorable Acoustics in Schools

Rationale for
Acoustical Guidelines for New Classroom Construction and Major Renovation

Peggy Nelson (nelso477@umn.edu)
Department of Speech-Language-Hearing Sciences
University of Minnesota

Children are not Small Adults

- Behavioral data suggest that children are more adversely affected by
  - > noise,
  - > reverberation

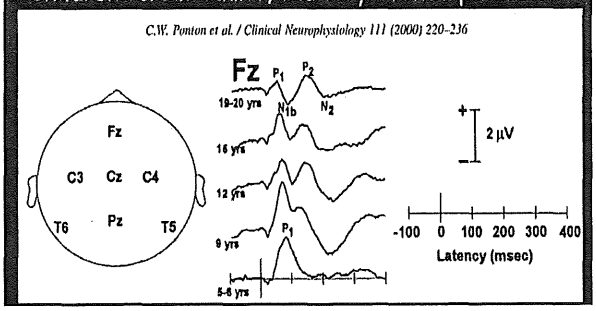
  than are adults until adolescence
- Physiological data suggest that the central auditory pathways are still maturing well into adolescence

Development of Speech Recognition

- Central auditory system continues to develop, refine well into adolescence
- Before children become adult like, they
  - > are more susceptible to interference from noise
  - > are more affected by reverberation
  - > require more redundant information to fully understand speech
  - > change their weighting of acoustic information (such as frequency and temporal information)

Intro to physiologic data

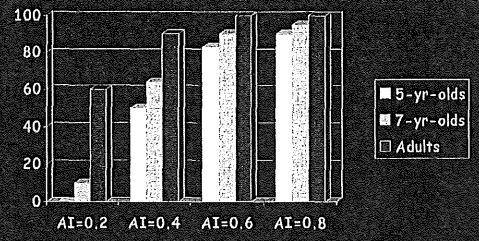
- Children versus adults, auditory evoked potentials



Putting acoustic pieces together

- Children don't put the pieces together to understand speech when some is missing
- Stelmachowicz et al. (JSLHR, Aug. 2000) studied typical children ages 5 - 7
  - > They presented words with differing amounts of attenuation, varying the audibility
  - > At low audibility levels, adults could understand 60% of the words, but children understood very little
  - > At high audibility levels, both children and adults understood all of the words

% Word Recognition at Varying Proportions of Audibility (20-80%)



(adapted from Stelmachowicz et al., JSLHR 2000)

Reduced selective attention

- Younger children showed significant masking (sometimes 50 - 60 dB!)
  - > Even when the 'masker' (or distractor) was in the opposite ear
  - > Even when the masker is of a different frequency
- Selective attention is not adult-like until early adolescence or later

Children with special needs are more affected by poor acoustics

- English language learners (25 - 40% of urban school populations)
  - > Children who speak other languages at home
- Children with hearing loss
  - > Conductive and sensorineural loss
  - > Mild to severe hearing loss
- Children with attention, learning disorders
  - > Labeled by educational system

Children and Adults Listening in a Second Language

- When listening in a second language (L2),
  - we all need more favorable SNR in our L2
    - (See Mayo, Florentine & Buus, 1997, JSLHR)
  - we are less tolerant of reverberation
    - (See Nabelek & Donohue, 1984 JASA)
  - children are especially affected by classroom noise
    - (Nelson, Kohnert, Sabur and Shaw, 2005 LSHSS)
  - In most larger cities, we have large numbers of children who speak other languages
  - Even in St Paul MN, a plurality of children speak Spanish in the home

Hearing Loss

- Hearing loss is the #1 disability among newborns
  - About 2% of children between birth and 18 years of age have moderate or greater hearing losses.
  - About 15% of school children have slight hearing loss (Niskar, CDC, 2001)
  - 80% of children with hearing loss are being taught in regular schools alongside hearing children and others
  - Estimated 70 ear infections annually per 100 children under the age of 5 yrs, each lasting 3 weeks or more
- We design rooms for mobility problems, but we don't yet design rooms for listeners with hearing loss

Educational effects of noise

- Noise significantly affects classroom learning, especially reading
- Prospective airport study Hygge et al., 2002)
  - Before opening of new Munich Intl Airport
  - Children exposed to noise scored significantly lower on reading
- 90% of school budgets spent on services
  - Only 10% on facilities
  - Special education services, reading specialists more than double costs of per-child education

GAO Report: Condition of America's Schools (1995)

Teachers surveyed reported the following major problems:	% of Schools
Acoustics for Noise Control	**28%**
Ventilation	27%
Physical Security of Buildings	24%
Heating	19%
Indoor Air Quality	19%
Lighting	16%

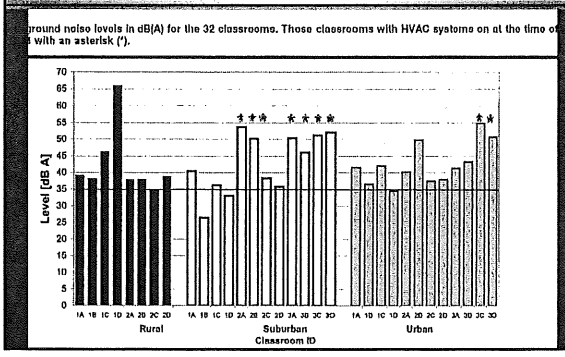
Summary

- All children are different from adults
  - > Poorer understanding in noise
  - > Poorer performance in reverberation
  - > Behavioral and physiological differences
  - > Maturation well into adolescence
- Children with special needs show greater need for favorable acoustics
  - > These children are found in high numbers in public and private schools
- Poor acoustical conditions affect both teaching and learning

Ohio Classroom Acoustics Survey Knecht et al., 2002

- Knecht et al. surveyed noise, reverberation in 32 unoccupied classrooms after hours
- Only 2 met preliminary ASHA recommendations for noise and reverb levels
- Some had noise levels as high as 60 dBA
- Largest source of noise was heating, air conditioning (HVAC)
  - > HVAC on added 10 dB to background noise levels

Noise in Ohio classrooms Knecht et al., AJA 2002



Conclusions

- When designing acoustics for public spaces, consider all users
  - > all children, who are different from adults
  - > those with hearing loss and learning problems
  - > those listening in a second language
- These listeners need
  - > favorable SNRs (+15 dB)
  - > low background noise levels (<35 dB A)
  - > short RT60s (<0.6 s)

Classroom Design for Good Hearing

Ewart A. Wetherill

Classrooms may be noisy...
simply because of the way
they are constructed and finished.
It is a shocking fault, for the need to hear well
is basic in education.

McQuade, Schoolhouse, 1958

In the summer of 2002, the American National Standards Institute published Standard 12.60, a totally new standard that provides acoustical performance criteria, design requirements and design guidelines for new classrooms and renovation of existing classrooms. The goal is to ensure a high degree of speech intelligibility in learning spaces. In order to achieve this, the noise level in an empty classroom should be kept to less than 35 decibels, and reverberation or echoes controlled.

While the impetus for the standard began initially as an effort to improve schools for children with impaired hearing or other learning disabilities, children with normal hearing will also benefit greatly from these standards.

The good news for architects and builders is that compliance with the acoustical standards need not be costly if they are incorporated early into the planning and design process, although remodeling existing facilities could be expensive depending on the actual situation. The requirements for good hearing were first presented formally to the American Institute of Architects in 1898 and have been successfully applied to many schools. However, in the absence of enforceable standards far too many schools have been built with little or no concern for good hearing. **Since acoustical problems are created by the design they can just as easily be avoided by the design.**

EXISTING CONDITIONS IN U.S. SCHOOLS

Elementary and secondary education, the nation's largest public enterprise, is conducted in more than 80,000 schools in about 15,000 districts. America's public schools serve more than 42 million students. In February 1995, the U.S. Government Accounting Office (GAO) presented a report to the U.S. Senate on the results of a survey of school officials across the country on the physical condition of their facilities. The report comprised hard facts concluding that more than $100 billion would be needed to restore all of the schools to good condition. The most frequently mentioned of all the "unsatisfactory environmental conditions" was "acoustics for noise control."

One outstanding example of acoustical inadequacy can be found in the standards set by the Los Angeles Unified School District, one of the largest in the country. These allow the use of classroom ventilation/air conditioning units that are up to 20 decibels noisier than would be permitted by Swedish standards. The inevitable conclusion is that school children cannot hear much of what is said, while teachers must shout to be heard at all. A second example that should be familiar to many was the disastrous trend in the late 1960s to open-plan schools. These created a situation in which some school children could hear the teacher of an adjacent class more clearly than their own teacher.

Thus, a combination of outdated facilities and unfortunate design or construction decisions leave us with an inheritance that will be a burden for decades to come. This legacy of past policies will consume a very significant part of the limited funds that many communities seem currently willing to allot to school construction or renovation; so skillful planning and site selection will be essential to attain the new goals.

CHILDREN AT RISK

In December 1997, representatives of eleven national groups joined the Acoustical Society of America in a workshop on Eliminating Acoustical Barriers to Learning in Classrooms. From this workshop has developed a coalition that worked actively to further improved hearing conditions in schools. Leaders in the field of audiology and a wide range of disciplines related to design and construction of educational facilities presented the results of surveys and research on the prevalence of hearing disorders and substandard facilities, and their effects on hearing. The truly alarming statistics clearly show the disadvantage resulting from poor hearing conditions for both normal and hearingimpaired school children.

Studies of speech recognition confirm that an adult listener hearing words in the context of a sentence can fill in words or syllables that are not heard clearly, depending on the size of the listener's vocabulary. Since children have smaller vocabularies, they are less able to fill in the words not heard clearly. Similarly, someone using English as a second language or someone who suffers from an attention deficit disorder are at a significant disadvantage in a noisy classroom. In addition, many children with usually normal hearing have temporary hearing losses from illness. *Otitis Media*, a bacterial infection of the middle ear that is the most frequently-occurring childhood medical complaint, has more than doubled in the last decade.

Compounding the learning disadvantages that confront children in noisy classrooms or with impaired hearing are the constant discouragement and frustration that can inhibit the motivation of even the most talented to learn and to excel.

The importance of clearly hearing the teacher seems self-evident, but this has not been a design criteria of many schools in the past.

REQUIREMENTS FOR GOOD HEARING

Two basic criteria must be satisfied to meet the requirements for good hearing:

1. A quiet background (e.g. noise from intruding traffic, adjacent classes, ventilation systems etc.)

2. Control of reverberation and self-noise

SPEECH TO NOISE RATIO

Speech in the classroom must be heard over the prevailing background noise level, be it intruding noise from traffic, adjacent classes, or a noisy ventilation system. A convenient and easily measured descriptor is the Speech to Noise ratio (S/N). There is general agreement that desired S/N ratios for speech recognition are:

Normal-hearing:
Adults: at least 6 decibels
Children: greater than for adults, at least 10 decibels

Hard-of-hearing listeners
Adults: at least 15 decibels,
Children: greater than for adults

By contrast, a survey of actual classroom conditions taken between 1965 and 1968 indicated a Speech to Noise ratio range from +5 decibels to -7 decibels. This information alone adds support to the growing concern both for children's understanding and for teachers' voice strain.

Reverberation (commonly known as an echo) is defined as the persistence of sound in a room after the source has stopped. In a reverberant space, successive syllables blend into a continuous sound, through which it is necessary to distinguish the orderly progression of speech. The level at which this sound persists is determined by the size of the space, the speech level and the interior finish materials. Reverberation time (the time it takes for a sound to die off) is measured in seconds, with a low value-around 0.5 seconds or less-being optimum for a classroom seating about 30 children. Reverberation can be controlled by the use of readilyavailable sound-absorbing wall and ceiling materials that comply with building code requirements.

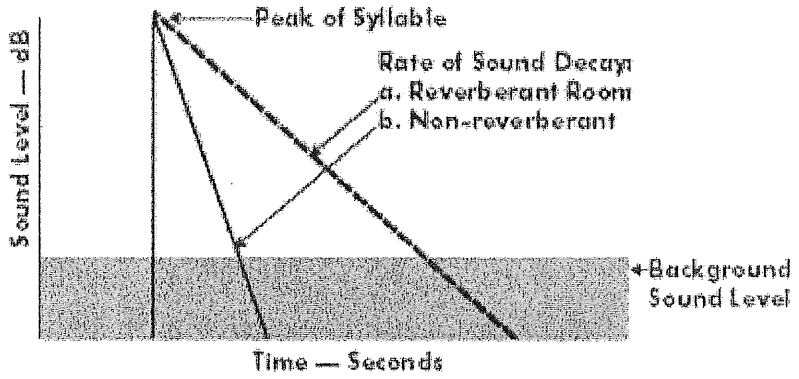
EFFECTS OF NOISE AND REVERBERATION ON SPEECH RECOGNITION

Mean speech-recognition scores (the percent of words correctly

CLASSROOM DESIGN

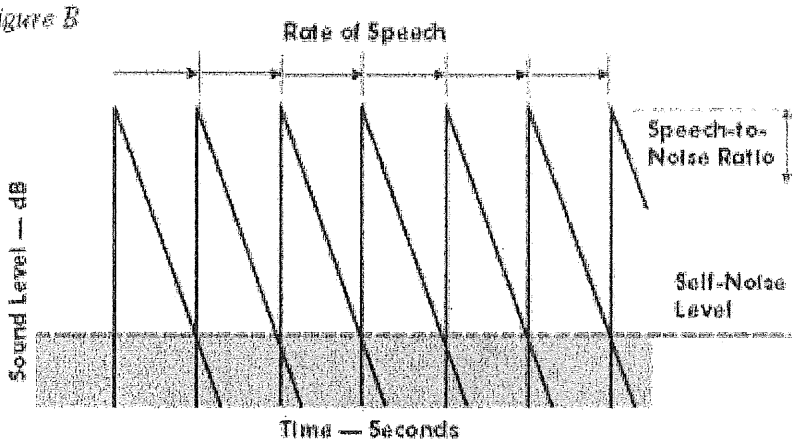
continued from page 3

figure A



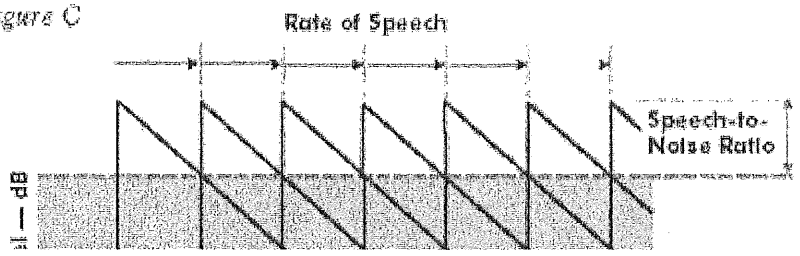
Rate of Sound Decay

figure B



Speech in a Non-Reverberant Space

figure C



recognized) of adults with normal
hearing for various S/N ratios clearly demonstrate the connection between good acoustics and effective hearing.

S/N ratio	Word Recognition
+12 decibels (low-background noise)	95.3%
+6 decibels	80.7%
0 decibels (high-background noise)	46.0%

Mean speech-recognition scores (in percent correct) of children for monosyllabic words with various reverberation times (RT) show a similar correlation.

RT - Seconds	Normal Hearing	Hearing Impaired
0.0 (no echo)	94.5 %	87.5%
0.4	82.8%	69.0%
1.2 (persistent echo)	76.5%	61.8%

The combined effects of poor Speech to Noise and long reverberation time for children, which is the actual situation encountered daily in many of the nation's schools, are predictably a substantial handicap to entire classes. The following scores are for monosyllabic words.

Test Condition	Normal Hearing	Hearing Impaired
FOR REVERBERATION TIMES OF 0.0 SECONDS:		
+12 decibels	89.2%	70.0%
0 decibels	60.2%	39.0%
FOR REVERBERATION TIMES OF 1.2 SECONDS:		
+ 12 decibels	68.8%	41.2%
0 decibels	29.7%	11.2%

The following conclusions can be drawn from these test results and from corroborating evidence compiled from other test situations.

1. Understanding of children with normal hearing can be seriously affected by a combination of excessive background noise and reverberation.

2. Hearing impaired children are always at a disadvantage compared to those with normal hearing but the difference can be minimized by acoustical controls.

3. Comprehension levels for multisyllabic and unfamiliar words can be expected to be worse than indicated by monosyllabic testing.

4. Decrease in intelligibility with distance from the teacher can be minimized by acoustical treatment

and shaping of the space.

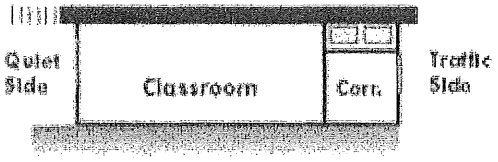
EFFECT ON TEACHERS

In addition to children's hearing concerns, the effect of trying to compete with an acoustically-difficult environment creates a problem of severe strain on the vocal chords for many teachers. While not as well-known or studied as the listener's ability to understand, voice strain is belatedly being recognized as a serious and potentially incapacitating problem for teachers. However, effective acoustical treatment of a classroom can create significant benefits here also.

EXAMPLES OF EFFECTIVE CLASSROOM DESIGN

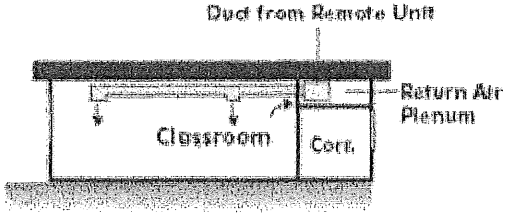
Designers and builders can improve hearing conditions in schools by incorporating the basic principles of acoustics into classroom design. For every new and remodeled school, the control of unwanted sounds and enhancement of wanted sounds, without the complications inherent in general amplification, should be placed high on the list of design goals. For new classrooms accommodating from 30 to 40 children these requirements should not add anything to the cost of either design or construction. However, correction of acoustical deficiencies in existing facilities could be costly, depending on the particular situation.

figure D



Control of Intruding Noise

figure E



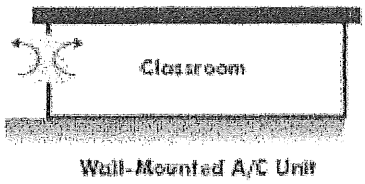
Preferred Layout for Noise Control

At least the following considerations must be addressed (see appended sketches):

Control of unwanted sounds

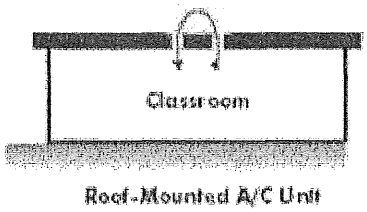
- locate schools away from highways, rail tracks, and flight paths
- minimize noise intrusion from outdoors *(figure D)*
- minimize interference between classrooms
- design quiet ventilation system *(figures E and F)*

figure F



Enhancement of wanted sounds

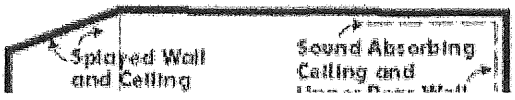
- control excessive reverberation by sound absorption
- minimize echoes from distant surfaces (such as the back wall)
- use hard materials for useful sound reflections (such as on surfaces beside and above the teacher)



Built-in Noise Problems To Be Avoided

figure G

Figure G shows a suitable acoustical



premium for sound enclosures for these types of systems. Additional time on the job may also be needed during the transition to conformance with the new standard to ensure the tight caulking and sealing practices necessary to achieve high-performing wall and ceiling assemblies.

Retrofits to existing classrooms -- generally a less-than-ideal solution acoustically -- have averaged about $10,000 per space. Many parents are using the new standard to obtain acoustical improvements under IDEA imperatives.

Case Studies. Schools built to the new classroom acoustics standard include several in the state of Connecticut, where the architectural/engineering firm of Fletcher Thompson has integrated ANSI/ASA S12.60-2002 into their school facility design specifications, estimating the additional cost to do so at approximately 1.5% of overall construction costs. A recently-completed Hartford, CT academy budgeted at $11,000,000 included acoustical upgrades costing approximately $50,000, less than a ½% increase.

Estimators in the United Kingdom, where a similar standard is about to take effect by law, anticipated additional costs at 3.3% of the total construction budget for a new school. More detailed analyses project a 1-2% premium. Approximations developed in 1999 by the US Access Board, one of the sponsors of the working group that developed the new standard, suggested that top-quartile-spending school systems would incur an average 0.5% increase to meet ANSI/ASA S12.60-2002, while low-quartile systems might see as much as a 5% overall increase. Average costs were pegged at 3%, very close to the UK estimate. Costs are expected to decline once the new standard is integrated into school design and construction practice.

For more information... The ANSI/ASA S12.60-2002 standard for classroom acoustics was developed by the Acoustical Society of America (ASA) in collaboration with the U.S. Access Board and other stakeholders. Information on ordering the standard and other materials on classroom acoustics, including a videotape, design manuals, and a bibliography, are available on the Board's website at *www.access-board.gov/publications/acoustic-factsheet.htm*. The Board also maintains a toll-free technical assistance line at 1/800/872-2253 (v); 1/800/993-2822 (tty).

October 2003

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Senator Hottinger introduced--

S.F. No. 1874: Referred to the Committee on Education.

A bill for an act

relating to education; creating a Native Language Eminence Credentialing Task Force.

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

Section 1. [EMINENCE CREDENTIALING.]

Subdivision 1. [GOAL.] It is the goal of the state to support the teaching and revitalization of the Dakota and Anishinaabe languages, which are contingent to the geographical area included in the state of Minnesota. The Native Language Eminence Credentialing Task Force is created to achieve this goal.

Subd. 2. [MEMBERSHIP.] The Native Language Eminence Credentialing Task Force consists of the following members:

(1) the commissioner of education;

(2) one member appointed by each federally recognized Indian tribe in the state;

(3) one member appointed by each institution of higher education organized by any federally recognized Indian tribe in the state;

(4) one member representing the University of Minnesota Department of American Indian Studies appointed by the university provost;

(5) the chair of the state Indian Affairs Council;

(6) four members of the legislature: two members appointed

under the rules of the senate and two members appointed under the rules of the house of representatives; and

(7) three native speakers of the Anishinaabe language and three native speakers of the Dakota language, all appointed by the Dakota Ojibwe Language Revitalization Alliance.

Subd. 3. [ADMINISTRATION.] (a) The Native Language Eminence Credentialing Task Force is governed by Minnesota Statutes, section 15.059.

(b) The task force shall elect a chair from its membership. The commissioner of education shall provide staff and administrative support for the task force.

Subd. 4. [DUTIES.] The task force shall review and recommend changes to the eminence credentials for teachers of the Dakota and Anishinaabe languages in order to increase the number of fluent "fist speakers" who can teach the language and the number of teachers of the Dakota and Anishinaabe languages by considering and addressing the following:

(1) consistency of evaluation of the level of fluency;

(2) means of evaluating skills in speaking the languages and teaching of the languages;

(3) means of evaluating level of fluency by oral examination;

(4) a rating system that will include separate ratings for fluency of the spoken languages and writing and reading skills in the languages, and specifying which dialect of the Anishinaabe and Dakota languages is being spoken;

(5) a strategy for letters of support that acknowledges tribal law and sovereignty and that honors the knowledge of fluent speakers in the Anishinaabe and Dakota languages;

(6) a strategy to ensure accessible testing of language fluency, including speaking, reading, and writing; and

(7) establishment of an appropriate fee for administering the fluency tests.

Subd. 5. [REPORT.] The task force shall submit a report to the legislature by January 15, 2006, to fulfill the duties of the task force.

Subd. 6. [EXPIRATION.] The task force expires upon submission of the report on January 15, 2006.

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State of Minnesota

S.F. No. 1874 -Native Language Eminence Credentialing Task Force

Author: Senator John C. Hottinger

Prepared by: Shelby Winiecki, Senate Research (651/296-5259)

Date: April 4, 2005

Section 1. [Eminence credentialing.]

Subdivision 1. [Goal.] establishes that it is the state's goal to support the revitalization of the Dakota and Anishinaabe languages; in order to achieve this goal, the Native Language Eminence Credentialing Task Force is created.

Subd. 2. [Membership.] requires that the task force include the Commissioner of Education, a member of each Indian tribe in the state, an appointee of each higher education institution organized by any Indian tribe in the state, an university provost appointee member of the University of Minnesota Department of American Indian Studies, the chair of the state Indian Affairs Council, two senators appointed under the rules of the Senate, two representatives appointed under the rules of the House of Representatives, three appointed native Anishinaabe language speakers, and three appointed native Dakota language speakers.

Subd. 3. [Administration.] requires that the task force be governed by Minnesota Statutes, section 15.059, instructs the Commissioner of Education to provide staff and administrative support to the task force, and authorizes the task force to elect a chair.

Subd. 4. [Duties.] instructs the task force to review and recommend changes to the eminence credentials for Dakota and Anishinaabe language teachers by addressing: a means of evaluation, consistency of evaluation, a rating system in reading, writing, and speaking the Anishinaabe and Dakota languages, a strategy of ensuring accessible testing, and establishment of an appropriate fee for administering the tests.

Subd. 5. [Report.] requires the task force to report to the Legislature by January 15, 2006.

Subd. 6. [Expiration.] dissolves the task force upon the submission of the report.

SW:vs

Senators Marty, Pappas, Langseth, Wiger and Kiscaden introduced--

S.F. No. 581: Referred to the Committee on Health and Family Security.

A bill for an act

relating to prevention of abortion, unintended pregnancies, and sexually transmitted infection; increasing access to family planning services; expanding educational efforts to prevent unintended pregnancies; increasing wholesome after-school activities for youth; requiring development of a plan to ensure comprehensive family life and sexuality education; creating after-school enrichment programs; requiring the provision of contraceptive information; creating a family planning Web site; modifying the ENABL and family planning grant programs; establishing regional training sites for comprehensive family life and sexuality education in schools; requiring family planning information be provided to MFIP recipients; appropriating money; amending Minnesota Statutes 2004, sections 145.4243; 145.925, subdivision 9; 145.9255, subdivisions 1, 4; 256J.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 124D; 145.

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

Section 1. [PURPOSE.]

The legislature finds that many Minnesota women do not have access to birth control and information about family planning. The legislature further finds that providing access to family planning information and contraception will prevent abortions and unintended pregnancies and reduce the number of women who need medical assistance, MFIP, and other social services.

The legislature further recognizes that in the most recent peer-reviewed study of family planning cost-effectiveness, an analysis of California's program showed that for every $1,000,000 spent on family planning, over 900 unintended pregnancies were prevented and more than 350 abortions were

avoided. The unintended pregnancies prevented by the California family planning efforts saved an estimated $4.48 in public expenditures for every $1 spent.

Sec. 2. [121A.231] [COMPREHENSIVE FAMILY LIFE AND SEXUALITY EDUCATION.]

The commissioner shall develop a plan that ensures all school districts provide comprehensive family life and sexuality education no later than the 2008-2009 school year. For the purposes of this section, "comprehensive family life and sexuality education" means education in grades kindergarten through 12 that:

(1) respects community values and encourages family communication;

(2) develops skills in communication, decision making, and conflict resolution;

(3) contributes to healthy relationships;

(4) provides human development and sexuality education that is medically accurate and age appropriate;

(5) promotes responsible sexual behavior, including promotion of abstinence;

(6) addresses the use of contraception; and

(7) promotes individual responsibility.

Sec. 3. [124D.222] [AFTER-SCHOOL ENRICHMENT PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] A competitive statewide after-school enrichment grant program is established to provide implementation grants to community or nonprofit organizations, political subdivisions, or school-based programs. The commissioner shall develop criteria for after-school enrichment programs.

Subd. 2. [PROGRAM OUTCOMES.] The expected outcomes of the after-school enrichment programs are to:

(1) increase the number of children participating in adult-supervised programs in nonschool hours;

(2) support academic achievement, including the areas of reading and math;

(3) reduce the incidence of juvenile sexual activity;

(4) reduce the amount of juvenile crime;

(5) increase school attendance and reduce the number of school suspensions;

(6) increase the number of youth engaged in community service and other activities designed to support character improvement, strengthen families, and instill community values;

(7) increase skills in technology, the arts, sports, and other activities; and

(8) increase and support the academic achievement and character development of adolescent parents.

Subd. 3. [PLAN.] A grant applicant shall develop a plan for an after-school enrichment program for youth. The plan must include:

(1) collaboration with and leverage of existing community resources that have demonstrated effectiveness;

(2) creative outreach to children and youth;

(3) involvement of local governments, including park and recreation boards or schools, unless no government agency is appropriate;

(4) community control over the design of the enrichment program; and

(5) identification of the sources of nonpublic funding.

Subd. 4. [PLAN APPROVAL; GRANTS.] A grant applicant shall submit a plan developed under subdivision 3 to the commissioner for approval. The commissioner shall award a grant for the implementation of an approved plan.

Sec. 4. [145.4125] [FAMILY PLANNING INFORMATION.]

Before or after an abortion is or has been performed, the hospital or health care facility performing the abortion must provide the woman with written information on all FDA-approved methods of contraception and natural family planning and must offer referral information on local community resources that provide contraceptive services and family planning counseling at no cost or at a reduced cost to low-income clients. This information must be provided within a reasonable time before or after an abortion is to be performed.

Sec. 5. Minnesota Statutes 2004, section 145.4243, is amended to read:

145.4243 [PRINTED INFORMATION.]

(a) Within 90 days after July 1, 2003, the commissioner of health shall cause to be published, in English and in each language that is the primary language of two percent or more of the state's population, and shall cause to be available on the state Web site provided for under section 145.4244 the following printed materials in such a way as to ensure that the information is easily comprehensible:

(1) geographically indexed materials designed to inform the female of public and private agencies and services available to assist a female through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers, in which they might be contacted or, at the option of the commissioner of health, printed materials including a toll-free, 24-hours-a-day telephone number that may be called to obtain, orally or by a tape recorded message tailored to a zip code entered by the caller, such a list and description of agencies in the locality of the caller and of the services they offer;

(2) materials designed to inform the female of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a female can be known to be pregnant to full term, including any relevant information on the possibility of the unborn child's survival and pictures or drawings representing the development of unborn children at two-week gestational increments, provided that any such pictures or drawings must contain the dimensions of the fetus and must be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information

describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each procedure, the possible detrimental psychological effects of abortion, and the medical risks commonly associated with carrying a child to term; ~~and~~

(3) materials with the following information concerning an unborn child of 20 weeks gestational age and at two weeks gestational increments thereafter in such a way as to ensure that the information is easily comprehensible:

(i) the development of the nervous system of the unborn child;

(ii) fetal responsiveness to adverse stimuli and other indications of capacity to experience organic pain; and

(iii) the impact on fetal organic pain of each of the methods of abortion procedures commonly employed at this stage of pregnancy; and

(4) materials on all FDA-approved methods of contraception and natural family planning and referral information on public and private agencies and community resources that provide contraceptive services and counseling at no cost or at a reduced cost to low-income clients.

The material under this clause shall be objective, nonjudgmental, and designed to convey only accurate scientific information.

(b) The materials referred to in this section must be printed in a typeface large enough to be clearly legible. The Web site provided for under section 145.4244 shall be maintained at a minimum resolution of 70 DPI (dots per inch). All pictures appearing on the Web site shall be a minimum of 200x300 pixels. All letters on the Web site shall be a minimum of 11-point font. All information and pictures shall be accessible with an industry standard browser, requiring no additional plug-ins. The materials required under this section must be available at no cost from the commissioner of health upon request and in appropriate number to any person, facility, or hospital.

Sec. 6. [145.426] [FAMILY PLANNING WEB SITE.]

The commissioner of health shall develop and maintain, as part of the department's Web site, information on family planning and referrals to local community resources to assist women and families in preventing unintended pregnancies. The Web site must provide information on:

(1) family planning methods, including all FDA-approved methods of contraception and natural family planning;

(2) basic preventive reproductive health services, including breast and pelvic examinations; cervical cancer; screenings for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV); and pregnancy diagnosis and counseling; and

(3) referrals to local community providers and resources, including subsidized family planning providers, that provide family planning services and counseling and basic preventive reproductive health services.

Sec. 7. Minnesota Statutes 2004, section 145.925, subdivision 9, is amended to read:

Subd. 9. [AMOUNT OF GRANT; RULES.] Notwithstanding any rules to the contrary, including rules proposed in the State Register on April 1, 1991, the commissioner, in allocating grant funds for family planning special projects, shall not limit the total amount of funds that can be allocated to an organization. The commissioner shall allocate to an organization receiving grant funds on July 1, 1997, at least the same amount of grant funds for the 1998 to 1999 grant cycle as the organization received for the 1996 to 1997 grant cycle, provided the organization submits an application that meets grant funding criteria. In allocating the grant funds, the commissioner shall ensure that grant funds for family planning special projects are available in every county. This subdivision does not affect any procedure established in rule for allocating special project money to the different regions. The commissioner shall revise the rules for family planning special project grants so that they conform to the requirements of this subdivision. In adopting these revisions, the commissioner is not subject to the

rulemaking provisions of chapter 14, but is bound by section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to these rules.

Sec. 8. Minnesota Statutes 2004, section 145.9255, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The commissioner of health, in consultation with a representative from Minnesota planning, the commissioner of human services, and the commissioner of education, shall develop and implement the Minnesota education now and babies later (MN ENABL) program, targeted to adolescents ages 12 to 14, with the goal of reducing the incidence of adolescent pregnancy in the state ~~and promoting abstinence until marriage~~ through comprehensive sexuality education that promotes abstinence and promotes male sexual responsibility. The program must provide a multifaceted, primary prevention, community health promotion approach to educating and supporting adolescents in the decision to postpone sexual involvement ~~modeled after the ENABL program in California. The commissioner of health shall consult with the chief of the health education section of the California Department of Health Services for general guidance in developing and implementing the program.~~

Sec. 9. Minnesota Statutes 2004, section 145.9255, subdivision 4, is amended to read:

Subd. 4. [PROGRAM COMPONENTS.] The program must include the following four major components:

(a) A community organization component in which the community-based local contractors shall include:

(1) use of a ~~postponing sexual involvement~~ comprehensive sexuality education curriculum that promotes abstinence and promotes male sexual responsibility targeted to boys and girls ages 12 to 14 in schools and/or community settings;

(2) planning and implementing community organization strategies to convey and reinforce the MN ENABL message of postponing sexual involvement, including activities promoting awareness and involvement of parents and other primary

caregivers/significant adults, schools, and community; and

(3) development of local media linkages.

(b) A statewide, comprehensive media and public relations campaign to promote changes in sexual attitudes and behaviors, and reinforce the message of postponing adolescent sexual involvement ~~and~~, promoting abstinence ~~from sexual activity until marriage~~, and promoting male sexual responsibility. Nothing in this paragraph shall be construed to prevent the commissioner from targeting populations that historically have had a high incidence of adolescent pregnancy with culturally appropriate messages on abstinence from sexual activity.

The commissioner of health, in consultation with the commissioner of education, shall develop and implement the media and public relations campaign. In developing the campaign, the commissioner of health shall coordinate and consult with representatives from ethnic and local communities to maximize effectiveness of the social marketing approach to health promotion among the culturally diverse population of the state. The commissioner may continue to use any campaign materials or media messages developed or produced prior to July 1, 1999.

The local community-based contractors shall collaborate and coordinate efforts with other community organizations and interested persons to provide school and community-wide promotional activities that support and reinforce the message of the MN ENABL curriculum.

(c) An evaluation component which evaluates the process and the impact of the program.

The "process evaluation" must provide information to the state on the breadth and scope of the program. The evaluation must identify program areas that might need modification and identify local MN ENABL contractor strategies and procedures which are particularly effective. Contractors must keep complete records on the demographics of clients served, number of direct education sessions delivered and other appropriate statistics, and must document exactly how the program was implemented. The commissioner may select contractor sites for

more in-depth case studies.

The "impact evaluation" must provide information to the state on the impact of the different components of the MN ENABL program and an assessment of the impact of the program on adolescents' related sexual knowledge, attitudes, and risk-taking behavior.

The commissioner shall compare the MN ENABL evaluation information and data with similar evaluation data from other states pursuing a similar adolescent pregnancy prevention program ~~modeled after ENABL~~ and use the information to improve MN ENABL and build on aspects of the program that have demonstrated a delay in adolescent sexual involvement.

(d) A training component requiring the commissioner of health, in consultation with the commissioner of education, to provide comprehensive uniform training to the local MN ENABL community-based local contractors and the direct education program staff.

The local community-based contractors may use adolescent leaders slightly older than the adolescents in the program to impart the message to postpone sexual involvement provided:

(1) the contractor follows a protocol for adult mentors/leaders and older adolescent leaders established by the commissioner of health;

(2) the older adolescent leader is accompanied by an adult leader; and

(3) the contractor uses the curriculum as directed and required by the commissioner of the Department of Health to implement this part of the program. The commissioner of health shall provide technical assistance to community-based local contractors.

Sec. 10. Minnesota Statutes 2004, section 256J.45, subdivision 2, is amended to read:

Subd. 2. [GENERAL INFORMATION.] The MFIP orientation must consist of a presentation that informs caregivers of:

(1) the necessity to obtain immediate employment;

(2) the work incentives under MFIP, including the

availability of the federal earned income tax credit and the Minnesota working family tax credit;

(3) the requirement to comply with the employment plan and other requirements of the employment and training services component of MFIP, including a description of the range of work and training activities that are allowable under MFIP to meet the individual needs of participants;

(4) the consequences for failing to comply with the employment plan and other program requirements, and that the county agency may not impose a sanction when failure to comply is due to the unavailability of child care or other circumstances where the participant has good cause under subdivision 3;

(5) the rights, responsibilities, and obligations of participants;

(6) the types and locations of child care services available through the county agency;

(7) the availability and the benefits of the early childhood health and developmental screening under sections 121A.16 to 121A.19; 123B.02, subdivision 16; and 123B.10;

(8) the caregiver's eligibility for transition year child care assistance under section 119B.05;

(9) the availability of all health care programs, including transitional medical assistance;

(10) the caregiver's option to choose an employment and training provider and information about each provider, including but not limited to, services offered, program components, job placement rates, job placement wages, and job retention rates;

(11) the caregiver's option to request approval of an education and training plan according to section 256J.53;

(12) the work study programs available under the higher education system; ~~and~~

(13) information about the 60-month time limit exemptions under the family violence waiver and referral information about shelters and programs for victims of family violence; and

(14) information on family planning and referral to local

community providers and resources that provide family planning services and counseling at no cost or at a reduced cost and to the Department of Health's Web site established under section 145.426.

Sec. 11. [REGIONAL TRAINING SITES FOR COMPREHENSIVE FAMILY LIFE AND SEXUALITY EDUCATION IN SCHOOLS.]

The commissioner of education shall establish eight regional training centers in partnership with school districts outside of the cities of Minneapolis and St. Paul to implement comprehensive curriculum and programs to prevent and reduce the risk of HIV/AIDS and unintended pregnancy as required under Minnesota Statutes, sections 121A.23 and 121A.231. The commissioner shall provide technical and financial assistance to each school district to identify policy, curriculum, and service gaps, to purchase curriculum and materials and provide training or services to fill these gaps, to identify opportunities to coordinate HIV and sexuality education with other special curriculum offerings, and to assess the effectiveness of curriculum and services. Each regional training center shall provide programs and services to nearby school districts to meet the requirements of Minnesota Statutes, sections 121A.23 and 121A.231. The commissioner and each school district shall work with a community advisory committee to establish and review the operation of each training center.

Sec. 12. [APPROPRIATION.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in subdivisions 2 and 3 are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. [REGIONAL TRAINING SITES FOR COMPREHENSIVE FAMILY LIFE AND SEXUALITY EDUCATION.] For regional training sites for comprehensive family life and sexuality education:

$3,000,000 2006

$3,000,000 2007

Any balance remaining in the first year does not cancel but is available in the second year.

Subd. 3. [AFTER-SCHOOL ENRICHMENT GRANTS.] For after-school enrichment grants under Minnesota Statutes, section 124D.222:

$5,510,000 2006

$5,510,000 2007

Any balance remaining in the first year does not cancel but is available in the second year.

Subd. 4. [DEPARTMENT OF HEALTH.] (a) $1,200,000 is appropriated for fiscal year 2006 from the general fund to the commissioner of health for purposes of the ENABL program under Minnesota Statutes, section 145.9255.

(b) $100,000 is appropriated for fiscal year 2006 from the general fund to the commissioner of health for public education to promote the awareness and proper usage of emergency contraception. This appropriation shall only be used if the United States Food and Drug Administration approves the over-the-counter sale of emergency contraception.

(c) $2,000,000 is appropriated for fiscal year 2006 from the general fund to the commissioner of health to provide grants to government or nonprofit entities operating a school-based clinic serving students in middle or high school that provides reproductive health services, including FDA-approved contraceptive methods, testing and treatment of sexually transmitted diseases, and sexual health education. Grant allocations must be based on a formula developed by the commissioner that recognizes the percentage of students served by each clinic who are uninsured.

(d) $5,000,000 is appropriated for the biennium beginning July 1, 2005, from the general fund to the commissioner of health for family planning special project grants under Minnesota Statutes, section 145.925.

Senator ..... moves to amend S.F. No. 581 as follows:

Page 2, delete section 2

Pages 2 and 3, delete section 3

Page 11, delete section 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senators Koering, Olson and Jungbauer introduced--

S.F. No. 1026: Referred to the Committee on Education.

A bill for an act

relating to education; providing for certain school districts to assist other districts to develop teacher mentoring programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 122A.

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

Section 1. [122A.628] [SCHOOLS MENTORING SCHOOLS REGIONAL SITES.]

The commissioner of education shall select up to four school districts, or partnerships of school districts, for the purpose of assisting other school districts in the region with the development of thorough and effective teacher mentoring programs. The commissioner shall use geographic balance and proven teacher induction programs as criteria when selecting the sites. One site must include the Brainerd teacher support system, which has been cited by the Minnesota Board of Teaching as a model program and was one of only six programs in the nation to be recognized for the 2004 NEA-Saturn/UAW partnership award. The sites shall be known as schools mentoring schools regional sites.

The sites shall provide high quality mentoring assistance programs and services to other nearby school districts for the development of effective systems of support for new teachers. The sites shall offer coaching/mentor training, in-class observation training, and train-the-teacher opportunities for

teams of participating teachers. The sites shall use their recognized experience and methods to equip schools to work with their own new and beginning teachers. The commissioner shall review and report annually to the legislature on the operation of each training center.

Sec. 2. [APPROPRIATION.]

The following sums are appropriated from the general fund to the Department of Education for the fiscal years designated to select and fund schools mentoring schools regional sites:

$.,...,... 2006

$.,...,... 2007

Any balance remaining in the first year does not cancel but is available in the second year.

Senate Counsel, Research, and Fiscal Analysis

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Senate

State of Minnesota

S.F. No. 257 - Principled Pay Practices and Site-Based Achievement Contracts

Author: Senator Steve Kelley

Prepared by: Ann Marie Butler, Senate Counsel (651/296-5301) AMB

Date: April 5, 2005

Article 1
Principled Pay Practices

Section 1 [Educational Improvement Plan.] amends the education improvement plan to correspond with principled pay practices system established in section 2.

Section 2 [Principled Pay Practices.]

Subdivision 1 [Principled Pay Practices System.] permits a district and the exclusive representative of the teachers to adopt a principled pay practices.

Subdivision 2 [Eligibility for Principled Pay Practices Aid.] directs a school district to submit to the Department of Education an educational improvement plan and an executed collective bargaining agreement with the required provisions. An agreement may include different compensation provisions for separate classifications of employees.

Subdivision 3 [Commissioner Approval.] allows the Commissioner to give preliminary approval if a district submits a proposed collective bargaining agreement and educational improvement plan for review. The Commissioner must provide detailed notice to a school district if their application is denied. A school district must give notice to the Commissioner of its intention to apply for aid under this section.

Subdivision 4 [Aid Amount.] establishes aid amounts based on the level of participation of the teachers in the district.

Subdivision 5 [Percentage of Teachers.] establishes a formula for determining the percentage of teachers participating in the pay system for the purposes of calculating the aid amount.

Subdivision 6 [Aid Timing.] states the districts or sites must receive aid for each school year they participate in the program.

Subdivision 7 [Annual Aid Appropriation.] creates an annual appropriation from the general fund to the Commissioner.

Effective Date: Makes this section effective for fiscal year 2006 and later.

Section 3 [Closed Contract.] allows a district and the teacher representative to reopen a closed collective bargaining agreement to enter into a principled pay practices system.

Section 4 [Appropriation.] appropriates a blank amount for principled pay practices aid.

Section 5 [Repealer.] repeals Minnesota Statutes 2004, sections 122A. 414 (alternative teacher compensation.) and 122A.415 (alternative compensation aid.).

Article 2
Site-Based Achievement Contracts

Section 1 [Grants for Site-Based Achievement Contracts.]

Subdivision 1 [Eligible Schools.] permits the Commissioner to award grants to sites that meet the following criteria:
(1) At least 75 percent of enrollment eligible for free or reduced-price lunch;
(2) At least 75 percent of enrolled students are students of color; and
(3) Failure to meet adequate yearly progress for at least two consecutive years.

A school site must have an approved site decision-making agreement, including an achievement contact and the site decision team must include the school principal.

Subdivision 2 [Application.] requires the applicant to submit a plan that:
(1) will result in specific proficiency milestones during the grant period,
(2) uses multiple objective and measurable methods for tracking student achievement;
(3) allows for returning timely test data for teachers to use to improve curriculum;
(4) includes an agreement related to increased stability in placement of teachers at the site;
(5) provides for greater parent and community involvement; and
(6) ensures each student can develop a meaningful relationship with one teacher at the site.

Subdivision 3 [Grant Awards.] directs the Commissioner to award grants in three parts. At the beginning, one-third of the total amount is awarded. At the midpoint, an additional one-third is awarded if the site has met their established achievement goals. At the completion of the grant period, the final one-third is awarded if the site has met their established achievement goals. The total grant amount is limited between $150,000 and $500,000 based on the number of students enrolled at the site.

Subdivision 4 [Report.] directs the Commissioner to report annually to the education committees of the Legislature on the progress of the program. The final report is due January 15, 2011.

Effective Date; makes the section effective immediately and applies to the 2005-2006 through 2011-2012 school years.

Section 2 [Appropriation.] appropriates $500,000 in fiscal years 2006 and 2007 for site-based achievement contracts.

AMB:vs

Senator Hann introduced--

S.F. No. 746: Referred to the Committee on Education.

A bill for an act

relating to education; eliminating staff development program and reserved revenue; repealing Minnesota Statutes 2004, sections 122A.60; 122A.61.

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

Section 1. [REPEALER; STAFF DEVELOPMENT.]

Minnesota Statutes 2004, sections 122A.60 and 122A.61, are repealed.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

APPENDIX
Repealed Minnesota Statutes for 05-2231

122A.60 STAFF DEVELOPMENT PROGRAM.

Subdivision 1. **Staff development committee.** A school board must use the revenue authorized in section 122A.61 for in-service education for programs under section 120B.22, subdivision 2, or for staff development plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators. Districts must report staff development results and expenditures to the commissioner in the form and manner determined by the commissioner. The expenditure report must include expenditures by the board for district level activities and expenditures made by the staff. The report must provide a breakdown of expenditures for (1) curriculum development and programs, (2) in-service education, workshops, and conferences, and (3) the cost of teachers or substitute teachers for staff development purposes. Within each of these categories, the report must also indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures are to be reported using the UFARS system. The commissioner shall report the staff development expenditure data to the education committees of the legislature by February 15 each year.

Subd. 2. **Contents of the plan.** The plan must include the staff development outcomes under subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education outcomes.

Subd. 3. **Staff development outcomes.** The advisory staff development committee must adopt a staff development plan for improving student achievement. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

(1) improve student achievement of state and local education standards in all areas of the curriculum by using best practices methods;

(2) effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings;

(3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;

(4) improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;

(5) effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for

conflict resolution; and

(6) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

122A.61 RESERVED REVENUE FOR STAFF DEVELOPMENT.

Subdivision 1. **Staff development revenue.** A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for in-service education for programs under section 120B.22, subdivision 2, for staff development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

Subd. 2. **Career teacher staff development.** Of a district's basic revenue under section 126C.10, subdivision 2, an amount equal to $5 times the number of resident pupil units must be reserved by a district operating a career teacher program according to sections 124D.25 to 124D.29. The revenue may be used only to provide staff development for the career teacher program.

April 4, 2005

Senator David Hann
G-27, State Office Building

RE: SF 746

Dear Senator Hann:

I support SF 746, the elimination of a required staff development program and reserved revenue. The reason for my support is that without intervention, the statute this issue reverts back to on July 1, 2005, gives school districts little, if any, latitude in managing its budget.

For many years, even prior to the mandated set-aside, the Rochester Public Schools has strongly supported staff development activities. Since the mandated 2%, we have continued to provide one of the finest staff development programs in the state. But, as with most school districts, we are facing severe budget constraints, having recently cut $3.2 million from our 2005 – 2006 school district budget. In order to keep the cuts as far away from the classroom as possible, we reduced our staff development set-aside for next year to .5%. These dollars and some carry-over will help get us through.

Even with the Governor's recent proposal to assist school districts, I foresee future years of cuts to the budget. A mandated set-aside of 2%, and even a prescriptive 50/25/25 distribution of funds, severely limits the flexibility that this school district strongly desires. We must retain the authority to be flexible with the use of our revenue.

We intend to continue to have a staff development program in the coming years. However, the flexibility to assign revenue to the program should be based on our particular budget circumstances and the special needs of the district. An example of that last point is that during the coming school year, we intend to put staff development funds to work training elementary teachers for the adoption the following year of a new reading series. We know how important staff development is for something like this, but my point is that we have determined that, and it is in the best interest of our district. The mandated 2% and 50/25/25 have not given us that flexibility to meet our specific school district needs.

Thank you for seeking the support of your colleagues for SF 746. The Rochester School Board and I also support your efforts.

Sincerely,

Jerry Williams
Superintendent

Senator Stumpf introduced--

S.F. No. 1450: Referred to the Committee on Education.

A bill for an act

relating to education; requiring school boards to formally adopt and implement a policy about purchasing and using irradiated food in food service programs; amending Minnesota Statutes 2004, section 123B.02, subdivision 13.

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

Section 1. Minnesota Statutes 2004, section 123B.02, subdivision 13, is amended to read:

Subd. 13. [SCHOOL LUNCHES; IRRADIATED FOOD.] (a) The board may furnish school lunches for pupils and teachers on such terms as it determines.

(b) Before a district or charter school purchases irradiated food or uses irradiated food in a food service program, the district or school governing board at a regularly scheduled board meeting must formally adopt a policy on purchasing and using irradiated food in its food service program. Any policy a board adopts under this paragraph must include requirements to:

(1) notify parents of students at least 30 days before initially purchasing irradiated food in a food service program;

(2) clearly identify all school lunch menu items by the phrase "treated with irradiation" where applicable; and

(3) separate all irradiated food items from "nonirradiated" food items served to students at a school meal or snack or otherwise available for students to purchase or consume.

"Irradiated food" under this paragraph means food that has been exposed to ionizing radiation.

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April 4, 2005

The Honorable Steve Kelley
Chairman, Senate Committee on Education
75 Rev. Dr. Martin Luther King Jr. Blvd., Room 205
St. Paul, MN 55155-1606

Dear Chairman Kelley:

On behalf of the Grocery Manufacturers of America (GMA), I am writing to express our opposition to Senate File 1450, which would require Minnesota school boards to unnecessarily adopt and implement a policy on the purchase and use of irradiated foods in schools. The measure is scheduled for hearing on Tuesday, April 5.

GMA is the world's largest association of food, beverage, and consumer product companies. Led by a board of 46 Chief Executive Officers, GMA applies legal, scientific, and political expertise from its more than 140 member companies to vital public policy issues affecting its membership. With U.S. sales of more than $500 billion, GMA members employ more than 2.5 million workers in all 50 states, with over 90 facilities employing more than 23,900 workers in Minnesota.

GMA and its member companies support the use of irradiation as a useful tool for improving food safety. Food irradiation is the process of treating meats and other food with radiant energy to eliminate or adequately reduce harmful pathogenic bacteria such as E. coli 0157:H7, Campylobacter, and Salmonella. The process can also control insects and parasites, reduce spoilage bacteria and inhibit ripening and sprouting of certain foods.

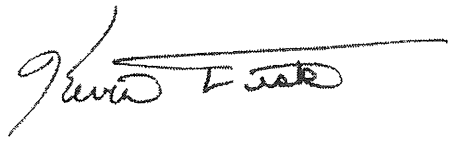
Before the United States Food and Drug Administration (FDA) approves the irradiation of a food, the agency thoroughly evaluates the food treated with irradiation, specifically, its radiological safety, toxicological safety, microbiological safety, and nutritional adequacy. Worldwide, after such evaluations, the U.S. and 37 other countries have approved food irradiation for use on more than 40 food products. These approvals have specific requirements regarding the sources of radiation, the amounts of radiation applied, the design of the radiation facilities, operator training, recordkeeping, and the labeling of the irradiated foods. Radiation has been used to treat foods for over 40 years in the U.S., with no demonstrated adverse health effects from long-term use. FDA approved irradiation for beef, pork, and lamb on December 2, 1997, after reviewing hundreds of studies on the effects of food irradiation. In addition, the World Health Organization approved the safety of food irradiation and its use for a wide range of food products.

The American Dietetic Association (ADA) recognizes that food irradiation "enhances the safety and quality of the food supply and helps protect consumers from foodborne illness." In addition, the United States Centers for Disease Control and Prevention has estimated that irradiating half of all ground beef, poultry, pork, and processed meat would prevent approximately one million cases of food poisoning, 8,500 hospital admissions, 6,000 grave illnesses, and 350 deaths in the U.S. each year.

GMA and its member companies support the use of irradiation as a useful tool for improving food safety. Requiring schools to develop a policy that separates irradiated foods from nonirradiated foods would lead to confusion and fear about the safety of those items. The requirements of SF 1450 are unwarranted, given the extensive 50-plus years of research on and safe consumption of foods treated with irradiation. Therefore, GMA respectfully requests your NO vote in Committee.

Please contact me at (202) 295-3925 or kfisk@gmabrands.com if you have questions regarding GMA's position on this issue.

Sincerely,



Kevin Fisk
Manager, State Affairs

CC: Education Committee Members

Public Citizen

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

April 4, 2005

The Senate Education Committee
Capitol Building, Room 112
75 Rev. Dr. Martin Luther King, Jr.
St. Paul, Minnesota 55155

Re: SUPPORT for SF 1450

Dear Senate Education Committee:

On behalf of Public Citizen and our thousands of Minnesota members, I am writing to urge you to vote for Senate File 1450 (Stumpf). This bill requires school boards to adopt a formal policy before serving irradiated food in schools, as well as requiring parental notification and labeling of irradiated food. Our members feel very strongly that parents have the right to know if their children are consuming irradiated food at school, for the reasons stated below.

Irradiated foods have largely been rejected by the public, and the safety of consuming irradiated foods is unknown. In 2003, the United States Department of Agriculture (USDA) included irradiated ground beef in the National School Lunch Program (NSLP), which provides subsidized school meals to thousands of Minnesota children. The USDA made this decision despite overwhelming opposition from the public – over 91% of comments submitted to the USDA on this proposal were against serving irradiated food to children.[i]

Schools can now order irradiated ground beef from the USDA for their meal programs without public input or parental notification. This is alarming considering the lack of scientific consensus over the safety of consuming these foods. Studies demonstrate that food irradiation depletes essential nutrients in food[ii] and produces toxins such as benzene and toluene[iii] as well as unique chemical byproducts, the human health effects of which are not known. Recent studies on a class of these chemical byproducts, called cyclobutanones, link them to tumor growth in rats,[iv] as well as genetic damage to human cells.[v] Moreover, there has never been a long-term study on children who eat irradiated food. Irradiated food has also been rejected by consumers in the marketplace, as sales have faltered and many stores removed irradiated meat from their shelves.[vi] And eleven school districts, including Los Angeles, Washington, DC, and Iowa City, have banned the product from schools completely. Given these doubts, it is important that parents have enough information about what is served at schools so that they can make the best decision for their families.

SF 1450 ensures that a decision to serve irradiated food is made known to the general public. Last year, Minnesota was one of only three states to order irradiated ground beef through the NSLP, on behalf of 96 Minnesotan schools/school districts which made requests for the product. The state of Minnesota

ultimately canceled their order after USDA's contract bidding process was delayed due to high costs (as did Nebraska and Texas, the other two states that placed orders). Officials from Minnesota cited the higher cost of irradiated beef as a concern.[vii] However, many parents and school officials were surprised to learn that their school had ordered irradiated food at all. Currently, Minnesota has no obligation to involve parents in a decision to serve irradiated food or inform parents if irradiated foods are being served, which denies parents the right to know if their children are consuming food that the public largely rejects. By requiring parental notification if a school district chooses to serve irradiated food, as well as labeling of irradiated product, SF 1450 ensures that schools remain accountable to parents and students.

SF 1450 protects parents' fundamental right to know what their children eat while at school, and ensures that students can make informed decisions.

Public Citizen respectfully requests your support of SF 1450.

Sincerely,

Wenonah Hauter
Director

Enclosures:
Marian, Burros. "The Question of Irradiated Beef in Lunchrooms." *The New York Times*, 29 January 2003

Au, William W. "Expert Affidavit on Safety Issues of Irradiated Food for School Children." 10 December 2002.

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[i] Source: United States Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Program, public comments received.
[ii] Kilcast, D. "Effect of radiation on vitamins." *Food Chemistry*, 49:157-164, 1994
[iii] Chinn, H.I. "Evaluation of the health aspects of certain compounds found in irradiated beef." Federation of American Societies for Experimental Biology, Bethesda, MD. Prepared for U.S. Army Medical Research and Development Command, Department of the Army, Washington, D.C. Contract No. DAMD-17-76-C-6055, August, 1977.
[iv] Marchioni, Eric, et al. "Information about the potential toxicity of 2-alklycyclobutanones." International Consultative Group on Food Irradiation, Dec. 2001.
[v] Delincee, H. et al. "Genotoxicity of 2-alkylcyclobutanones, markers for an irradiation treatment in fat-containing food" Radiation Physics and Chemistry, 63:431-435, 2002.
[vi] Post, Kevin. "If beef doesn't kill irradiated meat, lean sales might." *Press of Atlantic City*. 13 June 2003.
[vii] Gersama, op. cit

Expert Affidavit on Safety Issues of Irradiated Food for School Children

By: William W. Au, Ph.D.
Date: December 10, 2002.

William Au, being duly sworn, hereby deposes and says:

A. My address is: Division of Environmental Toxicology, Department of Preventive Medicine and Community Health, Ewing Hall, 700 Harborside Drive, University of Texas Medical Branch, Galveston, Texas 77555-1110, where I have been employed as a Professor since 1991. My Curriculum Vitae is attached hereto indicating my professional qualifications as a toxicologist. My primary research interest is in conducting molecular and cellular studies to elucidate toxicological mechanisms for the induction of human disease. Since obtaining my Ph.D. from the University of Cincinnati, I have more than 20 years of experience teaching, conducting and publishing peer-reviewed research, consulting and speaking internationally, editing professional publications, and serving on numerous expert committees. I am a member of the major scientific societies related to toxicology and have received approximately one dozen awards recognizing my professional contributions. I have delivered more than 35 invited lectures internationally and published or co-published more than 200 articles in the toxicology field.

B. I submit this Affidavit to the United States Department of Agriculture with respect to its public comment period on food safety technologies for use in its commodity purchase programs pursuant to the recent Farm Bill, specifically on the agency's consideration of allowing the use of ionizing radiation on food served to school children.

C. I submit this Affidavit on behalf of two Washington, DC, non-profit groups, the Center for Food Safety and Public Citizen, who have retained me as a consulting expert. Prior to this consultation I had no prior involvement with those or any other non-profit groups involved in food irradiation issues.

D. In formulating my opinion, I have reviewed relevant documents and studies and conducted independent research.

E. My opinion, based on a reasonable degree of scientific certainty, is as follows:

1) The use of radiation to decontaminate/sterilize foods destined for human consumption should be evaluated for health concerns very carefully. Radiolytic products are formed during the irradiation of food (Schubert, 1969). Their potential health hazards have not been adequately evaluated. More research is needed on the products that are unique to the irradiation process. A recently-discovered unique class of radiolytic products that are generated from the irradiation of fat-containing food is 2-alkylcyclobutanone (2-ACB) with saturated and mono-unsaturated alkyl side chain: 2-decyl-, 2-dodecyl-, 2-dodecenyl-, 2-tetradecyl- and 2-tetradecenyl-cyclobutanone (Miesch et al., 2002).

2) Since 1998, concern regarding health hazards from the consumption of irradiated food has been focused on the toxicity of 2-ACB. Using in vitro assays, 2-ACB has been shown to be genotoxic and mutagenic (Delincee and Pool-Zobel, 1998; Delincee et al., 1998; Delincee et al., 2002; Burnouf et al., 2002). 2-ACB has also been tested in experimental animals. In one report (Horvatovich et al., 2002), laboratory rats were fed a very low concentration of 2-ACB in drinking water, and the absorption and excretion of the chemical were monitored. The study showed that less than 1% of the administered chemical was excreted in feces. A portion of the chemical crossed the intestinal barrier, entered the blood stream and accumulated in the adipose tissues of the animal. It follows that consumption of irradiated food for a long time can cause accumulation of toxic 2-ACB in the adipose tissues of human consumers, including school children.

3) The recent findings by Raul et al. (2002) raised a high level of concern. Although the detail of the study is not available yet, the summary of the report indicates that 2-ACB is a promoter for colon cancer in rats. A promoting agent does not usually cause cancer by itself but alters cellular functions (Zheng et al., 2002; Yamagata et al., 2002). The unique concern with promoters is that they can significantly enhance the carcinogenic effects of known carcinogens (Hecker et al., 1980; Slaga, 1983; Langenbach et al., 1986). Experimental animals that are treated with both promoters and carcinogens develop tumors much earlier and have more tumor nodules than animals treated with the carcinogens alone. Animals treated with the promoters alone would not develop tumors more often than the untreated animals.

4) Colon cancer (as was discovered in the rat study on 2-ACBs) is a serious health problem in humans, causing approximately 60,000 deaths per year in the United States. Consumption of improper diet is a major cause for colon cancer: foods that are high in fat especially from animal sources, meat cooked with high heat, charred meat, and food with high content of aromatic/heterocyclic amines (Colon cancer folder in the American Cancer Society website – www.cancer.org; Lang et al., 1986; Vineis and McMichael, 1996). Therefore, consumption of the improper diet together with food that contains 2-ACB which acts as a tumor promoter can increase the risk for the development of colon cancer. Under this scenario, individuals who would normally outlive the risk for colon cancer might develop the cancer. As there has not been a systematic investigation in the population, this cancer promotion concern remains unaddressed.

5) Numerous other peer-reviewed published reports have long indicated the mutagenic activities of irradiated foods fed to mammals (Anderson et al., 1980; Bhaskaram and Sadasivan, 1975; Bugyaki et al, 1968; Maier et al., 1993; Moutschen-Dahmen, et al., 1970; Vijayalaxmi, 1975, 1976, 1978; Vijayalaxmi and Rao, 1976; Vijayalaxmi and Sadasivan, 1975). The health concerns from consumption of irradiated food simply cannot be considered to have been resolved (Louria, 2001).

6) Only two published studies have been conducted to investigate mutagenicity hazards in people who consumed freshly irradiated food. In one study, malnourished children who were fed freshly irradiated wheat had more chromosome aberrations than those who were

fed non-irradiated or stored irradiated wheat (Bhaskaram and Sadasivan, 1975). In the other study, healthy adults were fed irradiated food for three months and no increased chromosome aberrations were observed (Institute of Radiation Medicine, 1987). However, upon reanalysis of the data, an increase in chromosome aberrations with borderline statistical significance was reported (Louria, 1990). The data indicate that consumption of irradiated food can cause genotoxic effects and therefore health hazards in the population. More importantly, there may be subpopulations such as undernourished children who are most susceptible to toxic effects of irradiated food. Strong reasons exist for considering children generally to be especially susceptible to toxic materials (Au 2002). Undernourished schoolchildren in the United States are the population segment most likely to consume a high percentage of their daily food intake from the school meal programs (breakfast, snack, and lunch), as their parents have fewer alternative choices due to economic reasons.

7) Effects that have significant public health implications such as polyploidy, genetic alterations, and tumor promotion are critically important not to ignore when children are involved, especially when those children may be undernourished and have few practical alternatives, therefore are physically and economically vulnerable. Furthermore, exposing human beings to hazardous substances at an early age will increase the likelihood that the induced health effects will be manifested within their lifespans. The wisdom and fairness of compelled exposure to these effects should be considered seriously and explicitly by USDA with respect to the pending proposal for school food irradiation. Irradiating the food to be eaten by millions of growing children would expose them to toxicity hazards for which it would very difficult, if not impossible, to obtain truly informed consent from them or their parents.

Dated this _____ day of December 2002, at _____, Texas.

_____
Signature

State of Texas

:ss.

County of _____

Subscribed and sworn to before me this _____day of December, 2002.

_____
Notary Public

C.V. attached

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April 5, 2005

Mike Freiberg
Minnesota Senate
MikeFreiberg@senate.mn

Dear Mr. Freiberg,

Minnesota COACT (Citizens Organized ACting Together), with a statewide membership of 12,000 members, including 500 dairy farmers, believes in the public's right to know if irradiated food is being served in school lunches. COACT, therefore, supports the Food Irradiation Right-To-Know Bill, SF 1450 and HF 1795.

During 2003-2004, the COACT Education Foundation (CEF) worked on a project proposal, "From Farms to Schools", with the USDA and the Parkers Prairie School Board to provide locally grown, unadulterated food for their district's students. Research shows that academic performance improves and behavior problems decrease when students eat food that is free of additives, dyes, preservatives, excess fats and carbohydrates.

As we state below, irradiation creates harmful byproducts and renders the meat less nutritious and flavorful which is the antithesis of our CEF project.

COACT is also a member organization of the Minnesota Dairy Producers Board, which recommended a moratorium on the sale of irradiated food in Minnesota. Other member organizations are Minnesota Farmers Union, National Farmers Organization, Family Dairies-USA, the Minnesota Food Association, and Minnesota Senior Federation.

Our opposition to meat irradiation is based on the following reasons:

- Approval of meat irradiation by the FDA is based on inadequate testing because the FDA failed to follow modern scientific protocols, according to food safety experts such as Dr. Samuel Epstein, Professor of Environmental and Occupational Medicine at the University of Illinois.

- Meat irradiation creates harmful carcinogens (including benzene and toluene) and unique radiolytic products, some of which the FDA hasn't tested for safety.

- European research suggests that unique byproducts created by irradiating fat, *such as in ground beef*, may act as tumor promoters which is being reviewed by FDA, according to the Consumers Union as reported in its August 2003 *Consumer Reports*.

- Irradiation lessens the meat's nutrition because it decreases the nutrient values of vitamins A, B-complex, and C.

- Irradiation renders meat less flavorful, according to the August 2003 issue of *Consumer Reports* which says irradiated meat has a "slightly scorched taste and a smell reminiscent of singed hair".

Because the risk of E.coli 0157:H7 contamination (caused by manure on cattle hides) is less from independent family dairy farms, including those of our 500 dairy farmer members, we support the Consumers Union's recommendation that the "best way to improve meat quality is to clean up the food-supply chain and strengthen USDA authority over meat safety", as stated in its August 2003 *Consumer Reports*.

In our opinion, that means sanitizing meat production and processing methods in the first place, such as hide washing, and ensuring reliable federal meat inspection rather than depending on irradiation.

A new hide washing system is being used at certain beef processing plants as reported in the September-October 2003 issue of *Cargill News International.* Cattle hides are the most likely source for cross contaminating beef carcasses with E.coli 0157:H7, according to the USDA. The new method, being used by Excel meat processors, cleanses as much bacteria as possible from the hides before their removal from the carcasses, which lessens the transfer of E.coli 0157:H7 to the carcass surfaces.

We concur with the Consumers Union support of "further tests of chemical byproducts created by meat irradiation" and that labeling irradiated meat as "'pasteurized' or anything else is misleading.

In the meantime, we support the independent family farm as a safer source of meat that is nutritious and flavorful for our children and the rest of us.

We thank the Minnesota Legislature for considering these reasons in deliberating on the Food Irradiation Right-To-Know Bill.

Sincerely,

Jeff Kunsleben, President, 320-845-4336

Don Pylkkanen, Executive Director, 651-646-0900

Cc: Jody Scott-Olson, Minnesota Voices for Choices

January 29, 2003

The Question of Irradiated Beef in Lunchrooms

By MARIAN BURROS

IRRADIATED beef may be coming soon to your local school cafeteria.

The farm bill that was passed last May directs the Agriculture Department to buy irradiated beef for the federal school lunch program. It will be up to local school districts to decide if they want it.

Americans have been reluctant to buy food that is irradiated, a process that uses electrons or gamma rays to kill harmful bacteria like salmonella and E. coli 0157:H7, which cause food poisoning. Some people fear, wrongly, that the food is radioactive. Others are concerned that the process hasn't been tested well. They may be correct.

Based on European studies showing the formation of cancer-causing properties in irradiated fat, the European Union, which allows irradiation only for certain spices and dried herbs, has voted not to permit any further food irradiation until more studies have been done.

Carol Tucker Foreman, director of the Food Policy Institute at the Consumer Federation of America, said: "There is nowhere in the world where a large population has eaten large amounts of irradiated food over a long period of time. It makes me queasy that we are going to feed it to schoolchildren."

Advocates of meat irradiation have been struggling for public acceptance; some irradiated meat is being sold. But some within the food industry criticize the tactics being used to gain acceptance for food irradiation. Diane Toops, the news and trend editor of Food Processing, a trade magazine, said in this column in 2001: "The irradiation business is making all of the same mistakes biotechnology has made, trying to force their new technology down the throats of consumers who have a lot of questions."

Because the word irradiation conjures up radioactivity and, more recently, the method by which anthrax spores have been killed, the industry has tried to keep it off food packaging. It is lobbying to use a word with which people are more comfortable: pasteurized.

A farm bill provision, added by Senator Tom Harkin, the Iowa Democrat, directs the Food and Drug Administration to look for a less fear-inducing word. Senator Harkin, a longtime proponent of food safety, is also responsible for the language in the bill that directs the Agriculture Department to buy irradiated meat.

The same month the farm bill passed, according to the Federal Election Commission in 2002, Senator Harkin received a $5,000 campaign contribution from the Titan Corporation, which until last August owned the SureBeam Corporation of Sioux City, Iowa, the country's largest food irradiator. Tricia Enright, Mr. Harkin's spokeswoman, said: "Tom Harkin's record as a leader of food safety is unparalleled. His

commitment to this technology goes back decades."

The Harkin provision has given the Bush administration what it asked for in 2001: irradiated beef in the school lunch program, in place of testing for bacterial contamination. School lunches fall under the jurisdiction of Dr. Peter S. Murano, deputy administrator of the Food and Nutrition Service. He and his wife, Dr. Elsa Murano, the Agriculture Department's under secretary for food safety, are known for their writings on the use of irradiation to improve food safety. Previously, she ran the food irradiation program at Iowa State University.

To convince the public that irradiation is necessary because food poisoning has been increasing in schools, the meat industry cites a General Accounting Office study issued on April 30, 2002, that maintains that such outbreaks are rising at the rate of 10 percent a year.

But Dr. Robert Tauxe, chief of the foodborne and diarrheal diseases branch at the Centers for Disease Control and Prevention, said, "The percent of outbreaks in schools hasn't changed in the last 10 years." The statistical change, he said, is due to better reporting.

Although the Agriculture Department is authorized to offer irradiated meat to schools, the secretary of agriculture, Ann M. Veneman, is moving slowly. So far, it is served only in schools in a pilot program in Minneapolis. According to the Center for Food Safety, a nonprofit Washington advocacy group, which opposes irradiation of food, of more than 1,500 comments the Agriculture Department received from the public on the subject, two-thirds were against it.

"I don't think the right place to start this is in the school lunch program," said Caroline Smith DeWaal, director of food safety at the Center for Science in the Public Interest. "There is not enough public acceptance. It's essential parents be allowed to sign off before irradiated meat is allowed. If kids don't have the right to refuse and it's not labeled, it's really taking consumer choice away."

The American School Food Service Association, a trade group, states that irradiation will make beef safer and save money, because salmonella testing will no longer be necessary. That idea angers people like Ms. DeWaal, who said, "Irradiation is not a substitute for testing."

Barry Sackin, a lobbyist for the food service association, said that school districts will have the right to refuse irradiated meat, and when it is used, it will have to be labeled. "The last thing we need is a reporter who puts out a story that kids are served irradiated meat and parents didn't know," he said.

My name is Mary Strohmayer, I am speaking to you today as a consumer, taxpayer, mother of five and recent college graduate. As a consumer I pay for my children to eat lunch at school, I realize the meals are not the highest quality but I believe they offer more nutrition than a peanut butter sandwich. As a taxpayer I expect that I will be informed of what is happening at the school. I receive newsletters and I have to sign permission forms that allow the school to teach educational content in the classroom that is deemed sensitive or inappropriate by some. I am also a mother who is concerned about what my family eats. I am not serving my children tofu and granola but I do not buy prepackaged meals and I make sure the bulk of my children's diet consists of foods rich in vitamins and minerals. I recently graduated from Augsburg college, as a student I researched the issue of food irradiation for a term paper. My interest in the subject was peaked when I heard on the news that my children's school district was participating in a pilot project involving irradiated beef.

My research showed that irradiation kills bacteria in the meat, namely E-coli. Another method of killing E-coli is cooking the meat to an internal temperature of 160 degrees. One rather disturbing fact about irradiation is that, although it renders the bacteria harmless to humans, it does not eliminate it. This means that feces and other contaminates are still in the meat, irradiation simply makes them edible.

The most alarming information I uncovered while doing research was the fact that there had only been one study done using children. The study was done using seven, malnourished children from India. The children were all fed freshly irradiated wheat. Six of the seven children showed signs of polyploidy (having more than two sets of chromosomes). This study was later thrown out because of the small number of children involved and the fact that they all suffered from malnutrition.

When I received the irradiation materials provided by the school I was disappointed to find the materials contained inaccurate and misleading information. The information was distributed by the "Pilot Partners" two thirds of the partners represent the irradiation industry. The educational materials refer to irradiation as a low dose of radiation. 4.5 – 7.0 kilo Grays do sound like low doses. As a comparison, during a routine chest x-ray you are exposed to .00000040 Kilo Gray of radiation. I don't think you need to be a mathematician to realize irradiation is equivalent to millions of chest x-rays. No one would call that a low dose. The education materials also contained comparisons between irradiation of beef to the radiation that comes from your TV or microwave. I know there is not a TV on the market that emits one million Kilo Grays of ionizing radiation.

As a parent, I would rather not have my children's food exposed to an additional process. If I can serve safe food using proper storage, sanitation and cooking, irradiation seems unnecessary. The term irradiation makes people uncomfortable. One way the pilot partners got around this issue was to compare irradiation to pasteurization. In reality the only similarity is that both processes kill bacteria. Pasteurization of milk is a process in which milk heated then quickly cooled. The process of irradiation involves exposing beef to ionizing radiation, there is no heat involved.

This bill is not asking for any more than parental notification. If irradiation is as great as the proponents suggest then demand will flood the markets with it. Public demand today is so low that irradiated beef has been pulled from most grocery stores. If the research I have read is correct then irradiation will be banned in the coming years. We have all recently seen the recall of drugs that have shown side effects after they were

proven to be safe. I would rather not have the nations school children be guinea pigs for the irradiation industry. As a parent shouldn't I expect the same high standards in the lunchroom that you are demanding from my children in the classroom?

Mary Studmayer
Minnesota Voices for Choices.

(NY Times article)

October 15, 2003
EATING WELL
Questions on Irradiated Food
By MARIAN BURROS

WHEN the European Parliament decided last year to put a moratorium on the irradiation of almost all food, it was influenced by studies suggesting that substances formed when fat is irradiated may promote colon cancer.

But when regulators in the United States approved the irradiation of fruits, vegetables, meat, poultry and eggs, they did not consider that type of study, in which animals were fed concentrates of the substances. Irradiated food is now sold in some stores and restaurants, but it is not widely available.

In determining that irradiation was a safe way to prevent bacterial contamination, the Food and Drug Administration reviewed tests in which animals were fed irradiated food.

Opponents of irradiation say, though, that the meat in those tests did not have enough of the substances considered in the European tests - 2-ACB's (alkylcyclobutanones) - to determine its safety. The only way to determine the effects of a lifetime's exposure to questionable substances like 2-ACB's, they say, is to test them in an isolated form.

Last month, officials from the Center for Food Safety and the Public Citizen Critical Mass Energy and Environment Program, two Washington-based advocacy groups, met with officials of the Food and Drug Administration and asked that the agency not approve the irradiation of any more foods until the safety of 2-ACB's has been determined by testing them specifically.

Dr. George Pauli, associate director for science and policy in the F.D.A.'s Office of Food Additive Safety, said the agency would review the studies considered by the European Parliament.

Dr. William Au, who is a toxicologist at the University of Texas Medical Branch and a scientific consultant to the two groups, said the compounds should be considered food additives, which the F.D.A. is required to test, even though they are created as the raw meat is exposed to radiation.

"To be certain about the safety of these products," Dr. Au said, "they must be tested individually and in pure form to assess the health risk to consumers."

But Dr. Pauli said the compounds are not additives and are no different from substances produced by cooking.

In 1980, an F.D.A. committee on irradiation recommended that the agency test the effects of substances, called unique radiolytic compounds, that were found only in irradiated food. But Dr. Pauli said in an interview that by 1987, the agency decided that there was no need to separately test the effects of the compounds, because more than 400 tests on irradiated food since the 1960's had proved its safety.

He said that many of the tests involved radiation levels much higher than would be used for normal irradiation, so there would already have been high levels of the compounds in the meat.

"From Day 1, the consensus of scientists was to feed animals food that had been irradiated" to test for safety, he said. "We were looking at the totality of the evidence."

The agency says that none of those studies found that the food was toxic, carcinogenic or caused genetic mutations. Critics say that when their scientists examined the peer-reviewed studies that looked for signs of genetic damage there were adverse effects in one-third of them.

Among the four peer-reviewed studies of the compounds by a group of French and German scientists that were considered by European officials, the most recent looked at rats that were injected with a substance that produces colon cancer. Some rats were then fed 2-ACB's, while others were not. Those fed 2-ACB's developed bigger and more complex tumors, and three times as many of them.

The report, published in the journal Nutrition and Cancer in December, warned against "misusing" the study to discredit irradiation of meat in general. But in a telephone interview, the leader of the study, Dr. Francis Raul, research director at the French National Institute of Health in Strasbourg, France, said he and his fellow researchers called for more study of 2-ACB's. He added, "It is perhaps too early to start irradiating beef to give to children."

In January, schools in the United States will be able to buy irradiated beef for their school lunch programs, but there seems to be little interest in doing so.

FDA: Radioactive Food Safe to Eat

Public Citizen has formally challenged a recent U.S. Food and Drug Administration decision to allow foods to be irradiated to the point that they could become radioactive. You read that correctly. The FDA quietly announced two days before Christmas that it was increasing the dose of X-rays that can be used to treat food by 50 percent, high enough to induce radioactivity. Like most irradiation rulings the FDA has issued over the past 20 years, this one is dangerously flawed. Agency officials say that any radioactivity in food will be short-lived and .trivially low. This conclusion was not based on any official health standard, but on an unpublished opinion from the Oak Ridge National Laboratory. The lab said it makes little sense to calculate the health risks of eating radioactive food. Oak Ridge scientists should be the last people consulted to assess the safety of food. The facility, located near Knoxville, is best known for refueling nuclear weapons and incinerating radioactive waste. Many workers there have been stricken with cancer, and the lab has released tons of radioactive and toxic waste into the environment since the 1940s.

Further, the FDA ignored a key study that the agency specifically cited to support its decision to increase X-ray doses. The study's authors found that even food irradiated under the FDA's previous standard could become radioactive, and that this radioactivity could be reduced by *lowering* maximum X-ray doses the opposite of what the FDA did. And, the FDA failed to conduct animal toxicity experiments required by law.

In a January 12 meeting with Public Citizen representatives, FDA officials were either unable or unwilling to explain these flaws. One official said, however, that the agency wants to reduce consumers concerns rather than snooker them. The FDA's decision applies to all foods that can legally be irradiated: fruit, vegetables, beef, poultry, pork, eggs, spices and sprouting seeds. No company has announced plans to irradiate food with the higher X-ray doses. Federal law does not require public disclosure, and, given the growing opposition to irradiated foods, it is highly doubtful that any company would make such an announcement voluntarily.

The decision is shocking on many levels. In particular, the FDA and the food industry are essentially surrendering the key argument they've used for 50 years to support the safety of irradiated foods: that food cannot become radioactive. And, the FDA and the industry will no longer be able to say truthfully that irradiated foods pose no cancer risks. The FDA has a long history of ignoring the well documented health problems associated with irradiated foods. Numerous health problems have been observed in lab animals fed irradiated foods, including premature death, stillbirths, mutations, tumors, organ damage and stunted growth. And, chemicals formed in irradiated foods called 2-ACBs have been linked to colon cancer in rats and genetic damage in human cells.

The higher X-ray doses will allow large portions of food to be irradiated in one blast, such as shipping containers from overseas. This could increase the already enormous amount of imported meat and produce that floods U.S. markets, a growing trend that has forced tens of thousands of American farmers and ranchers out of business.

To read Public Citizen.s challenge to the FDA.s decision, visit www.citizen.org/documents/IrradiationCom1-24-05.pdf

Public Citizen

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

April 4, 2005

The Senate Education Committee
Capitol Building, Room 112
75 Rev. Dr. Martin Luther King, Jr.
St. Paul, Minnesota 55155

Re: SUPPORT for SF 1450

Dear Senate Education Committee:

On behalf of Public Citizen and our thousands of Minnesota members, I am writing to urge you to vote for Senate File 1450 (Stumpf). This bill requires school boards to adopt a formal policy before serving irradiated food in schools, as well as requiring parental notification and labeling of irradiated food. Our members feel very strongly that parents have the right to know if their children are consuming irradiated food at school, for the reasons stated below.

Irradiated foods have largely been rejected by the public, and the safety of consuming irradiated foods is unknown. In 2003, the United States Department of Agriculture (USDA) included irradiated ground beef in the National School Lunch Program (NSLP), which provides subsidized school meals to thousands of Minnesota children. The USDA made this decision despite overwhelming opposition from the public – over 91% of comments submitted to the USDA on this proposal were against serving irradiated food to children.[i]

Schools can now order irradiated ground beef from the USDA for their meal programs without public input or parental notification. This is alarming considering the lack of scientific consensus over the safety of consuming these foods. Studies demonstrate that food irradiation depletes essential nutrients in food[ii] and produces toxins such as benzene and toluene[iii] as well as unique chemical byproducts, the human health effects of which are not known. Recent studies on a class of these chemical byproducts, called cyclobutanones, link them to tumor growth in rats,[iv] as well as genetic damage to human cells.[v] Moreover, there has never been a long-term study on children who eat irradiated food. Irradiated food has also been rejected by consumers in the marketplace, as sales have faltered and many stores removed irradiated meat from their shelves.[vi] And eleven school districts, including Los Angeles, Washington, DC, and Iowa City, have banned the product from schools completely. Given these doubts, it is important that parents have enough information about what is served at schools so that they can make the best decision for their families.

SF 1450 ensures that a decision to serve irradiated food is made known to the general public. Last year, Minnesota was one of only three states to order irradiated ground beef through the NSLP, on behalf of 96 Minnesotan schools/school districts which made requests for the product. The state of Minnesota

ultimately canceled their order after USDA's contract bidding process was delayed due to high costs (as did Nebraska and Texas, the other two states that placed orders). Officials from Minnesota cited the higher cost of irradiated beef as a concern.[vii] However, many parents and school officials were surprised to learn that their school had ordered irradiated food at all. Currently, Minnesota has no obligation to involve parents in a decision to serve irradiated food or inform parents if irradiated foods are being served, which denies parents the right to know if their children are consuming food that the public largely rejects. By requiring parental notification if a school district chooses to serve irradiated food, as well as labeling of irradiated product, SF 1450 ensures that schools remain accountable to parents and students.

SF 1450 protects parents' fundamental right to know what their children eat while at school, and ensures that students can make informed decisions.

Public Citizen respectfully requests your support of SF 1450.

Sincerely,

Wenonah Hauter
Director

Enclosures:
Marian, Burros. "The Question of Irradiated Beef in Lunchrooms." *The New York Times*, 29 January 2003

Au, William W. "Expert Affidavit on Safety Issues of Irradiated Food for School Children." 10 December 2002.

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[i] Source: United States Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Program, public comments received.
[ii] Kilcast, D. "Effect of radiation on vitamins." *Food Chemistry*, 49:157-164, 1994
[iii] Chinn, H.I. "Evaluation of the health aspects of certain compounds found in irradiated beef." Federation of American Societies for Experimental Biology, Bethesda, MD. Prepared for U.S. Army Medical Research and Development Command, Department of the Army, Washington, D.C. Contract No. DAMD-17-76-C-6055, August, 1977.
[iv] Marchioni, Eric, et al. "Information about the potential toxicity of 2-alklycyclobutanones." International Consultative Group on Food Irradiation, Dec. 2001.
[v] Delincee, H. et al. "Genotoxicity of 2-alkylcyclobutanones, markers for an irradiation treatment in fat-containing food" Radiation Physics and Chemistry, 63:431-435, 2002.
[vi] Post, Kevin. "If beef doesn't kill irradiated meat, lean sales might." *Press of Atlantic City*. 13 June 2003.
[vii] Gersama, op. cit

Dear Senators & Representatives,

I urge you to support for the Irradiation Right to Know Bill, SF 1450 in the Senate and HR 1795 in the House, which requires school boards to formally adopt a policy prior to serving irradiated food in its meal program. It would also require schools serving irradiated foods to label them and to notify parents.

I was very upset to learn that the USDA lifted its ban on irradiated ground beef in the National School Lunch Program (NSLP) on May 29, 2003. Most people don't want irradiated beef served to children without even being aware of when that is happening. I realize that there is no absolute scientific proof that eating irradiated foods is a health hazard, neither are there independent scientific studies to prove that they are safe. Using our children as guinea pigs, in effect, is simply not tolerable.

As a retired nurse, I have been following this irradiation question with concerned interest for years. We do know that irradiation depletes nutritional value and causes vitamin loss. We also know that new and unpredictable chemicals are often created when food molecules are broken by irradiation. Some of these have never been tested. But one class of chemicals created by irradiation, alkylcyclobutanones, has been shown not only to promote cancer, but to cause genetic damage in rats and also in human cells, according to recent research.

Our children are our future. They deserve the best i.e., safe, healthy and nutritious food. Please don't let the National School Lunch Program feed irradiated food to our children. At the very least it is imperative that parents know when and which irradiated food is being served so they can make a choice for their children. Actually the entire community should have their voice heard.

Again, I urge your active support of the Irradiation Right to Know Bill. Please be a co-sponsor of the bill and then vote yes. Thank you for giving this your serious attention.

Sincerely,
Gladys Schmitz, SSND
170 Good Counsel Drive
Mankato MN 56001

April 4, 2005

Dear Senators/Representatives-

I am a parent, and grandparent. I have been married for 29 years to a Chiropractor, who has given me both the interest and the opportunity to learn about maintaining health through diet and exercise. I am also an elected official and policy maker, having served as Board Member for the Sauk Rapids-Rice School District for the past 14 years. I strongly urge your support for SF 1450 / HF1795 for the following reasons:

1) I believe that irradiated foods are a bad choice nutritionally.
If there is one thing I have learned, it is that the quality of the food we eat directly influences the quality of life that we enjoy. There are enough studies on animals and human cells to show that irradiated foods present a clear danger to health. If our true goal is to provide safer food, than improved cleanliness is the only safe answer.

2) Our children are not guinea pigs. While studies on human cells and laboratory animals fed irradiated food have already shown numerous adverse effects, there are currently NO studies which can prove the long-term safety of irradiated foods for children. Nutritional requirements for young children and teenagers are much more crucial than those of adults; the effects of bad nutritional choices can be equally dramatic on their development. To introduce irradiated foods into school lunch programs without such studies is, in effect, using our state's children as a huge, unmonitored research project.

3) This decision belongs to policy makers who are closest to those impacted. Politically, the decision to accept or reject irradiated foods can and should be made at the local level, where communities can have the greatest and most direct voice about their own children. It is only at the local level that parents and staff can receive thorough communication and have the necessary dialog about a decision that directly affects their own children. It is also the most cost-effective place to provide opportunity for due process, should there be any negative health effects from the inclusion of irradiated foods in a school lunch program.

I thank you for your time and for your genuine concern about the future of our state's children.; please call or e-mail me if I can provide further help in this decision.

Sincerely,
Brenda Woggon
Sauk Rapids Rice School Board
320-393-2709
bjwoggon@aol.com

Minnesota COACT
2469 University Avenue West
W150
St. Paul, MN 55114
651-646-0900; issues@coact.org

April 5, 2005

Mike Freiberg
Minnesota Senate
MikeFreiberg@senate.mn

Dear Mr. Freiberg,

Minnesota COACT (Citizens Organized ACting Together), with a statewide membership of 12,000 members, including 500 dairy farmers, believes in the public's right to know if irradiated food is being served in school lunches. COACT, therefore, supports the Food Irradiation Right-To-Know Bill, SF 1450 and HF 1795.

During 2003-2004, the COACT Education Foundation (CEF) worked on a project proposal, "From Farms to Schools", with the USDA and the Parkers Prairie School Board to provide locally grown, unadulterated food for their district's students. Research shows that academic performance improves and behavior problems decrease when students eat food that is free of additives, dyes, preservatives, excess fats and carbohydrates.

As we state below, irradiation creates harmful byproducts and renders the meat less nutritious and flavorful which is the antithesis of our CEF project.

COACT is also a member organization of the Minnesota Dairy Producers Board, which recommended a moratorium on the sale of irradiated food in Minnesota. Other member organizations are Minnesota Farmers Union, National Farmers Organization, Family Dairies-USA, the Minnesota Food Association, and Minnesota Senior Federation.

Our opposition to meat irradiation is based on the following reasons:

- Approval of meat irradiation by the FDA is based on inadequate testing because the FDA failed to follow modern scientific protocols, according to food safety experts such as Dr. Samuel Epstein, Professor of Environmental and Occupational Medicine at the University of Illinois.

- Meat irradiation creates harmful carcinogens (including benzene and toluene) and unique radiolytic products, some of which the FDA hasn't tested for safety.

- European research suggests that unique byproducts created by irradiating fat, *such as in ground beef*, may act as tumor promoters which is being reviewed by FDA, according to the Consumers Union as reported in its August 2003 *Consumer Reports.*

- Irradiation lessens the meat's nutrition because it decreases the nutrient values of vitamins A, B-complex, and C.

- Irradiation renders meat less flavorful, according to the August 2003 issue of *Consumer Reports* which says irradiated meat has a "slightly scorched taste and a smell reminiscent of singed hair".

Because the risk of E.coli 0157:H7 contamination (caused by manure on cattle hides) is less from independent family dairy farms, including those of our 500 dairy farmer members, we support the Consumers Union's recommendation that the "best way to improve meat quality is to clean up the food-supply chain and strengthen USDA authority over meat safety", as stated in its August 2003 *Consumer Reports*.

In our opinion, that means sanitizing meat production and processing methods in the first place, such as hide washing, and ensuring reliable federal meat inspection rather than depending on irradiation.

A new hide washing system is being used at certain beef processing plants as reported in the September-October 2003 issue of *Cargill News International.* Cattle hides are the most likely source for cross contaminating beef carcasses with E.coli 0157:H7, according to the USDA. The new method, being used by Excel meat processors, cleanses as much bacteria as possible from the hides before their removal from the carcasses, which lessens the transfer of E.coli 0157:H7 to the carcass surfaces.

We concur with the Consumers Union support of "further tests of chemical byproducts created by meat irradiation" and that labeling irradiated meat as "'pasteurized' or anything else is misleading.

In the meantime, we support the independent family farm as a safer source of meat that is nutritious and flavorful for our children and the rest of us.

We thank the Minnesota Legislature for considering these reasons in deliberating on the Food Irradiation Right-To-Know Bill.

Sincerely,

Jeff Kunsleben, President, 320-845-4336

Don Pylkkanen, Executive Director, 651-646-0900

Cc: Jody Scott-Olson, Minnesota Voices for Choices

Minnesota Voices for Choices
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Hello, my name is Jody Scott Olson; I am one of the founders of Minnesota Voices for Choices, a grassroots group concerned about irradiated food. More importantly, I'm the mother of a student enrolled in a Minnesota public school. I originally heard about some of the controversy surrounding irradiation during the late 1990's, initially it stuck me as nothing more than good issue for a group of scrappy idealists. I wasn't concerned about food and I felt confident & safe in the American food system as well as its approval process. The follow statement by Dr. George Tritsch, a retired cancer research scientist became the pivotal point in my decision to re evaluate these assumptions: *"It will take four to six decades to demonstrate a statistically significant increase in cancer due to mutagens introduced into the food supply by irradiation…When food irradiation is finally prohibited several decades worth of people with increased cancer incidence will be in the pipeline."*

Food irradiation is intended to kill bacteria, by exposing food to a high dose of ionizing radiation via gamma rays, x-rays or electron beams. Gamma rays are created by cesium-137 or cobalt-60 which is derived from radioactive nuclear waste and tops the list of prime material for a dirty bomb. The radioactive rod is raised out of a pool, and the food is exposed for a specified period of time. Once the food is irradiated, the rod automatically returns to the resting position in the pool. When food is irradiated molecules are rearranged and new chemicals are created. Some of the new chemicals are benzene and formaldehyde, which are known mutagens. City Pages reporter Dara Moskowitz, interviewed Dr. Tritsch for a 1998 article Tritsch had this to say: *"Benzene, is bad business. The FDA did test for acute toxicity---whether irradiated food would kill you fast---but the problem with mutagens is they can take 30, 40 years to do their damage." Irradiation of beef could lead to an increase in lymphoma and possibly colon cancer.*

Four years later the European Parliament put a moratorium on the irradiation of almost all food. A decision which was influenced by recent studies suggesting that 2-ACB's, a substance created by the irradiation process and never found before in food, may indeed promote colon cancer.

The FDA subsequently reviewed the studies and concluded that none of the studies found that the food was toxic, carcinogenic or caused genetic mutations. But when a separate group of scientists examined the peer-reviewed studies that looked for signs genetic damage there were adverse effects noted in one-third of the studies. Among the peer reviewed studies of compounds by a group of German and French scientists that were considered by European officials, the most recent looked at rats that were injected with a substance that produces colon cancer. Some rat's were then fed 2-ACB's, while others were not. Those fed 2-ACB's developed bigger and more complex tumors and three times as many. These results led Dr. Francis Raul, one of the lead researchers in the studies to remark in the New York Times, "It is perhaps too early to start irradiating beef to give to children."

These new chemical byproducts of irradiating food are deeply concerning; because the long-term effects on humans is unknown and there have never been long term health studies on children. What's more, this process can significantly damage the nutritional content of food, specifically vitamins A, B, C, and E.

Any competent individual realizes that radioactive material can kill, well just about anything, including bacteria in food, with the exception of mad cow disease or course. Radiation kills complex life forms faster than the simple life forms like bacteria. In December of 2004 the FDA announced that it was increasing the dose of X-rays that can be used to treat food by 50%, high enough to induce radioactivity. Agency officials say that radioactivity in food will be short lived and trivially

low. This conclusion was not based on an official health standard, but on an unpublished opinion from the Oak Ridge National Laboratory best known for refueling nuclear weapons and incinerating radioactive waste. The FDA's decision applies to all foods that can be legally irradiated and Federal law does not require public disclosure. The higher dose will allow food in shipping container to be irradiated in one single blast.

Irradiation proponents have christened the technology "the fourth pillar of public safety", elevating the potential benefits of food irradiation to parallel the contributions of pasteurization, chlorination and vaccination. Those who disagree are labeled anti-technology by irradiation proponents and the ensuing dialog typically billows into nostalgic stories about the protests against pasteurization during the 1800's. But for many consumers, technological access has validated our concerns about irradiation. The prospect of our children's food being exposed to left over atomic bomb material, radioactive nuclear waste or fired upon by a linear accelerator originally designed to shoot down in coming missiles contradict all basic elements of common sense. Unlike the French consumers of the 1800's consumers of today have internet access to FDA dockets, expert testimony and research conducted around the world.

Louis Pasteur once said "Do not put forward anything that you cannot prove by experimentation. The scientist who is often used to promote irradiation indorses the burden of proof, striking the very center of the irradiation debate; American government agencies are not required prove safety. In fact, FDA granted its approval of irradiated food on the basis of seven studies. Dr. Donald R Louria, Ph.D., Chairman, Department of Preventive Medicine and Community Health, University of Medicine and Dentistry of New Jersey, addressed this issue when he testified in June 1987 before the House Committee on Energy and the Commerce Subcommittee on Health and the Environment: "Clearly, there are many potential biases in selecting such a small number of studies on which to base major decisions...There were unexplained stillbirths in the litters of rats given wheat irradiated with twenty thousand rads; recalculation of that stillbirth rate shows a significant increase. This study is hardly an endorsement for the safety of irradiating food. The other study, intensively reviewed, has similar problems with statistical significance, unexplained deaths, and abnormalities in animals given irradiated foods that are treated dismissively and virtually ignored... Taken together, these studies could not possibly establish the safety of food irradiation. Indeed, two of the studies suggest the technology is not safe."

If the USDA and the beef industry are indeed concerned about improving the safety of our children's food at school a more appropriate starting point should be the elimination of filthy processing. Some of the America's most questionable ground beef has been purchased by the USDA and distributed to school cafeterias nationwide. According to Eric Schlosser's book Fast Food Nation (2002, p. 218): "Throughout the 1980's and 1990's, the USDA chose meat suppliers for its NSLP on the basis of the lowest price, without imposing additional food safety requirements." In a 1983 investigation NBC News reported Cattle King Packing Company, then the USDA's largest supplier of ground beef for the NSLP, routinely mixed rotten meat into packages of hamburger meat. Their facility; infested with rats and cockroaches. The owner of the company, Rudy Stanko, was later tried and convicted for selling tainted meat to the federal government. He had been convicted two year earlier on similar charges. **The previous felony conviction didn't inhibit his ability to supply the USDA with one–quarter of all ground beef served in the NSLP (Schlosser 2002).**

In 1998, the USDA withdrew inspectors from Bauer Meat's and later declared Bauer's meat products "unfit for human consumption," detaining nearly 6 million pounds. Almost one-third of the meat had already been shipped to school districts. Shortly thereafter, a dozen children in Finely, Washington were sickened by E. coli 0157:H7 (Schlosser, 2002)

Last spring, the USDA chose Qualipaq Meats of Swoyersville, Penn., to supply irradiated ground beef and hamburger patties to the National School Lunch Program.

It took a formal records request by Washington based Public Citizen to find out a sample of Qualipaq's ground beef was contaminated with E. coli 0157:H7 six months earlier, meat destined for the School Lunch Program. The entire batch, some 48,120 pounds of meat, was eventually sent to a federal cooking facility, though none of it made it into school lunches.
Soon after, the USDA stepped up its inspections at Qualipaq and found repeated food safety violations, including tools, utensils and other equipment being kept in unsanitary conditions.

Food irradiation raises many formidable issues and the issue of nuclear waste doesn't prove to be any lighter of a topic. The reactor byproducts Cobalt-60 & Cesium-137, used in the irradiation process have never posed a greater threat to Americans than they do today. Both radioisotopes serve as prime fuel for a "dirty bomb". Unlike conventional explosives which rely on a single blast, a "dirty bomb" blast spews radioactive material, potentially rendering an entire section of a city uninhabitable for years. In a two-year study conducted by Center for Nonproliferation Studies (CNS), researchers concluded that terrorists are "all but certain" to set off a radiological weapon in the United States, due to the amount of time it will take authorities to track and secure all the radioactive materials. With all the tax dollars spent on promoting the expansive use of radiation, it would appear that too few tax dollars have been spent on keeping track of the material place the public at risk.

Irradiation is unnecessary, unwanted, and expensive. Dozens of grocery stores have pulled irradiated beef from their shelves because of low sales; school children should not be used to create a market for a technology that consumers have overwhelmingly rejected in supermarkets around the country. Last year 96 Minnesota schools and districts placed orders for irradiated beef, though the orders were never filled, parents and even principals were surprised their schools ordered the product. Minnesota was one of only 3 states to offer irradiated beef through the National school lunch program. Other districts, including the second largest school district in the country have banned the product all together. This bill doesn't go far enough but it will serve to affirm every parent's right to know what their children are eating at school, and to make an informed choice.

Jody Scott Olson

Minnesota Voices for Choices Campaign

Enclosures: Dara Moskowitz: *"Let Them Eat Shit"* City Pages 2/25/98

Marion Burros: *"Questions on Irradiated Food"* New York Times 10/15/2003

Public Citizen "FDA: Radioactive Food Safe to Eat"

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HOME: www.citypages.com

Let Them Eat Shit

Minnesota beef producers can begin using radiation to kill bacteria and extend the shelf life of everything from hamburger to filet mignon. But a number of scientists, scrappy idealists, and small farmers still say it's not a good idea.

by Dara Moskowitz

Now that the Star Tribune has run a big color photo showing the Minnesota Beef Princess, tiara-crowned head held high, cradling a heaping platter of irradiated burgers; now that state epidemiologist Mike Osterholm has come out firmly in favor of irradiating meat; now that Gov. Arne Carlson has included money for consumer "education" about irradiation in his 1998 budget proposal, you'd think the controversies about irradiated meat had gone gently into their good night.

Wrong. They're seething like a pile of last month's room-temperature ground chuck.

Which drives epidemiologist Osterholm crazy. "The real story on irradiation is that there are so many myths, misconceptions, and, frankly, outright lies being spread about it," he says. "The media has tried very hard to supply a balanced approach, and in a way that balance is completely inappropriate. If you were doing a story on whether the earth was round or flat, the media would line up six people who believe the earth is round and six who believe the earth is flat, and try to make some sort of compromise position. But that doesn't make the earth flat."

Unfortunately, those flat-earthers have quite a few worries about irradiation that simply can't be ignored. Irradiation is the process whereby food is exposed to either gamma rays, provided by nuclear-waste-derived bars of cesium 137 or cobalt 60, or by an electron beam that works much like an X-ray machine. The food does not become radioactive through this process, although the radiation beef is exposed to is equivalent to that of more than 10 million chest X-rays. Irradiation was approved last month by the federal Food and Drug Administration for use on red meat, a move heralded by many as the sure way to prevent food-poisoning tragedies like the four Jack in the Box deaths of 1993, or last year's Hudson Foods scare.

Dr. George Tritsch, a retired cancer researcher who spent a lifetime working at both the New York Department of Health and Roswell Park Memorial Institute, believes the greatest worry about irradiated beef has to do with carcinogens, like benzene and formaldehyde, which form in the meat during irradiation.

"When you hit proteins with irradiation you get formaldehyde, a known mutagen, and benzene," Tritsch explains. "Benzene is bad business. The FDA did tests for acute toxicity--whether irradiated food would kill you fast--but the problem with mutagens is

they could take 30, 40 years to do their damage." Irradiation of beef could well lead to increases of lymphoma and possibly colon cancer, he adds.

Alarmingly, long-term experiments to learn the effects of these mutagens can't be done: Traditionally, food-additive tests are performed by feeding animals enormous portions of the additive being tested, not just the amount that would be present in the food. However, with irradiated food it's impossible to increase the amount of mutagens in the food since greater doses of radiation don't increase the number of mutagens, but simply destroy the food. "Even if your increased chance of lymphoma is only one in a million that's too high," says Tritsch. "Mutagenesis in man, not in experimental animals, takes decades. And if the whole [food poisoning] thing can be prevented by careful cooking, the alternative [irradiation] looks extremely dangerous. I don't want to eat it."

Of course, every beastie in your food can be killed by thorough cooking: trichinosis, salmonella, even the dreaded E. coli O157:H7--the deadly E. coli variant responsible for the Jack in the Box deaths and others. E coli are ordinarily friendly bacteria that live in animals' digestive tracts and aid in food digestion, but this variant releases deadly toxins in the digestive system and can cause kidney failure and even death. E. coli O157:H7 lives in some cows' digestive tracts, in their feces, and in the digestive tracts of some birds. It has also been found on some berries grown in Central America. Most spices are already irradiated before they enter the United States, and it seems likely that all imported fruits and vegetables will soon be irradiated, too.

E. coli can get onto the outside of meat during slaughter, though many argue that it could be eliminated by steam-cleaning or sodium-dipping carcasses. While many irradiation advocates explain that no amount of inspection will change the fact that E. coli is microscopic and therefore essentially invisible, it's clear that in last year's Hudson Foods scare, inspection standards had a great impact. The carefully watched, high-quality line of beef that Burger King used remained clean and safe while Hudson's faster, cheaper production process created infested meat. Food irradiation cheerleaders say it's a coincidence that a drop in the number of meat inspectors, from 12,500 in 1974 to 7,500 today, has occurred during the same time period that food-safety concerns have increased.

The only way you can get E. coli from meat, forbidding some freak meeting between your sandwich and a cow pie, is to have an inadequately cooked burger laced with cow feces. E. coli can't survive high cooking temperatures, so even the rarest steak, if it hasn't been pierced by something during processing, can't transmit E. coli once all the surfaces are seared and cooked. The beef industry isn't limiting itself to irradiating chopped meat, though. If it builds the irradiation plants, it intends to irradiate everything that comes down its conveyor belt, to extend meat's shelf life.

"Minnesota farmers and ranchers already aren't getting enough money for their meat to cover their basic production costs," says Ronnie Cummins, director of the Pure Food Campaign, a nonprofit run from Little Marais. "All the profits are being obtained by the retail chains and the middlemen like Cargill, IBP, and ConAgra." Cummins predicts that

the people with the money to build massive irradiation plants won't be small family farmers. And this, he worries, will concentrate power even more strongly in the hands of the beef monopolies.

It's estimated that irradiation will cost around 5 cents a pound, putting further price pressure on small beef operations. "Farmers are getting next to nothing today, and the situation can only be remedied by paying farmers a fair price for clean meat reasonably and humanely produced--not by paying beef cartels for irradiation," says Cummins. "Consumers and farmers would both be better off if people paid twice as much for their meat and ate half as much. We've got an obese, malnourished population which we're now serving with counterfeit freshness. It's a symbol of how far things have fallen."

Adds Michael Colby, executive director of Pure Food and Water, a Walden, Vermont-based nonprofit, "Irradiation is part of an industrial food plan that forces farmers to get big or get out."

Other farmers worry that since irradiation increases meat's shelf life, demand for meat will actually go down, since supermarkets could offer meat as fresh for far longer and will dispose of less.

Whether we'd be eating sterilized filth is another issue that needs to be addressed. "The biggest concern is that companies would say, 'We can be sloppy now.' Consumers don't want sterile fecal matter on their food," says Michael Jacobson, executive director for the nonprofit Center for Science in the Public Interest. In their book *Food Irradiation, Who Wants It?*, the center's researchers document several cases of food companies, located in places where irradiation is more common, using the process to conceal bacterial contamination. In those cases, food that should have been thrown out as bad ended up being irradiated and sold as fresh.

There are also fears that irradiated meat could well lead to a false sense of security. Radiation at the levels prescribed means eliminating more than 99 percent of bacteria on meat, but even the small amount remaining can regenerate under proper conditions and cause all the old problems. (Irradiation doubters often falsely call these "radiation-resistant" bacteria, which makes them an easy target for pro-irradiation scientists. Any bacteria can be killed with enough radiation, but *that* degree of radiation will also destroy the meat.) If the food-service industry is already sloppy with meat it knows isn't sterile, what new problems will arise when it's working with meat it thinks is safe?

Dr. Donald B. Louria, chairman of the department of preventative medicine and community health at the University of Medicine and Dentistry in New Jersey-NJ Medical School, acts as a consultant in infectious diseases at Memorial Hospital for Cancer and Allied Diseases in New York City. He thinks that the "unanswered questions about nutritional loss and potential chromosome damage" that swirl around irradiation need to be answered posthaste. Even the FDA admits that a significant number of nutrients are removed during the irradiation process, including thiamine, folic acid, and vitamins A, B2, B3, B6, B12, C, E, and K, in addition to essential polyunsaturated fatty acids.

Irradiation proponents argue that vitamins are lost through cooking anyway, and it's not as though we're a nation suffering from malnutrition. But Louria disagrees. "I think this notion that we're a wealthy country and don't need all these vitamins is very glib," he says. The nation's "36 million poor people aren't getting redundant vitamins, and 25 to 50 percent of the elderly not on supplemental vitamins show a deficit in one of the major vitamins" as well. "I'm as concerned as anyone about infectious diseases, but there are many, many concerns that need to be addressed before you impose a new technology. In point of fact the disadvantages could seriously outweigh the advantages."

Like many people who have reservations about irradiation, Louria questions the data on which FDA approval for irradiation was based. "I think that the FDA data was A, flawed, and B, at the very least showed that irradiating with large doses can damage the nutrient value of the food." The two studies on which FDA approval of irradiation were based, he adds, are conflicting. "Neither was done in the United States and we need to do one in the United States, not on animals but on people."

Marcia van Gemert was the toxicologist at the FDA in charge of evaluating irradiation and all food additives when the current push toward ever-more-vast irradiation was initiated. She rarely grants interviews and says since leaving the FDA she has "tried very hard to stay out of it," since the fight about irradiation has left the laboratories for the more fractious world of politics and commerce. She does say openly that "at the time we were not happy with the data. The data was very poor. My constant concern was for radiolytic products."

Radiolytic products are the unpredictable molecules created when food is broken down by radiation and forms electronically charged molecules or atoms which then re-form into bigger molecules. "If you take a chemical and zap it once and get one break, that's one thing. If you zap it 100 times that's another thing. The molecules get crazier and crazier, they're broken apart and put back together in ways that the body has never seen before. These are chemicals that are unique and it's difficult to tell how the body is going to react to them." Van Gemert says that one of the difficult parts of being an FDA toxicologist is that "unfortunately you don't always have a full pot of information on which to make judgements," even when judgements must be made.

Yet scientists such as Mike Osterholm still consider all of the above concerns, except those about nutrient loss, to be at best superstitious flimflam. Osterholm insists that food irradiation is one of the most studied subjects of our day, and points out that the astronauts eat irradiated food, and they're all fine.

Perhaps more than anyone in the state, Osterholm has a unique and urgent view of why meat irradiation would be desirable: He's been at the bedside of children who've died from E. coli O157:H7; he's watched the ravages of kidney failure, the bloody diarrhea, the agonizing pain. Today the Centers for Disease Control say 1,000 children a year develop kidney failure because of E. coli O157:H7 and 3 to 5 percent die. So when Osterholm calls irradiation "ionization pasteurization," when he scoffs at irradiation

opponents and blames them for contributing to a public-health crisis, it's hard not to sympathize.

Which still doesn't mean you have to eat irradiated meat. For one thing, you might not even want to. Marian Burros, a food writer for the New York Times, is one of the few people who isn't involved with the beef industry or irradiation research to have actually tried a variety of irradiated meats. She was not impressed. "While the chicken and pork were OK--although the chicken was very dry--the beef is another story," she says. "There's a terrible odor with the ground beef. It's horrible. Even after you cook it that odor remains and the taste is slightly off." Burros describes the odor as that of a barnyard, or of a wet "steamed cow." While she thinks that it might taste all right buried under ketchup, pickles, and the works, the "off" taste isn't one that most people will accept in their kitchens.

Even if you put up with the taste, you may never understand the science. Steven Sapp, an associate professor of sociology at the State University of Iowa at Ames, has been working with consumers for several years to determine their reactions to irradiated food. "Most persons are not going to understand the physics and biology of it, they just have to know who to trust," he says, pointing out that it's easy to play into fears about government and big-business conspiracies, and that dozens of organizations--the World Health Organization, the American Dietetic Association, and the American Medical Association, among others--have endorsed food irradiation.

The final step? "The consumer has to make a decision of who is correct," says Sapp. It's a hard choice: on one side a handful of scientists, a number of scrappy idealists, and small farmers; on the other the government and a network of medical and industrial powerhouses.

"As a practical matter, people will probably have to listen to what the government says," says the Center for Science in the Public Interest's Jacobson. "When there is the question about who are you going to believe, the government is the common denominator even though I commonly disagree with what it says. In any event, the food industry is certainly pushing hard for [food irradiation]. I wish they had pushed just as hard to clean up the food supply over the years."

Where you come down on the decision to accept irradiated beef will probably end up being less of a decision from your head--it's difficult to make sense of conflicting "science" about the safety of food irradiation--than one from your heart. In fact, no matter how the irradiation forces may paint it otherwise, the true battle for meat irradiation is one for your ethical wisdom and soul.

That Costa Rican raspberries, along with all foreign produce, will be irradiated seems all but inevitable and even desirable, considering the other option, that of large-scale Russian roulette with the deadly E. coli O157:H7. The loss here will be tangible, though small. There won't be any reason for raspberry producers to provide raspberry pickers with adequate sanitary facilities, and perhaps delicate raspberries will become less ethereal.

But to embrace American meat irradiation is to take another step down the path to the bifurcation of the food supply: For the poor and the uneducated there will be old meat from factory-farm-raised cows that is processed sloppily, irradiated, and finally prepared sloppily by people so unvalued that they aren't even trusted to fully cook it--$1 burgers laced with deactivated cow shit.

For the rich and educated there will be cows, raised organically by small farmers getting paid a reasonable price for maintaining high standards of cleanliness, which will fetch a premium price--$8 burgers clean as a new Rolex. Costly branded premium grocers like Mississippi Market will be the only place where educated consumers will be assured of getting clean food, since they adhere to private standards vastly higher than those the FDA enforces.

Whichever group of food experts you choose to believe, whether you think meat irradiation is the new DDT or the new chlorine-in-the-water, it's clear that for us as a society, meat irradiation is the next cynical step toward a separate and unequal food supply.

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Irradiation: One tool for improving food safety

You probably don't think twice about buying pasteurized milk. In fact, you might wonder about the safety of the milk if it weren't pasteurized. But this general acceptance of pasteurization — a process that heats milk to a certain temperature for a certain amount of time to kill harmful bacteria — hasn't always been the case.

When pasteurization was introduced at the beginning of the 20th century, people were skeptical. They wondered if it would decrease the nutritional value of milk. And they thought that it might result in fewer safety measures on the farm. It took more than 40 years, but pasteurization eventually became a standard and accepted step to ensure food safety.

Decades later, another technology — irradiation — has entered the food safety arena. And, again, some people have questions: Is it safe? Does it affect the nutritional makeup or quality of food? Is it really necessary?

Find out what you need to know about irradiation and what factors might influence your decision to buy or not buy irradiated foods.

Food-borne infections: Common, but preventable

Food-borne infections — illnesses spread through food or beverages — occur when bacteria or other pathogens enter your gastrointestinal tract, causing signs and symptoms such as nausea, vomiting, abdominal cramps and diarrhea. This distressing and sometimes life-threatening problem affects millions of Americans. In fact, the Centers for Disease Control and Prevention estimates that 76 million people contract food poisoning each year, resulting in 325,000 hospitalizations and 5,000 deaths.

"Most of these cases are preventable," says James Steckelberg, M.D., a specialist in infectious diseases at Mayo Clinic, Rochester, Minn.

Irradiation — a process that exposes food to a certain type of energy for a specific length of time to kill harmful bacteria or other pathogens — provides one safeguard. "If you look at the whole process of how food-borne illnesses happen, irradiation is just one step," says Dr. Steckelberg. "But it could make a significant impact on the prevention of these illnesses."

Technology to battle food-borne organisms

Irradiation isn't new. The Food and Drug Administration (FDA) approved the first use of irradiation on wheat flour and white potatoes in the early 1960s. Since then, the FDA has approved the technology for other foods, including fruits and vegetables, pork, poultry, meat, and herbs and spices.

Irradiation involves putting packaged or bulk foods on a conveyor belt and sending them through a secure radiation chamber. There, the food moves through a radiation beam similar to a flashlight beam. The energy goes through the food and its package, leaving behind no residue — the same way that microwaves penetrate food without leaving residue. The radiant energy breaks the molecular bonds of the DNA of bacteria, parasites, insects, fungi and other microbes. This prevents the microbes from reproducing and, in some cases, kills them.

The speed of the conveyor belt determines how long the food remains in the radiation chamber. And different foods require different radiation exposures. For example, fruits and vegetables require a shorter exposure time than do meat and poultry. And frozen foods require longer time than raw or fresh foods.

The radura symbol can help you distinguish irradiated foods from nonirradiated foods.

To set them apart from nonirradiated foods, irradiated foods display the radura symbol — the international sign of irradiation. The food labels or packages also include the phrase "treated by irradiation" or "treated with irradiation." Bulk items or whole foods display the radura symbol on the bulk container or in some other obvious location.

The irradiation labeling guidelines don't apply to restaurants or other businesses that prepare and serve food. Therefore, you may not know if you're eating irradiated foods when dining out.

Irradiated foods: To buy or not to buy

Many factors may influence your decision to buy — or not buy — irradiated foods. Consider the following:

- **Safety.** Irradiation doesn't cause food to become radioactive or dangerous, just as dental X-rays don't cause your teeth to become radioactive. The FDA has evaluated the safety of irradiation for more than 40 years and found the process safe and effective for many foods. Other organizations, such as the World Health Organization, American Dietetic Association and the American Medical Association, also support this method as a safe way to reduce food-borne illnesses.
- **Nutrition.** Irradiation may slightly reduce the amount of nutrients that are most sensitive to heat, such as B vitamins and ascorbic acid. But this small nutrient loss is no more than that after pasteurization or after cooking or freezing food, and it wouldn't cause a nutrient deficiency. Other nutrients, such as proteins, fats and carbohydrates, aren't notably affected.
- **Quality.** Irradiation can extend the shelf life of perishable foods by destroying or immobilizing organisms that cause food spoilage and decomposition. Irradiation can also help control sprouting, ripening and insect damage, further improving food quality. It won't enhance the quality of all foods, however. High-fat meats may develop a slight odor, and egg whites may become watery and cloudy. In addition, alfalfa seeds may have trouble sprouting after irradiation.
- **Appearance.** Irradiation may slightly change the appearance of some foods. For example, uncooked irradiated beef might appear redder than nonirradiated beef, and

uncooked pork and poultry may look pinker. In most cases, however, you won't see a difference between irradiated and nonirradiated foods.

- **Taste.** Irradiation could alter the taste of some foods just as pasteurization slightly changes the taste of milk. You may or may not notice a difference in flavor.
- **Cost.** According to the FDA, irradiated fruits and vegetables can cost 2 cents to 3 cents more per pound, and irradiated poultry and meat can cost 2 cents to 5 cents more per pound. Some argue that the increased cost is offset by benefits such as a longer shelf life and an increase in food safety.
- **Availability**. In May 2003, more than two dozen supermarket chains in more than 30 states carried irradiated meat, according to the U.S. Department of Agriculture (USDA). Irradiated foods aren't yet available in all stores, however.

No substitute for safe food handling

Though this technology can eliminate disease-causing organisms — such as salmonella, shigella, *Escherichia coli* (*E. coli*) and campylobacter — it may not kill every disease-causing organism in a food. At the approved exposure levels, irradiation doesn't eliminate viruses, such as hepatitis A, or abnormal proteins (prions), such as those that cause mad cow disease. In addition, this process offers no protection against contamination after the irradiation process.

"People might assume that because the food has been irradiated, they can be less safe in hand washing, chilling and cooking," says Dr. Steckelberg. "But people need to be just as careful."

Safe food handling remains important, whether you're eating irradiated foods or not. Dr. Steckelberg compares it with the safe handling of pasteurized milk. "Just because milk is pasteurized, doesn't mean you can leave it out on the counter," he says.

Whether you use irradiated or nonirradiated foods, follow these food safety tips:

- Wash your hands with soap and water before and after handling food.
- Rinse produce thoroughly or peel off the skin or outer leaves. Cut away damaged or bruised areas on produce.
- Wash knives and cutting surfaces frequently, especially after handling raw meat and before preparing other foods to be eaten raw.
- Thaw meats and other frozen foods in the refrigerator, not on the countertop.
- Cook red meat to an internal temperature of at least 160 F, poultry to 180 F. Cook fish until it flakes easily with a fork.
- Cook eggs until yolks are firm and no longer runny.
- Use or freeze fresh red meats within three to five days of purchase. Use or freeze fresh poultry, fish and ground meat within one to two days.
- Refrigerate leftovers within two hours of serving.

Food irradiation can help reduce the number of food-borne diseases. If you choose irradiated foods, know that this technology is meant to complement, not replace, proper food handling practices from producers, processors and you.

By Mayo Clinic staff

NU00272

March 15, 2004

Food Products Approved for Irradiation in the United States

Food product	Agency and approval date	Purpose for irradiation	Maximum permitted dosage (kiloGray)
Wheat and wheat powder	FDA – August 21,1963	Insect Deinfestation	0.20 to 0.50
White potatoes	FDA – July 8, 1964	Inhibit sprout development	0.05 to 0.15[a]
Spices and dry vegetables	FDA – July 5, 1983	Microbial disinfection and insect deinfestation[b]	10.0
Dry or dehydrated enzyme preparations	FDA – June 10, 1985	Microbial disinfection	10.0
Pork carcasses or fresh nonheated processed cuts	FDA – July 22, 1985	Control Trichinella spiralis	0.30 to 1.00
Fresh foods	FDA – April 18, 1986	Delay maturation	1.0
Dry or dehydrated aromatic vegetable substances[c]	FDA – April 18, 1986	Microbial disinfection	30.0
Fresh, frozen uncooked poultry	FDA – May 2, 1990 USDA – October 21, 1992	Control foodborne pathogens	3.0
Refrigerated and frozen uncooked beef, lamb, goat, and pork	FDA – December 3, 1997 USDA – February 22, 2000	Control foodborne pathogens and extend shelf life	4.5 (refrigerated) 7.0 (frozen)
Fresh shell eggs	FDA – July 21, 2000	Control salmonella	3.0

[a]Maximum dose increased from 0.10 to 0.15 on November 9, 1965.

[b]Insect deinfestation approved June 1984.

[c]Refers to substances used as ingredients for flavoring or aroma (e.g., culinary herbs, seeds, spices, and vegetable seasonings). Includes turmeric and paprika when used as color additives.

Source: 21 C.F.R. 179.26 (Apr. 1, 1999, ed.) and FDA and USDA/FSIS officials.

Commonly Asked Questions and Answers About Food Irradiation

How does food irradiation work to reduce or eliminate foodborne microorganisms and insects?

Exposing food to radiation energy disrupts the organic processes essential to life and the reproduction of organisms. During the irradiation process, energy waves from gamma rays, electrons, or X-rays break molecular bonds inside the genetic material of pathogens, spoilage organisms, and insects, which causes them to die or prevents them from replicating.

Do microorganisms that survive irradiation treatment at low or medium doses pose a more serious threat than if they had not been irradiated at all?

FDA has found no evidence that food irradiation results in pathogens that are more virulent or more resistant to heat after treatment. To the contrary, research shows that radiation is more likely to reduce the virulence of any surviving pathogens. For example, bacteria that survive irradiation are destroyed at a lower cooking temperature than bacteria that have not been irradiated.

Does the dose of irradiation required for destroying microorganisms in food differ for electron beam, gamma ray, and X-ray processing?

The absorbed dose, measured in kiloGray, delivered by the three processes has the same effects on microorganisms and food. The absorbed dose is controlled by the intensity of radiation and the length of time the food is exposed.

Does irradiated food need to be refrigerated?

At the approved doses, irradiation does not eliminate the need for refrigeration or the need for careful handling, storage, and cooking of perishable foods. For example, the levels of irradiation approved for poultry can reduce the numbers of pathogenic and spoilage bacteria. However, the product is not sterilized and still requires proper refrigeration and handling by retailers and consumers.

Can irradiation make spoiled or dirty food marketable?

Irradiation cannot reverse the spoilage process—the bad appearance, taste, and/or smell will remain the same after irradiation. In addition, current

regulations do not allow food processors to use doses of irradiation on meat, poultry, fruits, and vegetables that would be high enough to sterilize extremely contaminated food. If a processor attempted to use a sterilization dose on many of these products, the odor, flavor, taste, and texture would be seriously impaired and the consumer would reject such products.

Will irradiated food be more expensive?

While there have been relatively few irradiated products marketed to date, those that have been sold have been more expensive than their counterparts. According to food irradiation industry officials, meat and poultry could be 3 to 8 cents a pound more; fruits and vegetables could cost 2 to 3 cents a pound more. However, as a facility irradiates more food, the cost per pound should decline over time.

Does USDA accept imported meat and poultry that have been irradiated in other countries for distribution in the United States?

Yes, provided they are treated and labeled consistent with USDA's regulations.

Can an accident at a gamma ray facility lead to the "meltdown" of the irradiator and the release of radioactivity into the atmosphere?

It is impossible for a meltdown to occur in an irradiation facility or for the radiation source to explode. The source of radiation used at irradiation facilities cannot produce neutrons, which can make materials radioactive, so no chain reaction can occur. Similarly, nothing inside the irradiation facility—the food being processed, the machinery, or the walls—can become radioactive.

Is food irradiated with nuclear waste materials?

None of the gamma irradiators in the United States use radioactive waste materials. All U.S. gamma irradiation facilities use colbalt-60 as the irradiation source. This source does not produce radioactive waste material because it can be returned to the supplier for reactivation or reuse in another application.

FMI Backgrounder

Food Irradiation

Executive Summary

Food irradiation uses radiant energy – electron beams, gamma rays or x-rays — to rid food of harmful microorganisms, insects, fungi and other pests, and to retard spoilage. The process can inhibit sprout growth on potatoes and onions. It does not make food radioactive. Irradiation kills pathogens and makes them incapable of reproduction.

Irradiation was patented for food preservation by a French scientist in 1905. American research began in the 1920s. Since then, hundreds of scientific studies worldwide have found that irradiation is an effective food safety tool and poses no significant risks to human health or the environment.

The research has shown that irradiation destroys microorganisms that cause foodborne illness, such as *Salmonella*, *E. coli* O157:H7, *Campylobacter jejuni* and *Listeria monocytogenes*; reduces post-harvest losses due to insects and spoilage; and extends the shelf life of foods. Proponents say the technology could reduce the need for some hazardous pesticides, fumigants and preservatives. Food irradiation improves the safety of foods for the people most highly susceptible to such illnesses, including diabetics, transplant patients, people on cancer therapies, HIV/AIDS patients, and the very young and elderly.

Opponents argue that research has not proved the safety of irradiation. They say that irradiation produces potentially hazardous by-products such as benzene, formaldehyde, cyclobutanones and possibly other compounds that have not been identified. They cite research showing that irradiation reduces the levels of some vitamins. Opponents also say that the transportation and use of radioactive materials pose an unnecessary risk to the public and workers. This concern does not apply to irradiation by electron beams or x-rays.

A 1958 amendment to the Food, Drug and Cosmetic Act requires that irradiation be regulated as a food additive, directing the Food and Drug Administration (FDA) to verify the safety of all applications before commercial use. The Office of Management and Budget (OMB) has the final word, as it does with all regulatory actions.

More than 50 countries have approved the use of irradiation for about 50 food products, and 33 are using the technology commercially, according to the International Atomic Energy Agency (for a detailed table on commercial use, visit www.iaea.org/icgfi/documents/commeact.htm). The U.S. government has approved irradiation for use on meat, poultry, pork, fresh fruits and vegetables, grains and other foods, as well as dry spices and seasonings.

Food irradiation uses radiant energy — electron beams, gamma rays or x-rays — to rid food of harmful microorganisms, insects, fungi and other pests, and to retard spoilage.

Food irradiation improves the safety of foods for immune-compromised people, including diabetics, transplant patients, people on cancer therapies, HIV/AIDS patients and the very young and elderly.

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1. What is food irradiation?

A process in which gamma rays, X-rays or electrons are used to disinfect, preserve or sterilize food. The technology kills pathogens or renders them unable to reproduce.

2. How is food irradiated?

There are several methods. Food packed in crates or boxes is placed on conveyor belts and moved into the heart of the irradiator, where it is exposed to the radiation source. Electron beam irradiators can cleanse packaged food at the end of food-processing production lines.

Irradiation disrupts the molecular structure; kills or reduces the number of bacteria and yeasts; delays the formation of mold; and sterilizes or kills parasites, insects, eggs and larvae.

High-energy waves pass through the food, exciting the electrons in both the food and any pests or pathogens. When the electrons absorb enough energy, they break away from their atoms, leaving positively charged centers behind. Irradiation disrupts the molecular structure; kills or reduces the number of bacteria and yeasts; delays the formation of mold; and sterilizes or kills parasites, insects, eggs and larvae.

Levels of absorbed radiation are currently measured in kilograys (kGy).[1] The scientific community has defined three levels of food irradiation:

- Low dose, up to 1 kGy — kills insects on fruit and grain and kills or prevents the maturation of *Trichinella*, the parasite that causes trichinosis in pork.
- Medium dose, 1–10 kGy — kills most of the bacteria that cause foodborne illness and spoilage. Doses of 1.5–3.0 kGy are used for poultry.
- High dose, 10+ kGy — can sterilize meat and other foods and decontaminate herbs and spices.

Gamma irradiation creates enough energy to penetrate products in shipping containers. Electron beam irradiation, unable to penetrate as much, is applied to packaged food, such as pre-made hamburger patties. To penetrate larger items, electron beams can be directed at a sheet of metal, causing x-rays to be emitted from the other side.

3. Is food irradiation new?

The process was patented for food preservation in 1905 by a French scientist. American research began in 1921 when the U.S. Department of Agriculture (USDA) reported that irradiation would effectively kill trichinae in pork. Since then, it has gradually gathered momentum with improvements in the technology and the need for new methods to combat foodborne illness.

Irradiation at high doses is currently used to sterilize more than half of all medical supplies, along with cotton swabs, contact lenses, saline solution, tampons, teething rings and cosmetics.

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[1] Some people may be more familiar with the older measure kilorad. The word "rad" stands for "radiation absorbed dose." One kilogray equals 100 kilorads.

4. Why the current interest in food irradiation?

The process offers a promising means to control microorganisms that cause disease. (See the FMI Backgrounder Foodborne Illnesses.) Bacteria and other pathogens cause millions of foodborne illnesses each year, according to medical research, with thousands of cases resulting in death. Food irradiation could help prevent many of the deaths and illnesses associated with *E. coli* O157:H7, since these bacteria are easily killed when irradiated at small to medium doses. Especially susceptible to foodborne illness are the young and old and victims of serious diseases.

Food irradiation could help prevent many of the deaths and illnesses associated with E. coli O157:H7, since these bacteria are easily killed when irradiated at small to medium doses.

Concerns about food security after the events of September 11 have also increased consumer interest, along with the use of electron beam irradiation to kill anthrax in U.S. mail.

5. What are the benefits of food irradiation?

Proponents cite the following benefits:

- It destroys most bacteria, molds, parasites and other organisms that cause foodborne disease. Irradiation at doses up to 3.0 kGy eliminates over 99 percent of the *Salmonella* organisms on or in poultry, according to USDA tests. In ground beef, irradiation at doses up to 0.8 kGy eliminated over 90 percent of five common pathogens (*E. coli* O157:H7, *Campylobacter jejuni*, *Listeria monocytogenes*, *Salmonella* and *Staphylococcus aureus*) in 1993 tests by the Center for Food Safety and Quality Enhancement at the University of Georgia. The center determined that doses up to 3.0 kGy would effectively destroy all these microorganisms in ground beef. Food scientists also believe that low-dose irradiation would eliminate harmful organisms in oysters, raw fish (sashimi) and other seafood. Irradiation does not kill the bacteria that cause botulism, nor will it kill viruses at the dose levels used for foods.
- By killing pests on domestic and imported produce, irradiation eliminates the need for post-harvest fumigants that can leave undesirable residues. It also reduces the need for pesticides when crops are cultivated.
- Irradiation decreases post-harvest food losses, according to the International Atomic Energy Agency (IAEA). Many countries lose large amounts of grain because of insect infestation, molds and premature germination — all of which irradiation can eliminate or control. For these reasons, Belgium, France, Netherlands and Russia irradiate grains, potatoes, onions and other products on an industrial scale.
- The process can extend the shelf life of food by inactivating spoilage organisms and, in some produce, by delaying ripening and sprouting. Irradiated strawberries, for example, last at least a week longer in the refrigerator than untreated ones.

Many countries lose large amounts of grain because of insect infestation, molds and premature germination — all of which irradiation can eliminate or control.

In addition, irradiation offers some advantages over traditional preservation methods. In most cases, foods irradiated in air-tight packages retain more of their original texture, flavor and nutrient value than foods that

are thermally sterilized and canned

6. Is irradiated food safe to eat?

In the 2000 report *Food Irradiation: Available Research Indicates that Benefits Outweigh Risks*, the General Accounting Office (GAO) concluded: "The cumulative evidence from over four decades of research — carried out in laboratories in the United States, Europe and other countries worldwide — indicates that irradiated food is safe to eat. The food is not radioactive; there is no evidence of toxic substances resulting from irradiation; and there is no evidence or reason to expect that irradiation produces more virulent pathogens among those that survive irradiation treatment."

The report noted that numerous prominent health and scientific organizations worldwide agree that food irradiation is safe, including:

"The cumulative evidence from over four decades of research — carried out in laboratories in the United States, Europe and other countries worldwide — indicates that irradiated food is safe to eat.
***— General Accounting Office,* Food Irradiation: Available Research Indicates That Benefits Outweigh Risks, 2000**

U.S. Government Agencies
Centers for Disease Control and Prevention
Food and Drug Administration
Department of Agriculture
Public Health Service

U.S. Scientific and Health-Related Organizations
American Dietetic Association
American Medical Association
American Veterinary Medical Association
Council for Agriculture Science and Technology
Institute of Food Technologists
National Association of State Departments of Agriculture

International Scientific and Health-Related Organizations
Codex Alimentarius Commission
Food and Agriculture Organization
International Atomic Energy Agency
Scientific Committee of the European Union
World Health Organization

To review the GAO report, visit the Web site www.gao.gov/, select "GAO Reports," then "Find GAO Reports" and enter the report number RCED-00-217, or call the agency at 202-512-1530.

7. What are the safety concerns cited by opponents?

Many are concerned that widespread use of irradiation could prompt producers, distributors and consumers to be less aggressive in practicing other sanitation measures. Some believe that the research on safety issues is inadequate and inconclusive. The major safety issues:

Opponents are concerned that widespread use of irradiation could prompt producers, distributors and consumers to be less aggressive in practicing other sanitation measures.

- *Radiolytic Products* — Some gamma rays in irradiation break chemical bonds to form short-lived, unstable molecules called free radicals. These combine with each other and with other food molecules to create "radiolytic products." Irradiating meat can produce benzene, for example, and irradiating carbohydrate-rich foods can yield formaldehyde. This effect is not limited to irradiation: cooking, canning and pasteurization also produce radiolytic products. At the

prescribed dosage levels, irradiation produces small amounts of such compounds. Among the radiolytic products may be "unique" compounds that may cause adverse health effects.

- *Destruction of the "Smell Test"* — Irradiation may reduce bacteria that provide consumers with an odor indicator of spoilage. Food scientists believe that irradiation at the low doses prescribed will not eliminate all odor-causing spoilage bacteria, preserving the smell test. This effect may depend on the dose, temperature, packaging and product. Consequently, FDA is investigating this issue on a case-by-case basis.

- *Declines in Fecundity (number of offspring)* — Research has yielded mixed results. One study showed a significant reduction in the offspring of fruit flies (*Drosophila* melanogaster) fed gamma-irradiated chicken. Tests on beagles showed a higher rate of healthy offspring among the pregnant females fed irradiated chicken. In another test, only mice fed cooked chicken showed a decrease in offspring. FDA has concluded that none of these studies demonstrated an irradiation-related effect.

- *Aflatoxin* — Certain molds produce these naturally occurring carcinogens, especially in grain. One study suggested that aflatoxins grow better on irradiated grain because the treatment destroyed competing microorganisms. Aflatoxin growth will not occur, researchers say, when grain is treated with a dose high enough to kill all microorganisms on grain that is subsequently kept isolated from further contamination. Most foods can be prepackaged before being irradiated, reducing the risk of recontamination.

- Opponents and supporters agree that irradiation should not be a substitute for safe sanitation practices. Irradiated foods can be re-contaminated if they contact with unclean surfaces or raw foods, or if they are otherwise improperly stored, handled or prepared. In particular, ground beef must still be cooked to an internal temperature of 160°F (71°C) — verified with a thermometer — to ensure that the pathogens have been killed.

Opponents and supporters agree that irradiation should not be a substitute for safe sanitation practices. Irradiated foods can be re-contaminated if they come into contact with unclean surfaces or raw foods. In particular, ground beef must still be cooked to an internal temperature of 160°F (71°C).

8. Does irradiation change the nutritional quality of food?

Irradiation does not affect protein, carbohydrate or mineral content. As with canning, pasteurization and cooking, it can reduce the levels of certain vitamins, including E, C, A and K and thiamin. Recent research has indicated that the effects on vitamin levels at the permitted doses are quite small.

FDA notes that the extent of vitamin reduction depends on the dose, food, temperature and other factors that are usually controlled to minimize the impact on vitamin content, taste, texture and other food properties.

Vitamin losses "wouldn't mean too much for someone who ate an occasional irradiated food," according to the Center for Science in the Public Interest ("Food Irradiation: Zapping Our Troubles Away," *Nutrition*

Irradiation does not affect protein, carbohydrate or mineral content. As with canning, pasteurization and cooking, it can reduce the levels of vitamins, including E, C, A and K and thiamin.

Action Health Letter, p. 6). "But people whose diets were based largely on irradiated foods could be in trouble."

9. Will transportation and use of radioactive sources endanger workers and the public?

Because some forms of irradiation involves hazardous materials, stringent regulations have been adopted for the transportation of the radioactive materials required. The use and transportation of radioactive materials is closely monitored by the Nuclear Regulatory Commission (NRC), the Department of Transportation and state agencies.

The radioisotopes — sealed in double-encapsulated metal rods — must be shipped in reinforced metal casks designed to withstand the most severe accidents, including collisions, punctures and exposure to fire and water.

The risk to workers is minimized by protection measures required at irradiation plants. The facilities housing the irradiator are usually surrounded by six-foot-thick concrete walls. The radioactive source itself is stored in a pool of water and is raised only during the irradiation process and only after all doors are closed. Failure to comply with safety regulations can lead to temporary plant closure by the NRC. One plant had its license revoked twice in 1986 because of repeated violations involving worker safety precautions. Radiation Technology Chairman Martin Welt was forced to resign after ordering that a lock system to protect workers be bypassed.

Four decades of experience with about 40 U.S. irradiators has produced a relatively clean safety record.

Four decades of experience with about 40 U.S. irradiators has produced a relatively clean safety record. Two incidents in the 1970s exposed two workers to nonlethal doses of irradiation. In 1988, a leaking capsule at a Georgia irradiator contaminated the pool of holding water, prompting the facility to switch isotopes — from cesium-137 to the safer cobalt-60. Since cobalt-60 does not produce neutrons, neither a nuclear chain reaction nor meltdown can occur. Not a single accident has occurred in more than 1 million isotope shipments.

Food irradiation creates little nuclear waste, although some of the equipment used adds to the waste. All U.S. plants that irradiate food with gamma rays use cobalt-60 that is supplied by MDS Nordion, based in Kanata, Ontario. The rods must be replaced every 15–20 years and are returned to the Canadian supplier for storage or recycling.

Since electricity is the source of power, electron beam processing does not involve the use of potentially dangerous chemicals or gases. No radioactive isotopes are used in the process.

Electron beam systems do not use radioactive isotopes or other potentially hazardous substances since electricity is the power source. When not in use, they are turned off.

10. Do other countries irradiate food?

More than 50 countries have approved irradiation for about 50 products according to the International Atomic Energy Agency (IAEA), and 33 are irradiating foods and spices commercially. The chart below provides a partial listing based on data furnished by WHO, FAO and IAEA.

	Avocados	Cereals	Cocoa Beans	Fish	Garlic	Herbs	Mangoes	Mushrooms	Onions	Papaya	Pork	Potatoes	Poultry	Red meat	Rice	Spices	Strawberries	Wheat
Argentina					■			■	■			■				■	■	
Bangladesh				■	■		■		■	■		■			■	■		■
Belgium						■			■			■				■	■	
Brazil	■			■			■		■	■		■	■		■	■	■	■
Canada						■			■				■			■		■
Chile			■	■			■		■	■			■		■	■	■	■
China		■			■			■	■		■		■					
Cuba	■		■		■				■							■		
Denmark		■														■		
Finland																■		
France					■	■			■							■	■	
Hungary		■						■	■				■			■	■	
India									■				■			■		
Indonesia		■			■				■				■			■		
Israel		■	■					■								■	■	
Italy					■	■			■				■			■		
Japan																		
Mexico		■			■	■	■	■	■	■	■		■		■			■
Netherlands		■				■												
Pakistan		■				■										■		
Russia									■						■			
South Africa	■			■			■		■							■		
South Korea		■			■			■	■				■			■		
Spain									■									
Syria			■	■			■		■	■					■	■	■	■
Thailand			■	■	■		■		■	■			■		■	■	■	■
United Kingdom					■		■						■					
United States	■	■			■	■	■	■	■	■	■	■	■	■	■	■	■	■

Chile, for example, irradiates about 130 metric tons (mt) per year, mostly spices, according to Nordion. Russia treats 400,000 mt each year, mostly to eliminate insect infestations from imported grain coming into its port of Odessa. China irradiates garlic to prevent sprouting, and Japan treats potatoes for the same reason. France irradiates poultry to control contamination.

11. To what extent is irradiated food available in the United States?

American astronauts have been eating irradiated food since 1972, when the Apollo 17 crew selected ham as the first irradiated flight meal. Irradiated ham, beefsteak, turkey and corned beef were served on 19 of the first 24 shuttle flights. The meats were radiation-sterilized at high doses. The U.S. military consumes irradiated meals when in the field. Individuals suffering from immune system disorders have also been fed irradiated foods to help reduce the risk of infection from harmful bacteria.

American astronauts have been eating irradiated food since 1972, when the Apollo 17 crew selected ham as the first irradiated flight meal.

Until recently, however, few irradiated foods have been available to the general public. In 2000, Huisken Meats, a subsidiary of Sara Lee Co., began selling irradiated frozen ground beef patties. Titan Corporation's SureBeam® subsidiary irradiates frozen, packaged hamburgers with electron beams and ships them to Huisken for sale. It also sells irradiated beef jerky snacks. Today, Huisken supplies the product to 2,500 retail stores, according to the company.

In 2001, SureBeam® contracted to irradiate products for Cargill Foods, Tyson Foods, Iowa Beef Packers (IBP), /Omaha Steaks, Schwan's and other companies. These companies are now selling irradiated foods — primarily beef patties (frozen and fresh), poultry and pork — to U.S. retailers, including national and regional chains and independent operators. Food retailers are also selling irradiated produce.

Meatpackers are now selling irradiated foods — primarily beef patties (frozen and fresh), poultry and pork — to U.S. retailers, including national and regional chains and independent operators.

In 2002, food irradiation pioneer Food Technology Service launched the I-Care Foods brand, featuring irradiated chicken, turkey, beef and egg products. The company is marketing the brand to people most susceptible to life-threatening diseases and others whose immune systems are weakened by age, cancer therapies and HIV.

Restaurants are now serving irradiated products as well, including Dairy Queen, which is test-marketing irradiated hamburgers in 43 Minnesota stores. If these tests prove successful, the company could eventually make the product available in many or all of its 4,900 U.S. stores.

These developments — coupled with the irradiation of U.S. mail to kill anthrax — have increased public awareness of and interest in irradiated foods.

12. Which foods have been approved for irradiation?

The U.S. government has approved irradiation of the following foods:

- Refrigerated or frozen uncooked red meat, including ground beef (1999) — to eliminate foodborne pathogens, such as *E. Coli* O157:H7 and *Salmonella*, and to extend shelf life.
- Poultry feed (1995) — to eliminate *Salmonella*.
- Fresh or frozen packaged poultry (1990, 1992) — to control *Salmonella*, *Camplylobacter* and other illness-causing bacteria.
- Fresh fruits, vegetables and grains (1986) — to control insects and inhibit growth, ripening and sprouting.
- Pork (1986) — to control the parasite Trichinella spiralis, which causes trichinosis.

- Herbs, spices and vegetable seasonings (1983-1986) — to kill insects and control microorganisms.
- Dry or dehydrated enzyme preparations (1985) — to control insects and microorganisms.
- White potatoes (1964) — to inhibit sprout development.
- Wheat and wheat flour (1963) — to control insects.

13. How is food irradiation regulated?

Under the Food, Drug and Cosmetic Act, food radiation is considered a food additive; consequently, the safety of all new uses must be verified by FDA before they may be employed. Some organizations, including the American Medical Association, have recommended that Congress delete the reference to radiation from the "food additive" definition so that new uses might come to market more quickly, although the change would also result in less government oversight with respect to food safety aspects.

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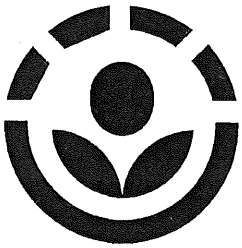
As with all regulatory actions, final approval for any new application must come from the Office of Management and Budget (OMB), which analyzes the impact of the regulations on consumers and industry.

14. Must irradiated food be labeled?

Labeling has been mandatory since 1966; the radura logo below was mandated in 1986.



The statements "Treated With Radiation" or "Treated by Irradiation" must be prominently placed on packages at the retail and wholesale levels. The labels may also include why the food was irradiated, such as "Irradiated to destroy harmful microbes" or "Irradiated to control spoilage," and the type of irradiation used. For poultry and red meat, USDA's Food Safety and Inspection Service (FSIS) has approved the such statements on labels as "Treated with irradiation for food safety," Treated with irradiation to reduce the potential for foodborne illness," "Treated with irradiation to reduce pathogens such as *E. coli* and *Salmonella*."

Farm Labeling at the wholesale level must also include the warning not to irradiate the product again.

For unpackaged fruits and vegetables, the retailer must either:

- Label each individual item.
- Place a sign next to the commodity displaying the required logo and label to the customer.
- Use the labeling of the bulk container to inform customers that the foods have been irradiated.

The labeling requirements apply to foods that have been irradiated in their entirety (first generation). In addition, USDA now requires labeling to indicate the inclusion of an irradiated meat or poultry ingredient in any multi-ingredient meat or poultry food product.

15. Is there any way to determine if an item has been irradiated and, if so, at what dose level?

Companies use dosimeters to verify that products have been subjected to the prescribed amount of irradiation. When irradiating pallets, these measuring devises are placed on products throughout including cases inside. When irradiating products, dosimeters are placed on the packages.

There is no accurate method to determine whether and at what dose the food itself has been irradiated, largely because the low doses used in most applications cause few detectable changes in a food's chemistry. Work is ongoing to develop such detection methods.

There is no single accurate method to determine whether and at what dose the food itself has been irradiated, largely because the low doses used in most applications cause few detectable changes in a food's chemistry.

FDA requires processors to retain irradiation records one year longer than the shelf life of the irradiated food or for three years, whichever period is shorter. Both the irradiation plant and the records must be available for inspection by FDA to ensure that the processor is complying with federal regulations.

16. Does irradiated food cost more?

To date, most irradiated foods cost only a few cents more than their untreated counterparts. As the market matures, the cost difference is likely to vary from food to food. By adding another step to food processing, irradiation increases production costs. In some foods, however, these costs may be offset by reduced spoilage, longer shelf life and strong consumer demand.

17. How do consumers feel about food irradiation?

In the 2001 *Shopping for Health* survey of more than 1,200 shoppers by FMI and *Prevention* magazine, 57 percent said they are "somewhat" or "very likely" to buy irradiated foods, up from 50 percent in the 1996 survey. In addition, the number who said they would not buy such foods at all declined to 9 percent, from 16 percent in 1996.

The 2002 edition of FMI's survey of more that 2,000 consumers (*Trends in the United States: Consumer Attitudes and the Supermarket)* showed a pronounced increase in just two years. In 2002, 53 percent said they are likely to buy a "food product like strawberries, poultry, pork or beef if it had been irradiated to kill germs and keep it safe," compared with 38 percent in 2000.

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Guide to Abbreviations

EPA	U.S. Environmental Protection Agency
FAO	Food and Agriculture Organization of the United Nations
FDA	U.S. Food and Drug Administration
FSIS	Food Safety and Inspection Service
IAEA	International Atomic Energy Agency
kGy	kilogray
krad	kilorad
NBS	National Bureau of Standards
NRC	Nuclear Regulatory Commission
OMB	Office of Management and Budget
USDA	U.S. Department of Agriculture
WHO	World Health Organization

Sources of Additional Information

Center for Food Safety & Applied Nutrition
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20740
301-436-2170 ■ www.cfsan.fda.gov/
Press Office: 301-436-2335

Food Safety and Inspection Service
U.S. Department of Agriculture
Room 1175-South Building
1400 Independence Avenue, S.W.
Washington, DC 20250
202-720-7943
Meat and Poultry Hotline
1-800-535-4555; 202-720-3333 ■ www.fsis.usda.gov/

International Atomic Energy Agency
P.O. Box 100
Wagramer Strasse 5
A-1400, Vienna, Austria
43-1-20600 ■ www.iaea.org

World Health Organization
CH-1221 Geneva 27
Switzerland
41-22-791-2111 ■ www.who.org

SOUNDING BOARD

The Role of Irradiation in Food Safety

Michael T. Osterholm, Ph.D., M.P.H., and Andrew P. Norgan

An estimated 76 million cases of foodborne disease, resulting in more than 325,000 hospitalizations and 5000 deaths, occur in the United States annually.[1] Important sources of foodborne pathogens include contaminated produce and improperly cooked, handled, or stored meat and poultry products. The meat and poultry industry's efforts at surveillance and intervention have reduced, but not eliminated, microbial contamination of meat and poultry carcasses.[2,3] Despite these efforts, consumers continue to have preventable illnesses and even to die as a result of microbial contamination of foods. The irradiation of food has the potential to decrease the incidence of foodborne disease dramatically. It is widely supported by international and national medical, scientific, and public health organizations, as well as groups involved with food processing and food services (Table 1). Currently, the technology for irradiating food is underused. In the United States, only 10 percent of herbs and spices and less than 0.002 percent of fruits, vegetables, meats, and poultry are irradiated.[4]

Slow acceptance of irradiation may be due to several factors. First, the term "irradiation" is sometimes confusing or alarming to consumers because of its apparent, but nonexistent, association with radioactivity. Second, the causes and prevention of foodborne disease are poorly understood by the public. Third, health professionals and the media are largely unaware of the benefits of irradiating food. Finally, an anti-irradiation campaign has been conducted by certain groups because of their beliefs about food, nuclear power, and agricultural economics.

TECHNOLOGY OF FOOD IRRADIATION

Radiation is energy transmitted through space in the form of electromagnetic waves, which may be considered rays or particles. Food irradiation involves the use of high-energy radiation in any of three approved forms: gamma rays, x-rays, or electron beams. Gamma rays can be generated by either of two approved radionuclide sources, cobalt-60 or cesium-137, whereas x-rays and electron beams are generated electrically.

Doses of radiation used in food processing are measured in units of grays (Gy) or kilograys (kGy), with 1 Gy equal to 100 rad. Convention divides doses into three categories by application: less than 1 kGy (low dose) for disinfestation and the extension of shelf life; 1 to 10 kGy (pasteurizing dose) for pasteurization of meats, poultry, and other foods; and more than 10 kGy (high dose) for sterilization or for the reduction of the number of microbes in spices.[5]

Commercial irradiation of meats and poultry is conceptually similar to the pasteurization of milk. Pasteurization is defined as the critical reduction of pathogens in a substance, especially a liquid (e.g., milk), at a temperature and for a period of time that destroy objectionable organisms without major chemical alteration of the substance, or the critical reduction of pathogens in perishable food products (e.g., fruit or fish) with radiation (e.g., gamma rays).[6] Heat pasteurization kills or inhibits the

Table 1. Selected Organizations That Support the Safety of Irradiated Food.

U.S. Government Agencies
Department of Agriculture
Department of Health and Human Services
Food and Drug Administration
Centers for Disease Control and Prevention
U.S. Scientific and Health-Related Organizations
American Academy of Pediatrics
American Dietetic Association
American Medical Association
American Veterinary Medical Association
Council for Agricultural Science and Technology
Council of State and Territorial Epidemiologists
Infectious Diseases Society of America
National Association of State Departments of Agriculture
International Scientific and Health-Related Organizations
Codex Alimentarius Commission
Food and Agriculture Organization of the United Nations
International Atomic Energy Agency
European Commission's Scientific Committee on Food
World Health Organization
Food-Processing, Food-Service, and Related Groups
American Meat Institute
Institute of Food Technologists
Food Marketing Institute
Grocery Manufacturers of America

growth of pathogens in raw milk, but the surviving nonpathogenic bacteria can eventually cause the milk to spoil if it is stored for extended periods of time or mishandled. Similarly, pasteurization by irradiation is not intended to eliminate all bacteria in meat and poultry but, rather, to eliminate all pathogenic microorganisms.[7]

Thus, pasteurization by irradiation does not eliminate the need for safe food handling and cooking but, rather, helps reduce the dangers of primary contamination and cross-contamination. Sterilization by irradiation requires a radiation dose that is approximately 10 to 30 times the dose required for pasteurization and is defined by its ability to achieve a reduction in *Clostridium botulinum* spores of at least 12 log, which is the standard level of microbial reduction in commercial canning.[8]

THE STATUS OF FOOD IRRADIATION

A comprehensive historical review of food irradiation has been published by Josephson.[9] In 1958, Congress revisited the federal Food, Drug, and Cosmetic Act of 1938 and added to it the Food Additives Amendment, which classifies food irradiation as a food additive. This is incorrect, since no substance is physically added to the food. The defense of this classification has been that irradiation induces a chemical change in the food. However, baking, broiling, frying, grilling, canning, microwaving, and freeze-drying all induce such changes but are classified as processes.

In the United States, irradiation of food is approved for eliminating or sterilizing insects, extending shelf life, controlling pathogens and parasites, and inhibiting the sprouting of vegetables.[4] Foods approved for irradiation include red meat, poultry, pork, fruits and vegetables, aromatic spices, seeds, herbs and seasonings, enzyme preparations, eggs, and wheat.[4] Shellfish and processed meats are under review for approval for irradiation.

FOOD IRRADIATION AND PUBLIC HEALTH

The World Health Organization and the European Commission's Scientific Committee on Food have assessed the safety and benefits of food irradiation.[10,11] In addition, the science of food irradiation has been extensively reviewed.[12-17] The food industry's standard approach to ensuring the safety of food involves analyzing production processes and anticipating safety hazards at critical control points. Irradiation is an effective critical control point for most bacterial pathogens, including *Escherichia coli* O157:H7, salmonella, campylobacter, and listeria, as well as for parasites such as toxoplasma and trichinella.[16,18] The Centers for Disease Control and Prevention estimates that if food irradiation were used for 50 percent of the meat and poultry consumed in the United States, there would be 900,000 fewer cases of foodborne illnesses annually and 352 fewer deaths due to foodborne illnesses.[16] Since many cases of foodborne illness are likely to be unreported and undetected, the actual reduction would probably be even greater.

Hospitals and long-term care facilities have used sterilization by irradiation on a limited basis to provide immunocompromised patients with microbiologically safe meals that are more varied and higher in quality than meals prepared with the use of thermal sterilization alone.[8,12] The National Aeronautics and Space Administration has used irradiation to sterilize astronauts' meals, and this method of sterilization has also been used to provide foods with an extended shelf life to the military and outdoor enthusiasts.[19]

Irradiation makes possible the replacement of toxic and environmentally harmful chemical fumigants such as ethylene oxide, propylene oxide, and methyl bromide.[20] Irradiation also can increase the shelf life of certain foods and decrease losses from spoilage and pests. Reducing losses is particularly important in the context of the global distribution and storage of food.[21,22] The cost to the consumer of irradiating food in large volumes is estimated to be less than five cents a pound for meat or poultry.[23]

LIMITATIONS OF IRRADIATION

The irradiation of food is not a panacea. Bacterial spores are more resistant to irradiation than are vegetative cells and require doses substantially higher than those used in pasteurization.[12] In general, inactivation of viruses also requires higher doses of radiation than those used in phytosanitary treatment (i.e., treatment to eliminate or sterilize pests in plant products) or pasteurization.[8,12] This is relevant for foods that will not be cooked or otherwise processed before consumption (e.g., fresh produce). Preventing fecal contamination of such food items is the primary method of preventing foodborne viral diseases. Toxins and prions are not eliminated by irradiation at standard commercial doses.[12] Irradiation of food does not prevent subsequent contamination by food-service workers or consumers.

The effect of irradiation on the color, odor, and texture of foods is variable and depends on dose, temperature, oxygen level, and packaging. Some sensory assessments of irradiated foods have revealed taste, color, or odor degradation, whereas others have shown minor or no differences in sensory characteristics between irradiated and nonirradiated foods.[24-26] Recent improvements in food-irradiation techniques are expected to reduce or eliminate the effect of the process on sensory quality.[13] Some fruits, vegetables, and dairy products undergo degradation in shelf life and quality after irradiation and thus are not good candidates for the process.

ARGUMENTS BY OPPONENTS

There are at least three prominent arguments against the irradiation of food. The first argument is that 2-alkylcyclobutanones (2-ACBs), which are unique to irradiated foods, are oncogenic and mutagenic in animals and are harmful to people who consume irradiated food. This claim refers to European research findings from 2002.[27,28] The authors of the studies did not investigate the safety of irradiated foods but did report that formulations of chemically synthesized 2-ACBs, in concentrations about 1000 times those found in irradiated foods, had genotoxic and cytotoxic properties in vitro[27] and that in rats treated with a known carcinogen, exposure to those concentrations of 2-ACBs may promote the development of tumors.[28] The authors specifically cautioned against using their data to indict food irradiation.[27] The European Commission's Scientific Committee on Food reviewed the research and, affirming its support of the World Health Organization's assessment of irradiation safety, concluded that evidence of genotoxicity had not been established by standard methods and that the findings could not be considered relevant to the question of the safety of irradiated food products.[29]

Numerous studies involving the feeding of irradiated foods to animals and humans have been de facto tests of the safety of 2-ACBs but have not shown them to be toxic or oncogenic.[19,30] In addition, Ames assays (in vitro reverse mutation assays performed with histidine-dependent *Salmonella enterica* serovar typhimurium) and *E. coli* reverse mutation assays of 2-ACBs have shown no genotoxicity.[24,31] Given the available evidence, any claim that the current studies of 2-ACBs are relevant to the safety of irradiated foods is lacking in scientific credibility.

The second argument is that irradiation destroys the nutritional quality of food. The addition of any energy to food can break down its nutrients and molecules. In general, macromolecules such as carbohydrates, proteins, and fats are not appreciably affected by irradiation.[32] Thiamine (vitamin B_1) is among the vitamins most sensitive to radiation, but food irradiation is not considered to threaten thiamine in the diet. A review by the Food and Drug Administration[32] and an independent Argentinean study[33] have concluded that irradiation poses no important risk to any nutrient in the diet, a conclusion supported by the American Dietetic Association.[34]

The third argument is that irradiation is a quick fix and a technological solution to a policy problem. Food irradiation has been portrayed as an easy way for industry and government to cover up or ignore the state of sanitation in processing facilities for meat and poultry. Traditional safety measures have the primary role in ensuring the safety of our meat supply, but they will not eliminate all contamination, particularly in a slaughterhouse environment. For example, testing for *E. coli* O157:H7 in ground beef by the Department of Agriculture's Food Safety and Inspection Service in 2003 showed that only 0.32 percent is contaminated.[35] Because the United States produces about 3.6 billion kg (8 billion lb) of ground beef annually, even this exceedingly low level of contamination means annual production of an estimated 11.6 million kg (25.6 million lb) of ground beef that is contaminated with *E. coli* O157:H7.[35] Irradiation cannot prevent primary contamination, but it can help ensure that contaminated ground beef does not reach the marketplace.

FUTURE OPPORTUNITIES

Food irradiation is at a crossroads in the United States. Good opportunities for large-scale implementation of food irradiation are emerging. For example, as of January 2004, the Department of Agriculture has begun to offer irradiated ground beef as part of the National School Lunch Program, which provides daily meals to approximately 27 million children nationwide. Furthermore, it is anticipated that the Food and Drug Administration will soon approve a request to authorize irradiation of cold cuts and processed meats; this will provide an important opportunity to reduce the risk of diseases such as listeriosis.

As irradiated foods become widely available, public demand and public health advocacy groups will determine whether the irradiation of food will extend beyond its current niche to have a measur-

able effect on food safety. In the 1930s and 1940s, physicians and allied health professionals had an important role in consumers' acceptance of the pasteurization of milk. As health advocates, they need to fill that role again in the adoption of food irradiation. It is important for physicians and other health professionals to be able to answer patients' questions accurately regarding the irradiation of food; to recommend irradiated foods, particularly for immunocompromised people, pregnant women, children, and the elderly; to encourage local and state medical professional organizations to endorse the use of irradiated products; to encourage grocers to stock irradiated foods; and to support the use of irradiated beef in school lunch programs.

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Food Irradiation 101

BY MICHAEL T. OSTERHOLM

With all the tough decisions that land on the desks of school leaders, should you add to the litany a concern about using irradiated foods in your school cafeteria?

Assuredly, no. Nearly every major science and health agency supports the consumption of irradiated food. These include highly reputable government agencies such as the World Health Organization and the Centers for Disease Control and Prevention and independent organizations such as the American Medical Association, the Council for Agricultural Science and Technology and the American Dietetic Association.

Irradiated ground beef became available to order through the U.S. Department of Agriculture's National School Lunch Program in January. While you probably are aware of the commodity offering, you may harbor questions about its merits. Beef is the only irradiated product offered to schools through the USDA.

Irradiation Benefits

Food irradiation uses high-energy radiation in any one of three approved forms: gamma ray, X-ray or electron beam. Gamma rays may be generated by two approved sources, either cobalt-60 or cesium-137. X-rays and electron beams are generated electrically by more powerful versions of the components found in televisions.

When ground beef is irradiated, at least 99.99 percent of *Escherichia coli (E. coli)* and many other harmful food-borne bacteria are killed, making the product safer for consumption. The CDC estimates roughly 73,000 cases of *E. coli* infection each year and 61 deaths, many of them children, in the United States. Many of these illnesses are associated with eating contaminated ground beef. Approximately 5 to 10 percent of school-aged children who are infected with *E. coli* will develop hemolytic uremic syndrome, the principal cause of kidney failure in children.

Statistically, there is a much greater threat from *E. coli*, salmonella and other pathogens than there is from bovine spongiform encephalopathy, better known as mad cow disease. *E. coli*, salmonella and other bacteria are killed with irradiation. Mad cow, a prion disease, is not.

The arguments against irradiation today are similar—and sometimes identical—to the argument waged decades ago against pasteurization. Opponents said it wouldn't prevent disease (it does), the taste was unpalatable (it's not) and it was an excuse for farmers to run a dirty operation (dairy farms are cleaner today than ever). At school, you would never consider serving raw, unpasteurized milk in the cafeteria because of the known risks. Those same risks exist with ground beef that has not been irradiated.

Food-borne illness outbreaks do happen in schools, sometimes despite the best efforts of the nutrition staff. A two-decade review shows that 600 such outbreaks have been reported. Nearly 1,500 kids required hospitalization and tragically one child died. Some of those outbreaks resulted from eating contaminated ground beef.

An elementary school in Washington state recently lost a $4.6 million lawsuit brought by the parents of 11 children who were sickened by consuming *E. coli* bacteria from contaminated, undercooked taco meat. Had that taco meat been irradiated, those children would not have gotten sick. A higher court upheld the ruling, dealing a harsh financial blow to the small school district.

A General Accounting Office report published in April 2002 estimates reported food-borne illness outbreaks in schools are increasing on average of 10 percent per year.

Irradiation provides an opportunity to decrease food-borne illness in schools. It is not a substitute for sanitary food processing and manufacturing, nor is it a substitute for good personal or kitchen hygiene.

Cafeteria Handling

Critics of irradiation contend it is unnecessary because bacteria are killed when meat is cooked properly. The problem is that many food preparers do not know proper cooking temperatures and some unfortunately do not follow safe food-handling practices. More than half of adult Americans who were randomly surveyed by the American Dietetic Association and ConAgra Foods did not know that ground beef should be cooked to 160 degrees Fahrenheit. In the same survey, only 5 percent used a meat thermometer to check the doneness of the food.

While school cafeterias employ staff members who likely have greater knowledge of food safety than the general public, a GAO report last May found nearly half of 40 large outbreaks at schools resulted from improper food preparation and handling practices in school kitchens. In the Washington state district involved in the multimillion dollar lawsuit over the *E. coli* outbreak, the ground beef was not cooked properly nor was it kept warm, according to Mary Ferluga, a state public health official who investigated. Ferluga said the food service employees in the school thought they were doing everything correctly.

Some schools have argued that irradiated ground beef is not an issue for them because their schools purchase precooked ground beef. That is not a safeguard against *E. coli*. When I was the state epidemiologist for Minnesota, I investigated a large *E. coli* outbreak (32 confirmed cases and 22 possible cases) that was ultimately traced to precooked hamburger patties served in a Twin Cities junior high school. The patties were not cooked sufficiently by the manufacturer and may not have been thawed or reheated correctly by the school.

Ferluga, now a food safety expert for Washington's public health department, believes irradiated ground beef should be served in schools. I agree.

This issue really is about children and their safety. It is not about the meat industry, lawsuits or activists. Nothing is more difficult than informing a parent that his or her child is gravely ill because of food the child ate. Imagine being a school administrator and having to tell a parent in private or admit in a court of law that a child's serious illness or death was linked to contaminated food served for lunch in the school cafeteria. The financial troubles eventually will go away, but the emotional pain may never fade.

Michael Osterholm, former state epidemiologist for Minnesota, is director for the Center of Infectious Disease Research and Policy, University of Minnesota, Mayo Memorial Building, MMC 263, Minneapolis, MN 55455. E-mail: mto@umn.edu

Senators Kelley, Skoglund, Solon and Anderson introduced--

S.F. No. 1074: Referred to the Committee on Education.

A bill for an act

relating to education; modifying teacher tenure in cities of the first class; authorizing negotiation of a plan for teacher layoffs; amending Minnesota Statutes 2004, section 122A.41, subdivision 14.

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

Section 1. Minnesota Statutes 2004, section 122A.41, subdivision 14, is amended to read:

Subd. 14. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.] (a) A teacher whose services are terminated on account of discontinuance of position or lack of pupils must receive first consideration for other positions in the district for which that teacher is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers must be discontinued in any department in the inverse order in which they were employed, unless a board and the exclusive representative of teachers in the district negotiate a plan providing otherwise.

(b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the Board of Teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher

who also holds a provisional license in the same field. The provisions of this clause do not apply to vocational education licenses.

(c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.

[EFFECTIVE DATE.] This section is effective August 1, 2005.

Senators Hann, LeClair, Michel, Nienow and Ortman introduced--

S.F. No. 736: Referred to the Committee on Education.

A bill for an act

relating to education; authorizing general education access grants for students; amending Minnesota Statutes 2004, section 126C.20; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Section 1. [124D.097] [GENERAL EDUCATION ACCESS GRANTS.]

Subdivision 1. [ENROLLMENT.] (a) For purposes of this section, a student may enroll in a Minnesota elementary or secondary school accredited by an accrediting agency recognized according to section 123B.445, or recognized by the commissioner, and is eligible to receive an access grant for the cost of attendance if:

(1) the household income of the student's parent or guardian is less than or equal to 250 percent of the federal poverty guidelines, adjusted for family size, at the time of initial application;

(2) the student resides within and is enrolled in either Special School District No. 1, Minneapolis, or Independent School District No. 625, St. Paul, at the time of initial application; and

(3) the student's application for an access grant is approved by the commissioner.

(b) Subject to the requirements of paragraphs (c) and (d), applications that are properly submitted in the form and manner

prescribed by the commissioner shall be pooled and acted on by March 1 for the following school year and subsequent applications must be acted on in the order they are received. The commissioner shall notify an applicant in writing of the status of the application.

(c) In fiscal year 2006, the total number of approved student access grant applications for residents of each school district shall not exceed ten percent of the previous year's enrollment for each school district. If the number of initial applications exceeds the limit established by this paragraph as of the date established by the commissioner, the approved access grants shall be selected by lot.

(d) In fiscal years 2007 through 2011, the limit on the total number of approved student access grant applications for residents of each school district shall annually increase by five percent. Eligible applications submitted by current student access grant recipients for initial action by March 1 shall be approved and not be subject to random selection. If other initial student access grant applications combine to exceed the limit established by this paragraph, the approved access grants shall be selected by lot. In fiscal year 2012 and thereafter, no limit shall apply to the total number of approved applications for residents of each school district.

Subd. 2. [FUNDING.] (a) On a regular basis, as determined by the commissioner but at least quarterly, access grant payments shall be made to the parent or guardian of an approved student applicant in the form of a check that must be restrictively endorsed by the parent or guardian for the school providing the instruction. Access grant payments are considered financial assistance solely to the parent or guardian who is primarily responsible for ensuring that the child acquires knowledge and skills under section 120A.22.

(b) The total amount of the access grant for any school year shall not exceed the tuition and fees charged at the school where the student is enrolled and attending, or the formula allowance under section 126C.10, subdivision 2, whichever is

less. The commissioner shall only recognize tuition and fees that are equal to what comparable students are charged who do not receive access grants.

(c) Prior to distribution of payments, the commissioner must require of the parent or guardian, and must receive in the form and manner prescribed by the commissioner, information necessary to validate the cost of attendance and enrollment status of the student. The commissioner shall prorate the access grant if the student is enrolled for only part of the school year.

(d) The commissioner must withhold access grant payments while it is reasonably believed that false information concerning the cost of attendance and enrollment status of the student has been intentionally submitted by an involved party. The commissioner shall audit and verify submitted information according to program integrity guidelines adopted by the commissioner.

(e) For the purpose of receiving funds under general education revenue and other applicable revenue programs, a school district may include a resident student receiving aid under this section in its total pupil count for up to three years as follows:

(1) for the first year, 100 percent of resident students receiving access grants;

(2) for the second year, two-thirds of resident students receiving access grants;

(3) for the third year, one-third of resident students receiving access grants; and

(4) for the fourth and subsequent years, resident students receiving access grants shall not be included in a school district's total pupil count.

The commissioner shall reduce the amount of state aids to which the district is entitled under this paragraph by the amount of access grant payments disbursed on behalf of the student residing within the district.

Subd. 3. [ASSESSMENT.] A student receiving an access grant

under this section shall participate in the statewide testing and reporting system under section 120B.30. The commissioner shall arrange for the time and location of any required assessments. Individual student results shall be reported to the parent or guardian of the student and to the school providing instruction. Aggregate results shall be reported to the public.

Subd. 4. [CONFERENCE.] The commissioner shall offer an informal conference to applicants and recipients adversely affected by an agency action to attempt to resolve the dispute.

Sec. 2. Minnesota Statutes 2004, section 126C.20, is amended to read:

126C.20 [ANNUAL GENERAL EDUCATION AID APPROPRIATION.]

There is annually appropriated from the general fund to the department the amount necessary for general education aid and general education access grants. This amount must be reduced by the amount of any money specifically appropriated for the same purpose in any year from any state fund.

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Jo Anne Zoff Sellner
Director

Senate
State of Minnesota

S.F. No. 736 -Providing General Access Grants for Students' School Costs

Author: Senator David Hann

Prepared by: Shelby Winiecki, Senate Research (651/296-5259)

Date: April 4, 2005

Section 1. [124D.097] [General education access grants.] authorizes grants for the tuition and fees that qualified Minneapolis or St. Paul school district students must pay to attend an accredited or commissioner-recognized school in Minnesota.

Subdivision 1. [Enrollment.] allows a student to enroll in a Minnesota elementary or secondary school and be eligible to receive a grant for the cost of attendance if the household income of the student's parent or guardian is less than or equal to 250 percent of the federal poverty guidelines, the student resides in or is enrolled in SSD No. 1, Minneapolis, or ISD No. 625, St. Paul, and the application is approved by the commissioner.

The amount of grants awarded to students in SSD No. 1 and ISD No. 625 in the first year is limited to ten percent or less of the previous year's total enrollment in the respective districts. In the following five years, the number of grants issued increases by five percent each year; beginning in fiscal year 2012 there will be no limit to the number of approved applications.

If the amount of applications is greater than the amount prescribed by law each year, then the approved grantees will be selected at random. Beginning in the second year, students who received a grant the previous year and who reapply for the grant will not be subject to the random selection.

Subdivision 2. [Funding.] requires the commissioner to make grant payments to the student's parent or guardian in the form of a check, endorsed by the parent for the instructing school, upon proof and cost of attendance by the parent or guardian. The grant amount cannot exceed the lesser of the formula allowance or the enrolling school's tuition and fees.

Submitted information must be audited and verified according to integrity guidelines. If it is reasonably believed any false information has been submitted intentionally, the commissioner must withhold payment.

A school district can include all, two-thirds, and one-thirds of the number of resident student grantees in the total pupil count for the first, second, and third fiscal year, respectively. For the fourth and subsequent years, the district cannot include grantees in its total pupil count.

Subdivision 3. [Assessment.] requires student grantees to take the same statewide tests that public school students take and directs the commissioner to determine the time and location for administering the tests. Student grantee results will be reported to the parent or guardian and to the instructing school, aggregate results will be reported to the public.

Subdivision 4 [Conference.] requires the commissioner to offer an informal conference to those adversely affected by agency action in the case of a dispute.

Section 2. [Annual general education aid appropriation.] adds the cost of the general education access grants to the annual amount appropriated from the general fund to the department.

SW:vs

MINNESOTA CATHOLIC CONFERENCE

Archdiocese of St. Paul/Minneapolis • Diocese of Crookston • Diocese of Duluth
Diocese of New Ulm • Diocese of St. Cloud • Diocese of Winona

To: Senator Steve Kelley and members of the Senate Education Committee.
From: Dr. Peter Noll, Education Director. Peter Noll
Date: April 5, 2005.
Subject: Letter of Support for Senate File 736.

On behalf of the Minnesota Catholic Bishops, we urge your support for Senate File 736 which would provide education access grants for the children of low- and moderate-income families residing in the Minneapolis and Saint Paul School Districts.

This is an issue of great importance to the Catholic Bishops of Minnesota. In fact, just last year they issued a statement, entitled *Every Parent, Every Child,* stressing the importance of investments in education and access to the full range of educational options centered on the needs of the student.

The proposal before you follows the Minnesota tradition of academic innovation focused on the student. Our leaders and the education community have long recognized that there is no single educational setting that is appropriate for every student.

Through open enrollment, Charter Schools and other innovations, we have provided options that have helped students to succeed and excel. House File 697 is a logical extension of this tradition.

If enacted, this proposal would empower families who lack access to the full array of educational options for their children. Specifically, it would help those families who cannot afford private school tuition and who live in areas that lack sufficient options.

Let us emphasize that this proposal is not intended as an indictment against any educational system or model. Moreover, it is not designed to bolster enrollment at nonpublic institutions and it will not drain funds from public systems.

In our opinion, this bill is not designed to financially benefit nonpublic schools. In reality, some nonpublic schools may actually have to generate additional private revenue as a result of this bill in order to bridge the discrepancy between the access grant allocation and true per pupil operating expenses.

(-over-)

475 University Avenue West • St. Paul, MN • 55103
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No, the real benefit of this proposal is that it places the focus where it belongs – on the student--particularly those who, predicated on where they live or what their family income is, do not have access to the education opportunities that might provide the optimal learning environment for them.

In conclusion, we acknowledge that we do not know what learning environment is ideal for each child; nor are we of the belief that every school can serve every child.

This is precisely why the Catholic bishops of Minnesota believe so fervently that it is essential to empower all parents, as the primary educators of their children, with the means to select the school that will best serve them.

Therefore, we respectfully encourage you to support this bill.

SF 736

Facts about . . .
KidsFirst

KidsFirst Scholarship Fund of Minnesota

HISTORY

- KidsFirst was established in February, 1998, as a 501 (c) 3 charitable institution dedicated to helping low-income parents obtain a private/parochial school education for children from kindergarten through eighth grade.

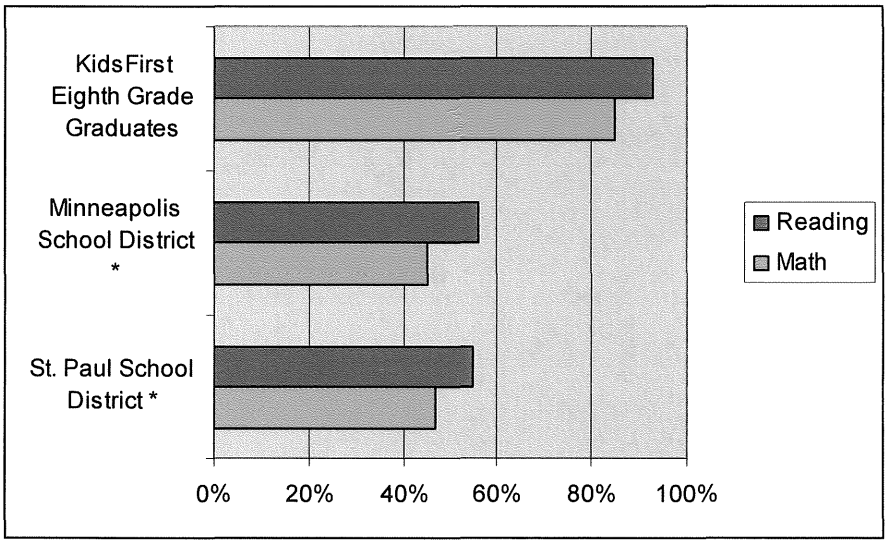
PROGRAM

- Grants are 75% of annual tuition, with a maximum annual award of $1,500 this year. Parents are responsible for the balance.
- Eligible families must be low-income who live in Minneapolis and St. Paul.
- Grants are based on financial need, *not* academic ability, and are drawn by lottery.
- Parents are responsible for selecting the school for their children.

600 scholarship students are attending over 100 different private schools in 2004-2005.

RESULTS

- 55% of our students are minority children.
- **Eighth Graders Test Results** – Percentage passing the Minnesota Basic Skills Test



SF 786

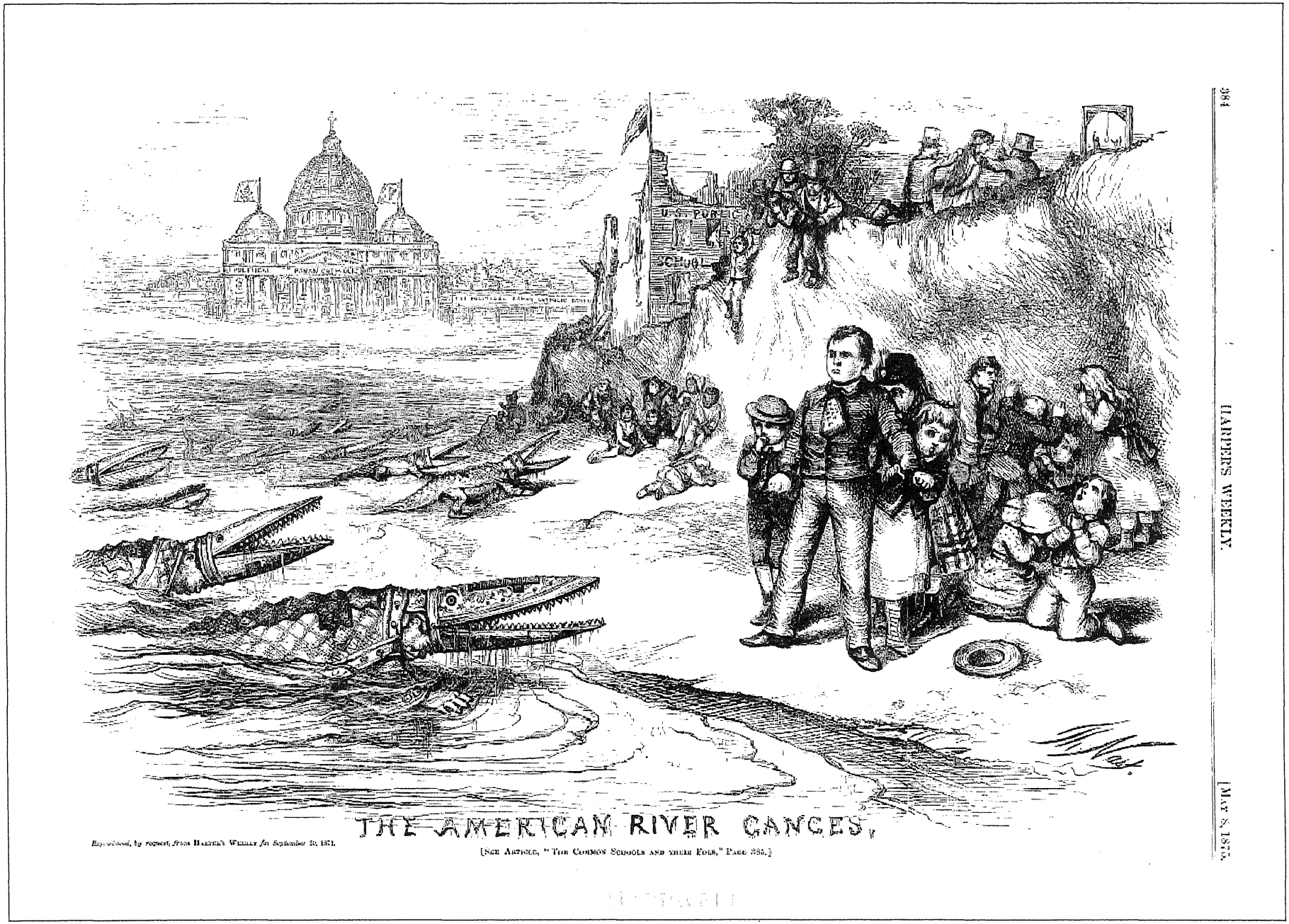
Schools Currently with KidsFirst Students
2004-2005

School Name	Tuition
Al-Amal School	3105
All Saints School	2800
Annunciation Catholic School	2800
Ascension School	1200
Bethany Academy	5100
Blessed Sacrament School	2270
Blessed Trinity School	2627
Bloomington Lutheran School	1575
Bryant Avenue Baptist School	2500
Calvary Memorial Christian	3000
Calvin Christian School	3000
Carondelet Catholic School	3200
Cedarcrest Academy	5200
Central Lutheran School	1300
Children's Center Montessori	3780
City of Lakes Waldorf School	7950
Coon Rapids Christian School	2200
East St. Paul Lutheran School	3300
Epiphany Education Center	3400
Faith Baptist Christian School	2450
Faithful Shepherd Catholic School	3950
Gethsemane Lutheran School	3460
Guardian Angels School	2315
Heritage Christian Academy	4842
Highland Catholic School	2600
Holy Childhood School	2150
Holy Family Academy	3800
Holy Spirit School	4150
Holy Trinity School	2925
Hope Academy	4500
Hope Christian Academy	2750
IHM/St Luke School	2330
Immaculate Conception School	2300
Immaculate Heart of Mary	2950
International Academy of Minn.	5000
King of Grace Lutheran	2810
King of Kings Lutheran	1260
King's Christian Academy	4087
Lake Country School	8385
Lubavitch Cheder Day School	3400
Maranatha Christian Academy	5200
Maternity Mary/St. Andrew School	2456
Meadow Creek Christian School	4576
Minnehaha Academy	9420
Minnesota Waldorf School	7752
Most Holy Trinity School	2415

Schools Currently with KidsFirst Students
2004-2005

Mt. Calvary Lutheran School	1752
Mt. Hope-Redemption School	3795
Nativity of Our Lord School	2945
Nativity of the B. V. Mary School	3500
New Life Academy	5520
North Heights Christian Academy	3557
Northside Christian School	3465
Pilgrim Lutheran School	2856
Pine Harbor Christian Academy	3090
Pope John Paul II Catholic	1800
Presentation of the B.V.M. School	3000
Risen Christ School	1850
Sacred Heart School	2145
Shakopee Area Catholic School	2895
St. Agnes School	2700
St. Ambrose of Woodbury School	4255
St. Bernard's Elementary School	2250
St. Charles Borromeo School	2760
St. Croix Catholic School	2950
St. Eliz. Ann Seton School	2650
St. Eliz. Seton School	2100
St. Francis/St. James United	2400
St. Helena School	2130
St. Jerome School	1990
St. John the Evangelist School	2750
St. Joseph School, West St. Paul	2750
St. Mark's School	2825
St. Matthew's School	2275
St. Michael School, WSP	2291
St. Odilia School	4824
St. Pascal Baylon School	2858
St. Peter Claver School	2900
St. Peter's School, F.L.	2550
St. Raphael School	2270
St. Rose of Lima School	3575
St. Thomas Academy	12500
St. Wenceslaus School	1600
Torah Academy	7000
Transfiguration School	1920
Trinity Catholic School	1900
Trinity First Lutheran School	2500
Trinity Lone Oak Lutheran School	1900
Trinity Lutheran School, S.F.	2600
Trinity School at River Ridge	6600
Woodcrest Baptist Academy	2000
AVERAGE TUITION	$3,355

SF 736



THE AMERICAN RIVER GANGES.

Reproduced, by request, from HARPER'S WEEKLY for September 30, 1871.

[SEE ARTICLE, "THE COMMON SCHOOLS AND THEIR FOES," PAGE 835.]

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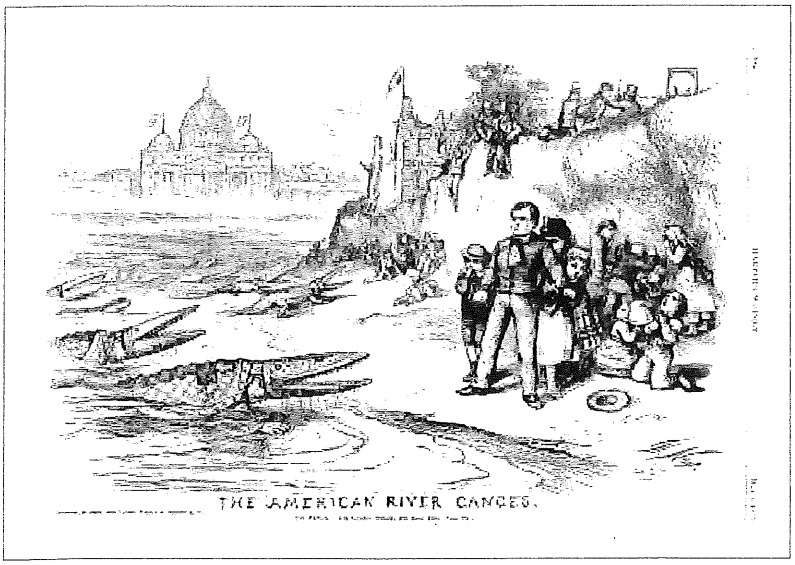
Cartoon of the Day
Search Results

"The American River Ganges"

Originally Published:
May 8, 1875

Artist:
Thomas Nast



Topic:
Public education and the Roman Catholic Church

Caption:
No caption

Complete HarpWeek Explanation:
This cartoon is one of Thomas Nast's most famous. It depicts Roman Catholic clergy as crocodiles invading America's shore to devour the nation's schoolchildren--white, black, American Indian, and Chinese. (The white children are prominent in front, the rest are in the background.) The public school building stands as a fortress against the threat of theocracy, but it has been bombarded and flies Old Glory upside down to signal distress.

Education in nineteenth-century America was provided by a variety of private, charitable, public, and combined public-private institutions, with the public school movement gaining strength over the decades. A major political issue during the 1870s was whether state and municipal governments should allocate funds for religiously affiliated schools, many of which were Roman Catholic. In most public schools, the Protestant version of the Bible was read, Protestant prayers were uttered, and Protestant teachers taught Protestant moral lessons. (Notice the boy in the cartoon who protects the younger students from the Catholic onslaught carries a Bible in his coat.) Catholic (and some Protestant) leaders asked that parochial schools receive their fair share of public funds. Protestant defenders of public schools erroneously considered

Cartoon of the Day
View Today's Cartoon

February 13, 2005
Search by Topic
Browse by Date

that request to be an attempt by Catholics to destroy the spreading public school system.

In 1867, the New York state government accepted the principle of taxpayer-supported public education with the passage of the "free school" law. In May 1874, the legislature enacted a compulsory education bill, which took effect on January 1, 1875 (a few months before this cartoon appeared). The law stipulated that a census of all school-age children be taken, and that they attend classes at least fourteen weeks per year, with free textbooks loaned to those who could not afford them. (Harper & Brothers publishing firm was a major provider of schoolbooks.) For decades, though, mandatory school attendance was largely not enforced in New York City.

The publishers and staff of Harper's Weekly, including cartoonist Thomas Nast, were mainly Protestant or secular liberals. Like most such Americans, they believed that the Roman Catholic Church was an antiquated, authoritarian institution that stood against the "Modernism" of a progressive society and democratic political institutions. Irish-Catholics in particular were suspected of being loyal primarily to the Vatican, rather than to the United States, and of not being capable of assimilation by nature or stubborn will. Furthermore, Irish-Catholics were overwhelmingly aligned with the Democratic Party, and more politically involved than other ethnic groups. The Republican newspaper was vehemently opposed to what it believed was the growing political and social influence of the Roman Catholic Church in the United States.

Nast's cartoon appeared originally in the September 30, 1871 issue of *Harper's Weekly*. Then, it was not only part of the cartoonist's campaign against state aid to parochial schools, but was related to his sustained attack on the Tweed Ring, the corrupt Democratic political machine in New York City. For the 1875 version, Nast replaced Tweed and his associates with generic political thugs (who grab the schoolchildren and lead Miss Columbia to the gallows), and switched the label on the Vatican from "Tammany Hall" to "The Political Roman Catholic Church." In both instances, Nast's cartoon was accompanied by articles written by Eugene Lawrence, "The Priests and the Children" (1871) and "The Common Schools and Their Foes" (1875), in which the Catholic hierarchy is bitterly assailed for its alleged assault on the public school system.

Nast's inspiration for transforming the miters of the Catholic bishops into the jaws of crocodiles was a small cartoon by John Leech in the English publication, *Punch*. Nast expanded Leech's single Irish cleric into an invading horde of crocodile-priests, and added the panoply of images related to American public schools, politics, and the Catholic Church. When in 1871 he selected the Ganges River in India, considered holy by Hindus, Nast may have remembered an article in *Harper's Weekly* from 1867 about the worship of crocodiles in India. Whether or not that was the case, the cartoonist would have realized that most of his American audience would associate the Ganges with religious superstition, which was one of the messages about the Catholic Church he wished to convey.

Robert C. Kennedy

Improved Public Education Through School Choice

Minnesota's future success is dependent upon strong and vibrant public education services. One strategy for improving student academic achievement is the expansion of school choice – specifically, giving low-income families some of the same choices enjoyed by other families.

While there have been a number of studies that have explored the change in performance of students who "left" their resident public school – we have been encouraged by a study that specifically examined the effects of school choice on the "host" school district.

The study, conducted by Dr. Carolyn Hoxby, a Harvard economist, looked at the effects of choice in four broad categories:

1. Districts with and without interdistrict choices for families (Miami vs. Boston);

2. Districts with and without non-public school choices for families;

3. The impact of the Milwaukee school choice program; and

4. The impact of charter schools in Michigan and Arizona.

In each of the above scenarios, when students had greater choices for where to receive their education, the "host" public school district showed improved overall student achievement.

In Milwaukee, those schools who had the most students eligible to exercise "choice" improved the most.

School choice is NOT a silver bullet for all the challenges that face our schools – and Dr. Hoxby also cautions against extrapolating too much from relatively short-lived reforms. However, there is very promising evidence that school choice can help – NOT weaken public education.

This doesn't even include the discussion about how expanded school choice directly benefits individual students and families.

U.S. General Accounting Office (GAO) study of Milwaukee and Cleveland choice programs (2001).

1. In both Cleveland and Milwaukee, choice students were **more** likely than public school students to come from families that:

    a) Had less income;
    b) Were headed by a single or unmarried parent; and
    c) The mother was more likely to have completed high school.

2. Participating non-public schools in Milwaukee attracted lower-performing public school students.

Jim Bartholomew
MN Business Partnership

SF 736

CURRENT STATE AID BENEFITING NON-PUBLIC SCHOOL STUDENTS

Department of Education State Appropriation Summary

Non-public Aid Program provides every pupil in the state with equitable access to study materials and pupil support services. Funding is allocated to public school districts for the benefit of nonpublic school students and not directly to nonpublic schools. School districts are reimbursed for the costs of the educational materials loaned to the nonpublic pupil (textbooks, individualized instructional materials, and standardized tests) or for the costs of providing support services (health services and secondary guidance and counseling services) to the nonpublic pupil. School districts receive additional funds to cover administrative costs.

State Appropriations Summary FY 2004-2005(Millions)

FY 04	FY 05	Biennium
$13.2	$15.3	$28.5

Number of Students Participating FY 2004:

	# of students
Textbooks:	87,630
Health Services:	82,121
Guidance and Counseling:	28,503

Non-public Pupil Transportation ensures that nonpublic school students receive the same level of transportation services as public school students receive and that the school districts are able to provide this transportation.

In FY 2003 68,677 nonpublic students were transported to and from schools.

State Appropriations Summary FY 2004-2005(Millions)

	FY 04	FY 05	Biennium
	$20.3	$21.7	$42.0

	FY 04	FY 05	Biennium
TOTAL:	$33.5	$37.0	$70.5

Source: Minnesota Department of Education 2006-07 Biennial Budget 1/25/2005

SF736

Current State and Federal Laws that apply to Non-Public Schools and Students

1. **Data Privacy.**
2. **Building & School Bus Codes.**
3. **Civil & Human Rights.**
4. **Compulsory Attendance.**
5. **Background Checks.**
6. **Child Abuse Reporting.**
7. **Teacher Requirements.**
8. **Accreditation Process.**
9. **School Conference & Activities Leave.**
10. **Americans With Disabilities.**
11. **Family & Medical Leave.**
12. **Tort Liability.**
13. **Bleacher Safety.**
14. **Immunization Requirements.**

VOUCHERS DON'T WORK

BOARDS SHOULD LOOK ELSEWHERE FOR REFORMS

Gerald W. Bracey

"Victory on Vouchers" read the headline over the long lead editorial in the *Washington Post* the day after the House voted, 205-203 to use 13 million taxpayer dollars to let Washington, DC, public school children attend private schools (the Senate later declined to bring the bill to the floor, but there is a plot afoot to sneak it in somehow). To the exultant editors—it was about the 10th pro-voucher piece to appear on either the editorial or op-ed page—vouchers made it inevitable that at least some children would receive a better education in private institutions than they would in the district's lousy public schools.

Alas, the *Post* editors and many other voucher advocates stand apart from the evidence. Privately or publicly funded vouchers programs have existed in a number of cities for a number of years and researchers who have evaluated these programs have reached a different conclusion: Vouchers do not work. Students who use them do not have higher achievement than matched groups of students who remained in public neighborhood schools.

These results reduced an ardent voucher promoter, Jay P. Greene of the Manhattan Institute to admitting as much *Wall Street Journal*. Citing the voucher evaluation studies, he claimed merely, "none of them finds students harmed by receiving a voucher." As it turns out, that pusillanimous conclusion is not true either.

Greene's is not the kind of frail rhetoric that one usually hears from voucher advocates. Paul E. Peterson of Harvard, perhaps the most avid voucher touter, has also been the most eloquent. Peterson once described nine constraints on the Milwaukee voucher program as analogous to Dante's nine circles of Hell. Earlier, he had declared that he and other voucher advocates constituted "A small band of Jedi attackers, using their intellectual powers to fight the unified might of Death Star Forces led by Darth Vader whose intellectual capacity has been corrupted by the urge for complete hegemony."

Alas for Peterson and Greene, the facts do not match the rhetoric. The lone instance where voucher students appear to have outscored their public school peers is the case of mathematics in Milwaukee. Voucher-using students had no advantage in reading. Examining the data, Cecilia Rouse, of Princeton University, suggested that the voucher students' small classes, not their vouchers, likely produced that effect. Rouse found that Milwaukee public school students in small classes outperformed both the Milwaukee voucher kids and the matched sample in regular public schools. Other studies also find that small classes trump vouchers, but that hasn't caused the voucher advocates to cease and desist.

Elsewhere, voucher proponents find nothing to cheer. In 2002, the non-partisan General Accounting Office reviewed evaluations of privately funded vouchers in Washington, DC., Dayton, Ohio, and New York City. Of Washington it said, "The Washington, D. C. study demonstrated positive effects for African American students in the second year of the study, but these disappeared in the third and final year of the study." About Dayton, the GAO team wrote, "Voucher users in Dayton showed no significant improvements in reading or math scores." Actually in some grades, voucher students did worse. Harm was done.

The GAO did conclude that New York's voucher program had produced gains but only for African American students. Oddly, it failed to note that these gains appeared in only one grade and that the gains in the one grade were so large they pushed to overall average of four grades to statistical significance. Asked about the wisdom of lumping all four grades together when only one showed an impact—most researchers would not—Peterson said, "An average is an average."

In a footnote, the GAO report acknowledged that the New York study recently had come under challenge. Actually, the GAO team somehow missed an earlier challenge to Peterson's results by one of Peterson's own co-investigators in New York, David Myers, of Mathematica Policy Research. Myers called Peterson's claim of voucher superiority "premature" and Myers' firm stated that "The report shows no overall differences in test scores between 3rd through 6th graders who were offered vouchers and those who were not." Note that Myers did not average scores across grades to get Peterson's effect for African Americans.

The challenge the GAO footnoted came from Alan Krueger and Pei Zhu at Princeton who obtained the raw

data from Myers and discovered that Peterson had dropped over 40% of the cases from his analysis. When these data were—rightly—added in, the results ceased to be significant even for African American students.

Greene's *Wall Street Journal* op-ed challenged the Krueger-Zhu conclusions accusing the researchers of making "poor research choices" because the 40% were largely students for whom some background information or prior test scores were missing. This was a most curious accusation because Greene and Peterson had earlier defended such an approach: "analysis of randomized experimental data *does not require controls for background characteristics or test scores.* Such controls are necessary only when one doubts that the experimental data are truly random" (emphasis added). No one has expressed any doubts about the randomization of the New York study.

For his part, Myers again contradicted his co-researcher Peterson, calling the Krueger-Zhu take on the data "a fine interpretation of the results." Myers went on to say, "it is not a study I'd want to use to make public policy." Jedi attackers, however, showed no such reticence. Peterson mounted his rhetorical steed, galloped to a press conference at the National Press Club in Washington, D. C., and accused Krueger and Zhu of "rummaging theoretically barefoot through the data in hopes of finding desired results."

So Dayton, New York, and Washington, D. C., show no achievement results that favor vouchers. Cleveland, on the other hand, refutes Greene's claim that no students have been harmed by receiving a voucher. Researchers from Indiana University have looked at the Cleveland program since its inception. In the beginning, public school students trailed their voucher counterparts significantly: by 14 points in reading, by 11 points in language arts and by 9 points in math. By the end of third grade, though, the public school students had closed the 14-point reading gap to 3 and the 11-point language arts gap to 5. In mathematics, the public school students had overtaken the voucher students' 9-point advantage and led by 2 points.

Metcalf and company reached the only possible conclusion: "The most recent results do not reveal any significant impacts of participation in the voucher program on student achievement." Cleveland's vouchers might pass First Amendment muster, but they do not benefit the students who use them.

One need not conduct a formal meta-analysis of these data collectively to see that if one tallies the results of these five studies, one comes up empty at best, negative in the case of Cleveland. If we had five such studies showing some other reform to be ineffectual, we would be hearing demurrers and dissents and "Let's try something else" calls. Apparently when you're a Jedi, though, your beliefs endure independent of what the data say. How else to explain the exhilaration of the *Washington Post* editors?

Gerald W. Bracey is an associate professor at George Mason University and an Associate with the High/Scope Educational Research Foundation. His most recent book is ***On the Death of Childhood and the Destruction of Public Schools*** *(Heinemann, September 15, 2003).*

AMSD Position on Vouchers

The Association of Metropolitan School Districts is opposed to the diversion of public funds to nonpublic schools through the use of vouchers. Furthermore, the State should require that any school receiving public aid or enrolling students from families receiving public educational subsidies be accessible to all students and comply with all state laws and rules that are applicable to public schools.

BACKGROUND

The United States Supreme Court ruling upholding the Cleveland voucher program moves the debate on providing public aid to private schools to the state level. Vouchers, according to the U.S. Supreme Court, do not violate the U.S. Constitution's prohibition against a government establishment of religion. As a result of that ruling, each state must now deal with the issue on a state constitutional basis. In addition, it is important that the various public policy implications of a voucher system be considered.

The Minnesota Constitution prohibits the State from directing public money to sectarian schools. Article XIII, Section 2 states, "In no case shall public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught." That language notwithstanding, the Minnesota Supreme Court has upheld the constitutionality of directing public funds to students attending private, religious colleges.

KEY AREAS OF CONSIDERATION

Minnesota, through open enrollment, the post-secondary enrollment options program, charter schools and educational tax credits and deductions, is a national leader in providing school choice options. In addition, the advent of on-line learning opportunities promises even further choice options for Minnesota students.

These programs have created significant options for students and parents and created an environment in which schools compete for students. However, this competition is not carried out on a level playing field making it impossible for state policymakers to make sound comparisons and informed judgments about the effectiveness of various educational programs.

In addition to the tax credits and deductions that are available to families of private school students, Minnesota provides direct subsidies to private schools to assist with the costs associated with transportation, textbooks, special education, counseling and nursing services.

State taxpayers have a right to expect that any institution that receives public dollars will be held accountable for how those funds are expended and will follow all applicable state laws and regulations. Further, citizens expect that taxpayer dollars will be used at schools that are accessible to all children, including children with special needs.

AMSD

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Robbinsdale...cont'd

➤ Offer an additional middle school choice option

➤ Develop a high school level smaller learning communities program emphasizing freshman transition

The community helped district officials identify the following efficiencies for the district to implement:

➤ Use elementary school facilities more efficiently

➤ Sell surplus buildings

➤ Save approximately $524,000 in annual operating expenses by closing an elementary school

➤ Save approximately $608,000 annually through staff reductions

Improvements will be phased in over a two-year period, while cost-efficiencies will occur by the beginning of the next school year. The combination of district savings of nearly $1.2 million for next year, coupled with a positive tone from the Legislature towards increases in school funding have allowed the board to postpone a decision on further cuts until June. Without an increase in state funding this year, the district will still face a $3.8 million deficit in 2005-06. The district has cut $5.3 million from its budget since 1998.

This month's district spotlight was submitted by Jeff Dehler, Communications Director for the Robbinsdale Area Schools. For more information, call him at 763-504-8029 or send an e-mail to Jeff_Dehler@rdale.k12.mn.us

Research Notes

Minnesota is Already a Leader in School Choice

As the Legislature once again prepares for a debate about school vouchers, it is important to put the issue of school choice in context. Advocates of voucher programs often argue that families in Minnesota need more school choice. Voucher proponents fail to mention, however, that Minnesota is already a national leader in the area of school choice. According to the Heritage Foundation, "Minnesota has been at the forefront of the school choice movement. It was the first state to offer tax deductions for education expenses, the first to enact interdistrict school choice, and the first to create charter schools."[1]

Minnesota currently offers a huge variety of choice programs for families, including: open enrollment, charter school enrollment, dual enrollment (often referred to as post-secondary), and tax credits and deductions for school-related expenses. In 2001, Minnesota ranked 5th in the nation on the Education Freedom Index (EFI), a measure of "the extent of government-subsidized or regulated educational choices offered to families." In 2000, Minnesota ranked 2nd in the nation on the EFI. Jay Greene at the Manhattan Institute developed the Education Freedom Index; 2001 is the most recent year for which data is available.

Voucher proponents also fail to mention that private schools already receive substantial taxpayer support in a variety of forms. State education aid pays for transportation, textbooks, health services, and secondary student counseling for private schools across the state.

AMSD Chair Lori Grivna notes, "As the Minnesota Legislature debates methods of improving the quality of education in the state, it should first implement proven reforms and programs that help *all* students. It is hard to fathom that legislators would even consider voucher legislation when Minnesota is not adequately investing in programs that have proven successful in raising student achievement. The return on investment for early childhood education and full-day kindergarten are startling and Minnesota is lagging behind the nation in implementing these programs. Conversely, voucher programs have not been proven to raise academic achievement and they lack the accountability that is central to current education reforms."

Minnesota has become a leader in school choice by improving educational opportunities within the public education system, where most students are educated. The Legislature should preserve Minnesota's nation-leading education system by continuing on this path.

School Choice: Minnesota Compared to the Nation as a Whole

School Choice Option	Number of States with Programs	Program Available in Minnesota?
Scholarship/ Tax Credit	11	Yes
Open Enrollment (Between Districts)	12	Yes
Comprehensive Dual Enrollment	21	Yes
Allow Charter Schools	41	Yes
Privately Funded Voucher	40	Yes
Publicly Funded Voucher	6	No

*Source: *School Choice 2003: How States are Providing Greater Opportunity in Education*, by Krista Kafer at the Heritage Foundation. This table includes the District of Columbia.

[1] http://www.heritage.org/Research/Education/Schools/minnesota.cfm

Members of AMSD include: Bloomington, Brooklyn Center, Burnsville, Chaska, East Metro Integration District 6067, Eden Prairie, Edina, Fridley, Hopkins, Intermediate District 287, Inver Grove Heights, Mahtomedi, Minneapolis, Minnetonka, Mounds View, North St. Paul/Maplewood/Oakdale, Orono, Richfield, Robbinsdale, Roseville, Shakopee, South St. Paul, Spring Lake Park, St. Anthony/New Brighton, St. Louis Park, St. Paul, Wayzata, West Metro Education Program, Joint Powers School District 6069 and West St. Paul.

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AMSD CONNECTIONS

News and Updates from the Association of Metropolitan School Districts

Mark Your Calendar!

FEBRUARY 28

Attend the Statewide Rally for Public School Funding!, State Capitol Steps, 5 p.m.

See this month's *From the Chair* for more information.

MARCH 10

Board of Directors Meeting, 7 a.m., TIES Building, St. Paul

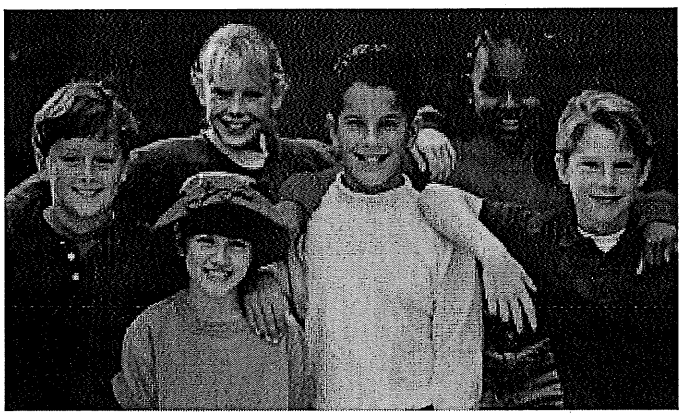
Members of the Describing School Finances Committee Tom Berge, Ward Eames and Chuck Selcer will provide an update on the committee's work to create a template for a school finance operating statement.

AMSD's Mission

To advocate for state education policy that enables metropolitan school districts to improve student learning.

AMSD

Association of Metropolitan School Districts



"Quality education for every child that enrolls in the district is a cornerstone of all decisions," said Superintendent Stan Mack. The reorganization of Robbinsdale Area Schools will enhance educational opportunities while saving taxpayers money.

Robbinsdale Area Schools Reorganization Plan

District seeks stronger educational program, increased cost-efficiencies

Following a year of intense planning and public input, Robbinsdale Area Schools is excited to begin implementing reorganization of the district. The plan offers more efficient delivery of even better programs for students, while streamlining the process in order to cut costs.

"Quality education for every child that enrolls in the district is a cornerstone of all decisions," said Superintendent Stan Mack. "I believe our district has new direction that will lead to future benefits in education for all ages in our community."

More than 300 residents participated in a process that began in late 2003 to identify ways of improving educational programs while identifying cost savings. The following improvements led to school board approval of district reorganization in October:

➤ Expand all-day, every day kindergarten choices to every district elementary school

➤ Establish an International Baccalaureate Primary Years Program at one or two elementary schools

➤ Implement a new, hands-on science curriculum at the elementary level

➤ Increase instructional time in core subjects

➤ Foster stronger student/teacher relationships, especially in grade 6

From the Chair

The Statewide Rally for Public Education on Monday, February 28 is not just another rally. It is a pivotal opportunity to stand together with colleagues throughout the State to let our legislators and the Governor know that we want them to invest in public education. I cannot emphasize enough the importance of parents, staff and others showing up and making their voices heard next Monday. We want to fill the Capitol steps and give legislators the positive pressure they need to do the right thing!

The Governor's K-12 Education Budget proposal is a step in the right direction, but it doesn't restore cuts made during the last biennium, let alone recover from a decade of insufficient investments in the basic formula allowance. Neither does it keep pace with the projected rate of inflation. *Our kids deserve better and the future of Minnesota depends on it.*

Complete details about the rally, including parking information are available on the AMSD web site at www.amsd.org. Let's come together for our kids on February 28 and make education a priority again!

Lori Grivna, board member for the Mounds View Public Schools, is chair of the Association of Metropolitan School Districts.

Robbinsdale... (con't page 2)

Saint Paul
Public Schools

A World of Opportunities

Office of the Superintendent of Schools

Saint Paul Public Schools
A World of Opportunities

District Achievement Summary

February 2005

Minnesota Comprehensive Assessments

Percent of Students with "Solid Grade Level Skills" or Better (Level 3 in 2004, formerly Level IIB).

	1999	2004	Change
Reading Grade 3	32	53	+ 21%
Reading Grade 5	36	55	+ 19%
Math Grade 3	32	53	+ 21%
Math Grade 5	27	56	+ 29%
Writing Grade 5	47	68	+ 21%

Minnesota Basic Skills Tests

Percent of Students Passing on First Attempt

	1999	2004	Change
Reading Grade 8	49	57	+ 8%
Math Grade 8	44	43	- 1%
Writing Grade 10	63	78	+ 15%

Stanford Achievement Test, 10th Edition (SAT10)

Percent of Students in Average or Above Average Range Nationally (stanines 4-9) – National Norm = 77%

	Percent Average/Above in 2004							Change from 2003 to 2004						
GRADE:	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*2*	*3*	*4*	*5*	*6*	*7*	*8*
Reading	70	72	76	80	75	71	74	+4	+4	+3	+4	+2	-2	+2
Math	76	76	81	81	78	71	79	+5	+4	+1	+5	+6	+2	+1
Language	*	*	70	*	90	*	75	*	*	-1	*	+1	*	-4
Science	*	*	81	*	74	*	77	*	*	+1	*	+2	*	+1
Social Science	*	*	78	*	80	*	78	*	*	-1	*	+3	*	-1

* Not Tested Note: Spring 2003 was the baseline year for the SAT10. Results cannot be compared directly to earlier results from the Metropolitan Achievement Tests.

Four-Year Completion, Continuation and Dropout Rates

Percentage of Seniors Graduating, Continuing in School, and Dropping Out*

	Class of 1999	Class of 2004	Change
Graduating	54%	59%	+ 5%
Dropping Out	26%	14%	- 12%
Continuing	20%	27%	+ 7%

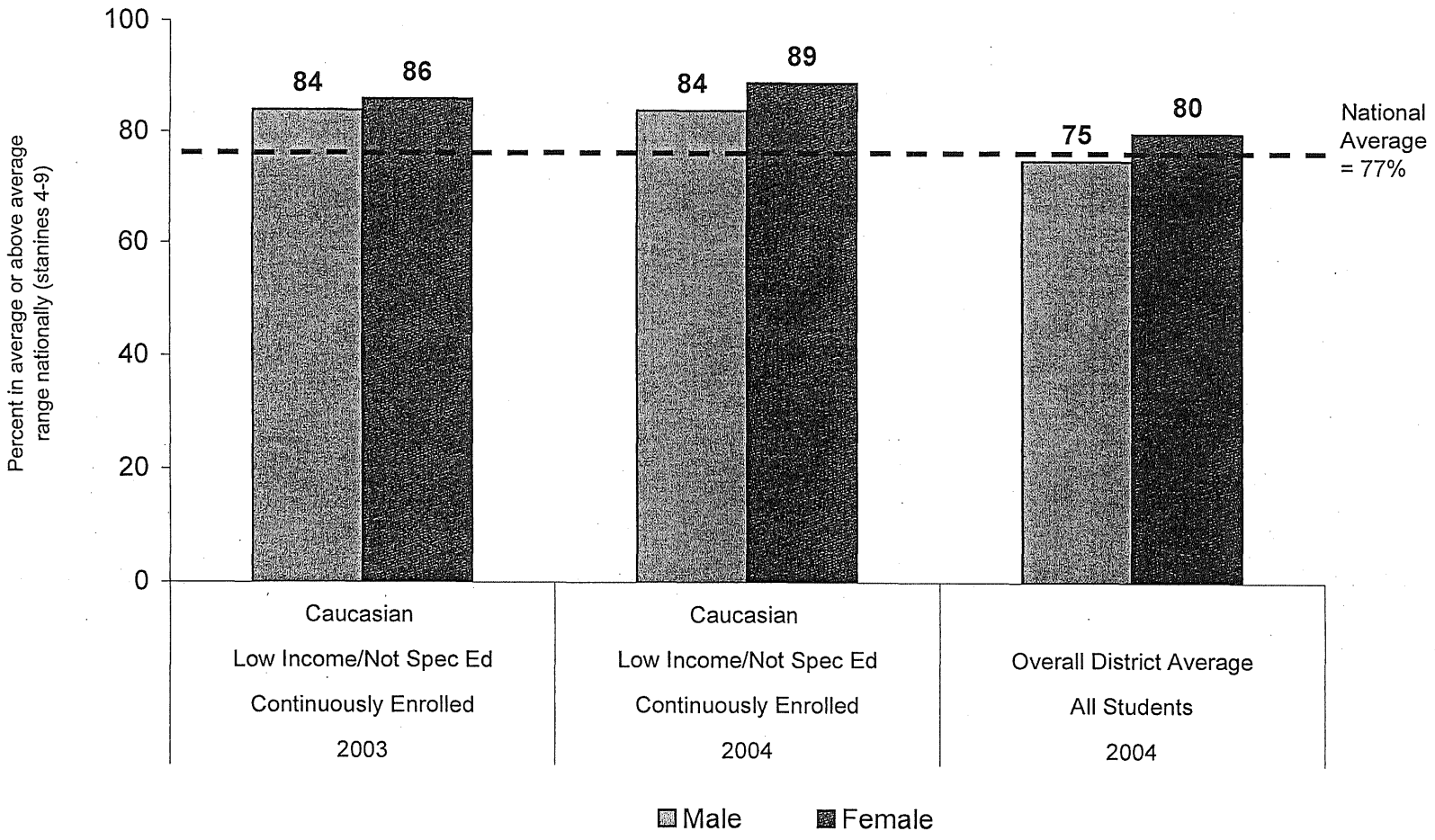
* Calculated by SPPS using MDE completion formula (MDE has not compiled this report since the Class of '01). Columns may total more than 100% due to rounding.

ACT Performance and Participation

	Class of 1999	Class of 2004	Change
Average Score	20.1	19.6	- 0.5
Number of Students Taking ACT			
Caucasian	454	412	- 9%
Minority Students	491	741	+ 51%
Overall*	1073	1353	+ 26%

* Some students do not list their ethnicity when taking the ACT.

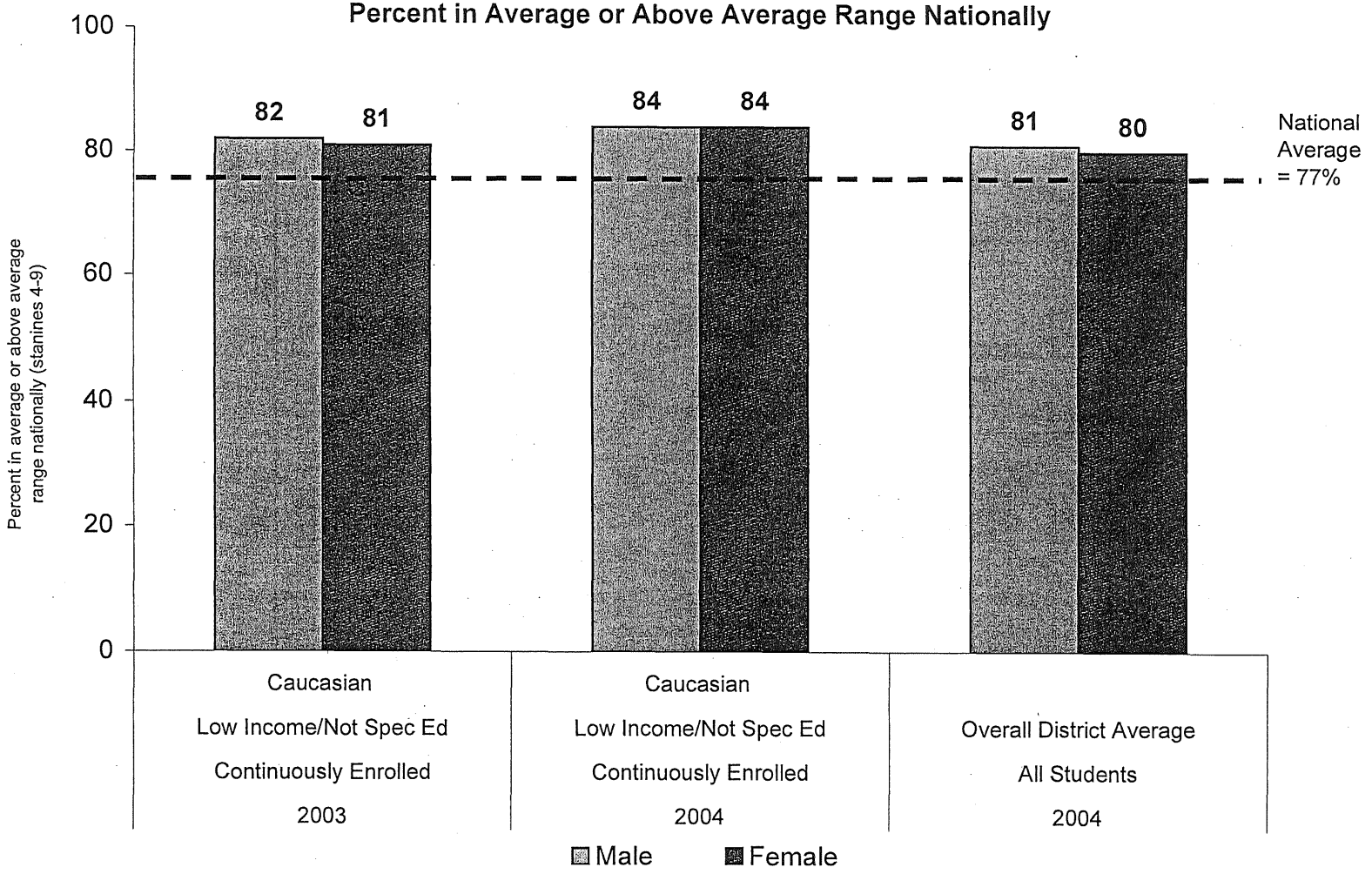
Caucasian *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading
Percent in Average or Above Average Range Nationally



Note: Continuously enrolled students have been in the district over the past three years.

SPPS Office of Research and Development
REA Department
12/15/2004

Caucasian *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Math Percent in Average or Above Average Range Nationally



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SPPS Office of Research and Development
REA Department
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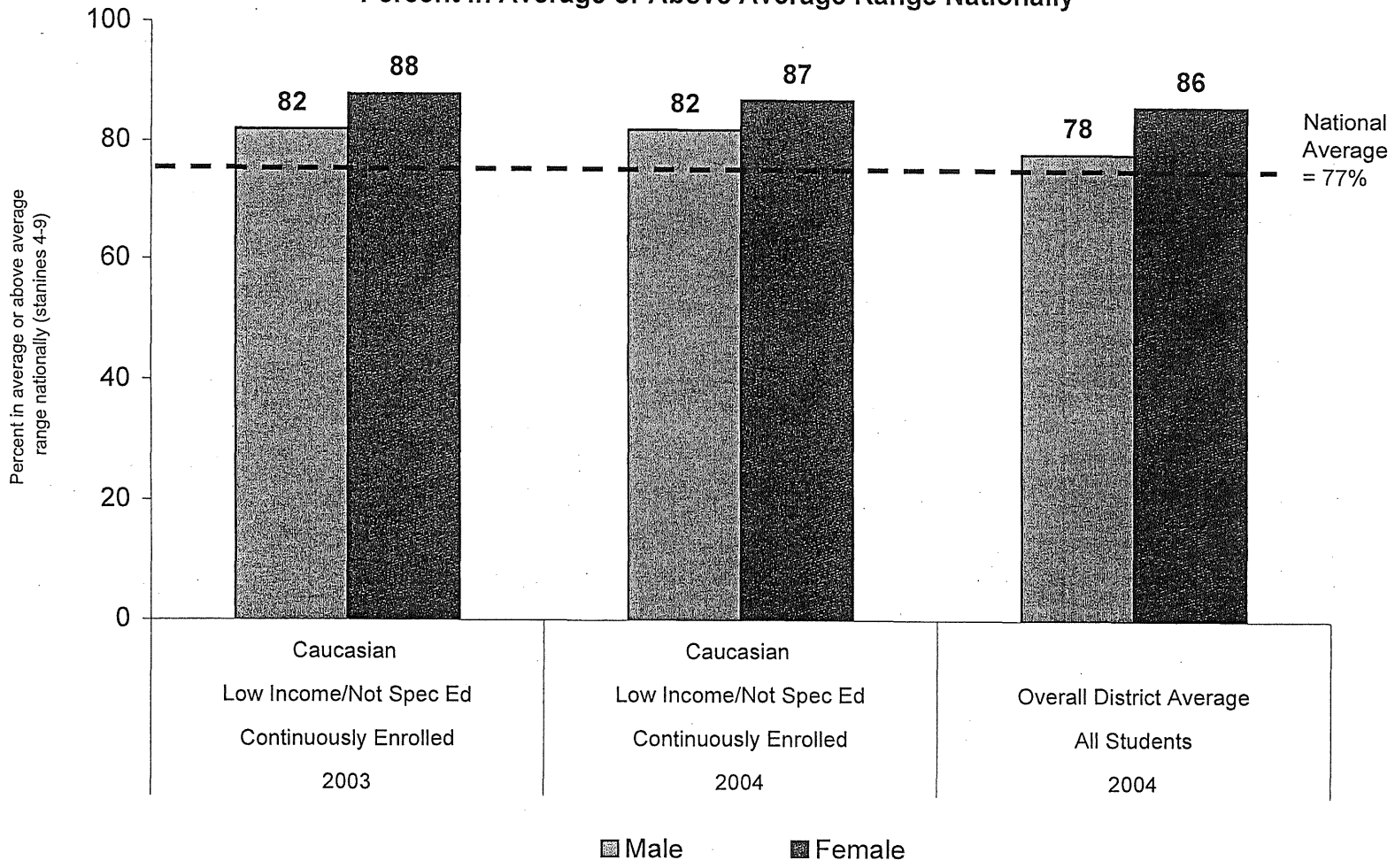
Caucasian *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Language
Percent in Average or Above Average Range Nationally



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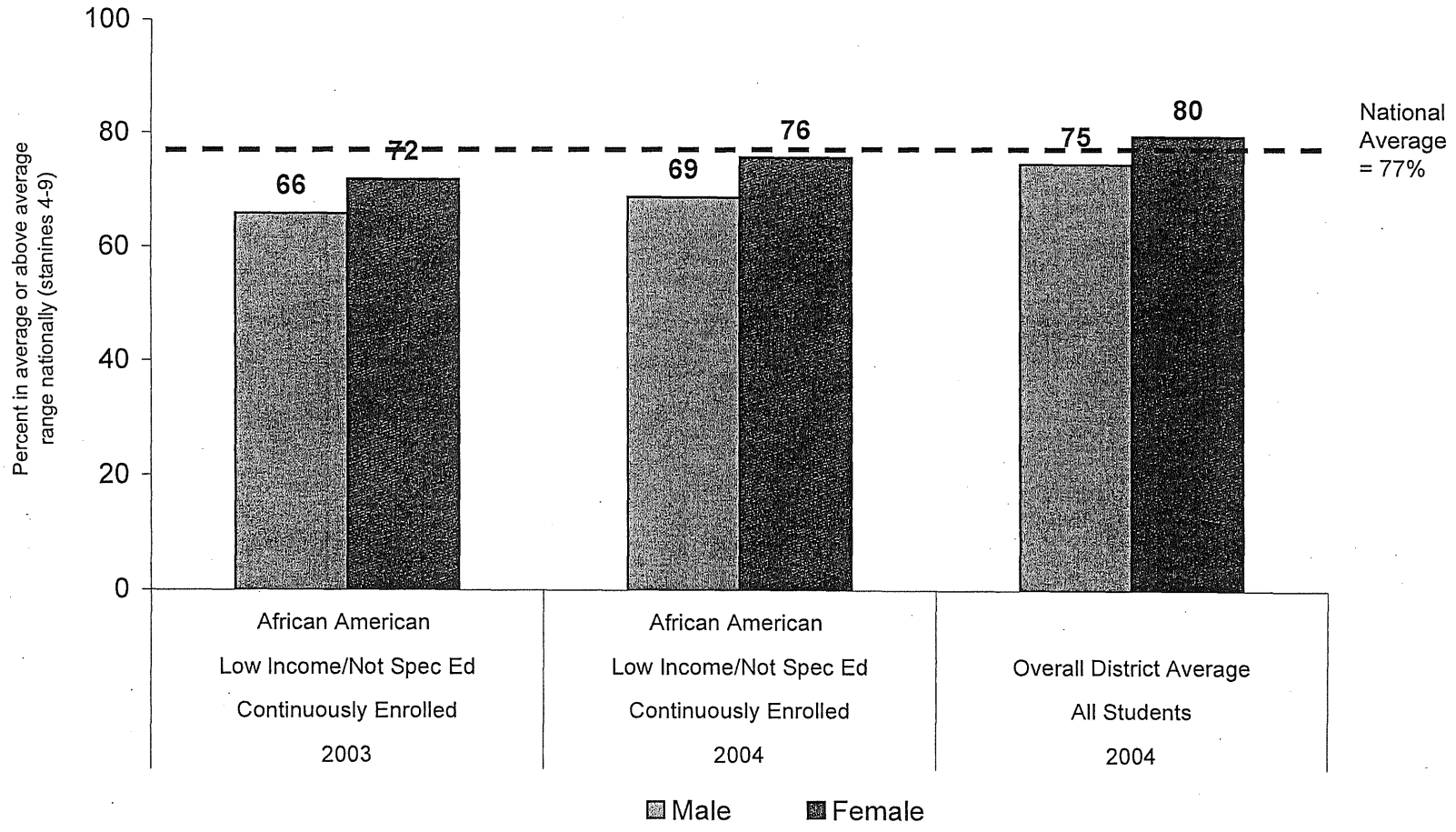
SPPS Office of Research and Development
REA Department
12/15/2004

African American *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading
Percent in Average or Above Average Range Nationally



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REA Department
9/8/2004

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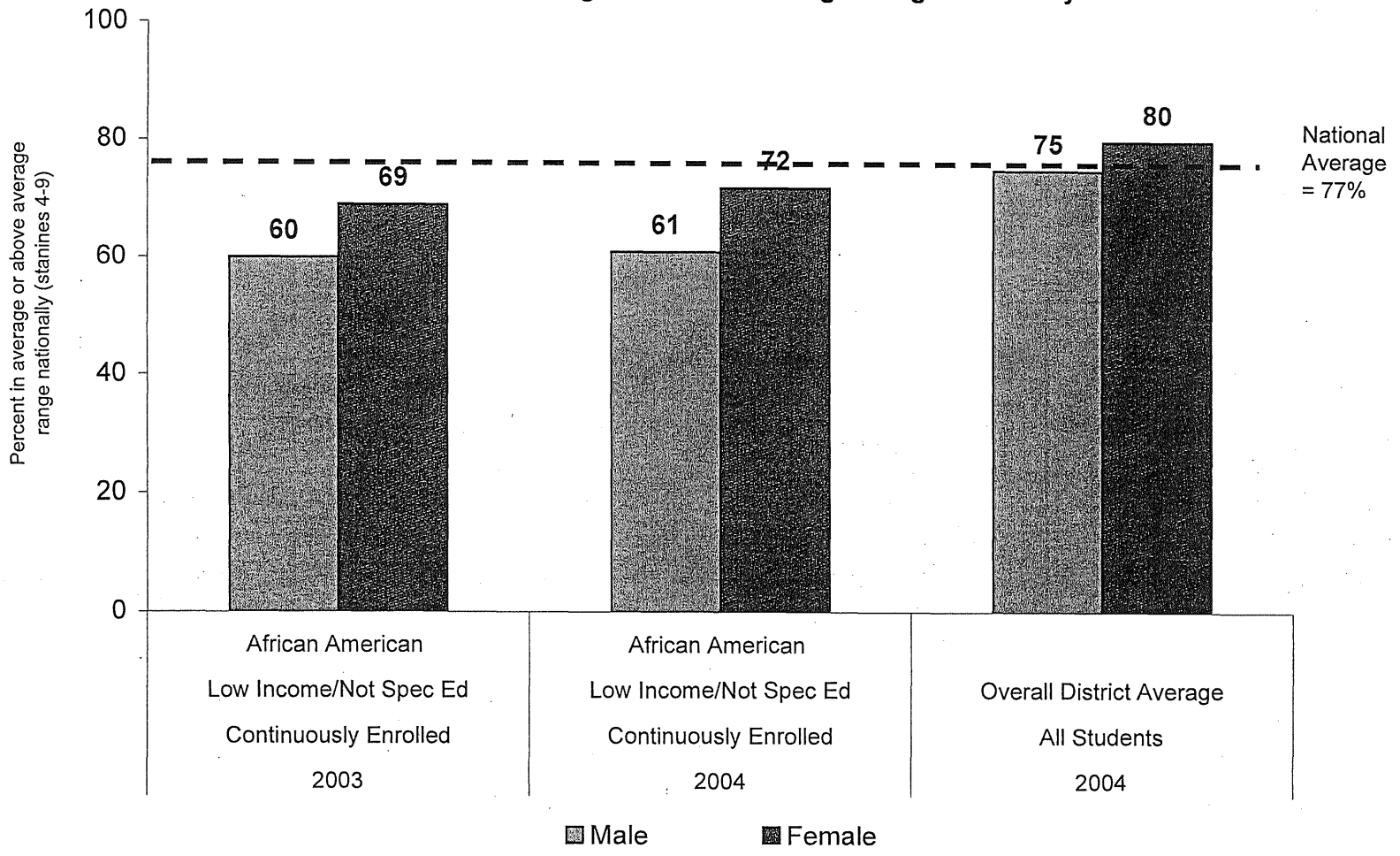
African American *Low Income/ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading
Percent in Average or Above Average Range Nationally



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SPPS Office of Research and Development
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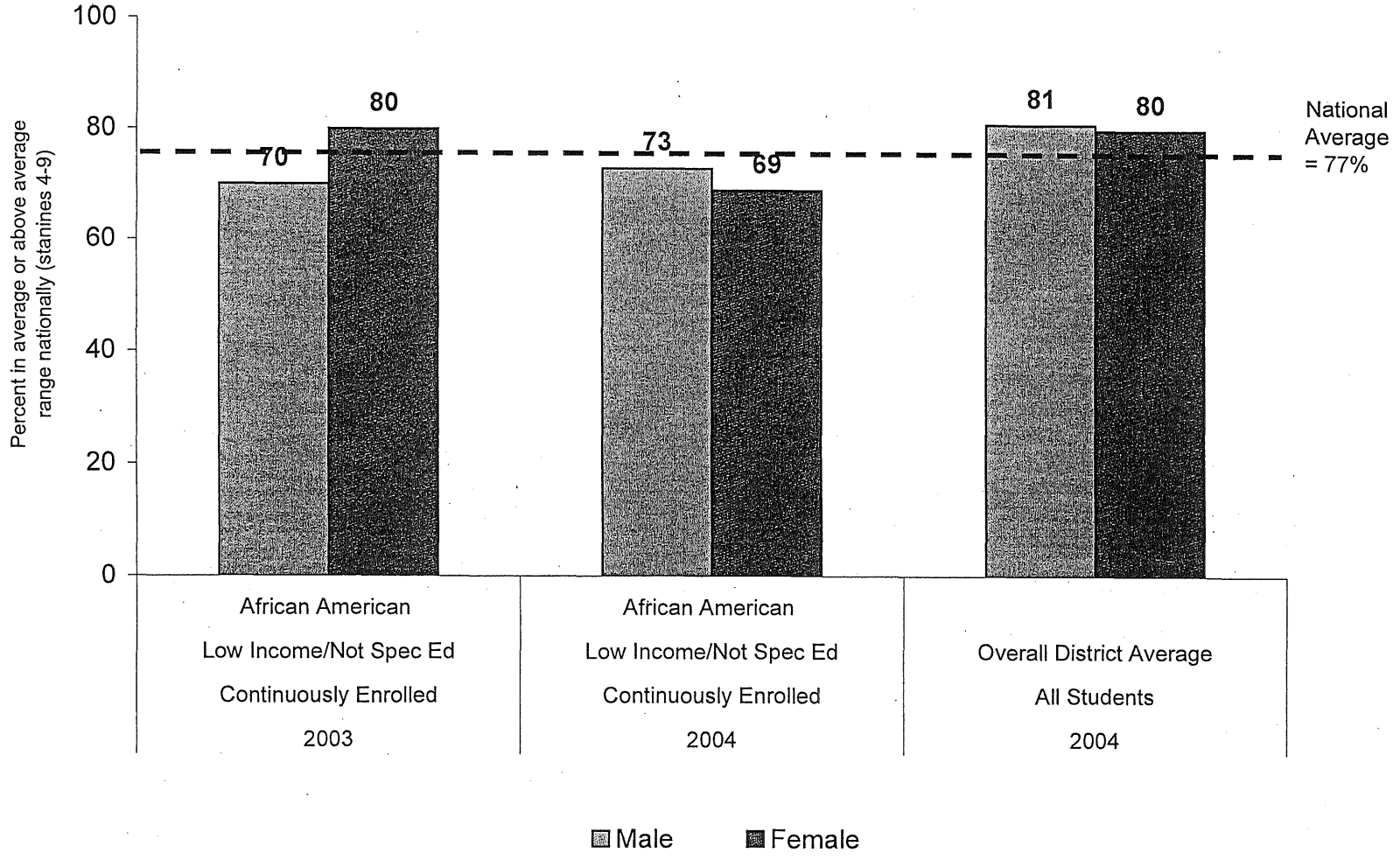
9/8/2004

African American *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Math
Percent in Average or Above Average Range Nationally



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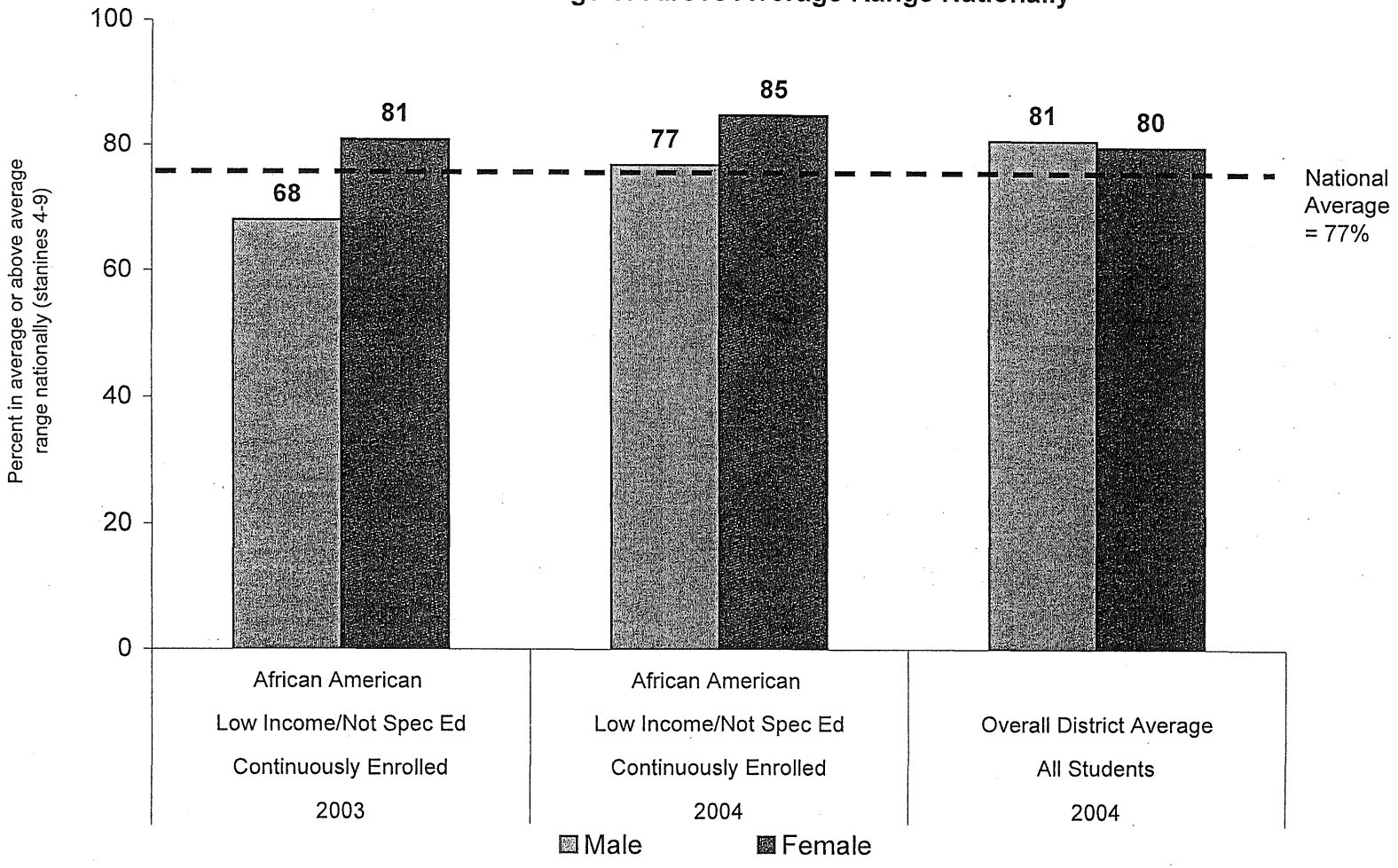
African American *Low Income/ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Math
Percent in Average or Above Average Range Nationally



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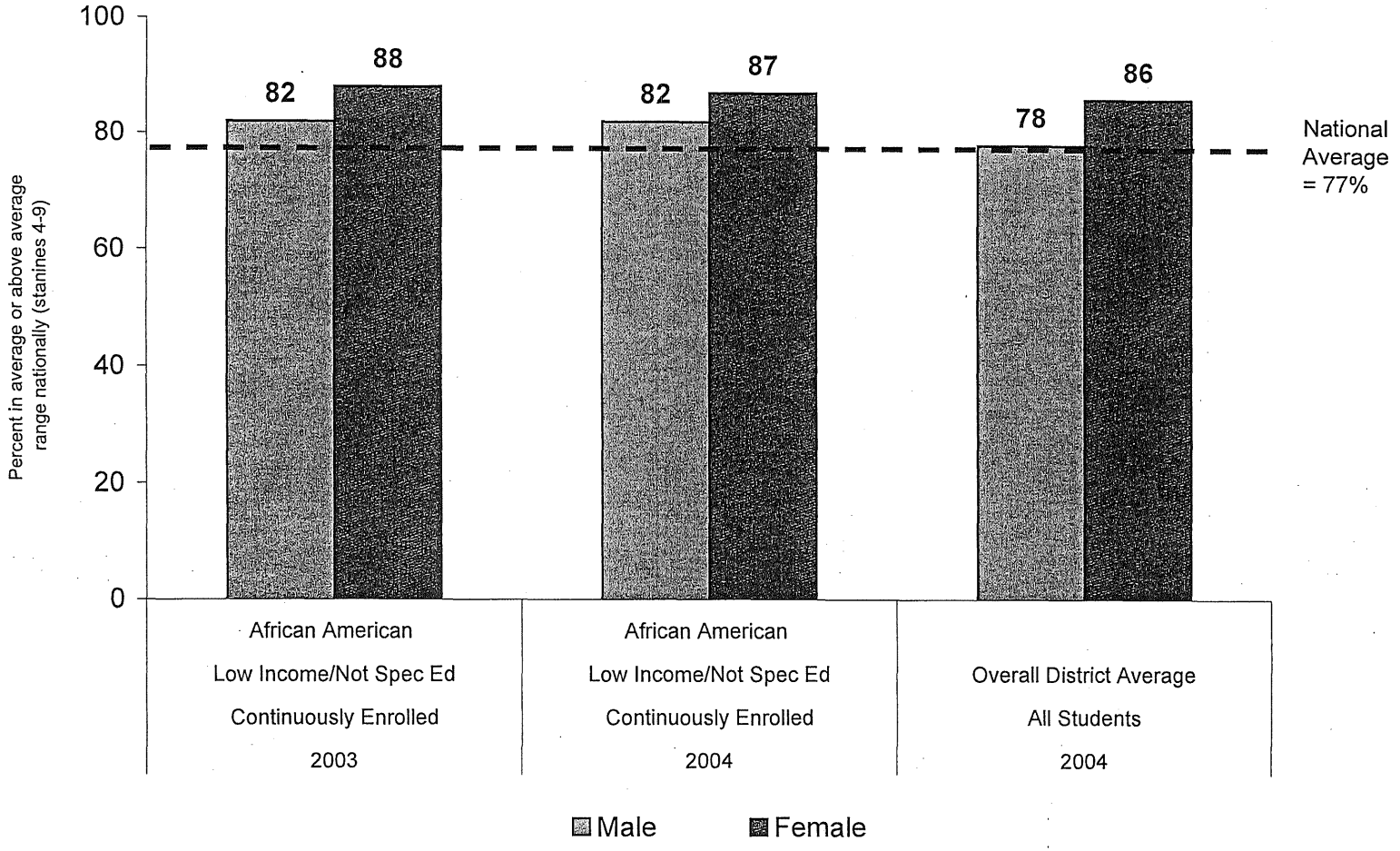
African American *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Language
Percent in Average or Above Average Range Nationally



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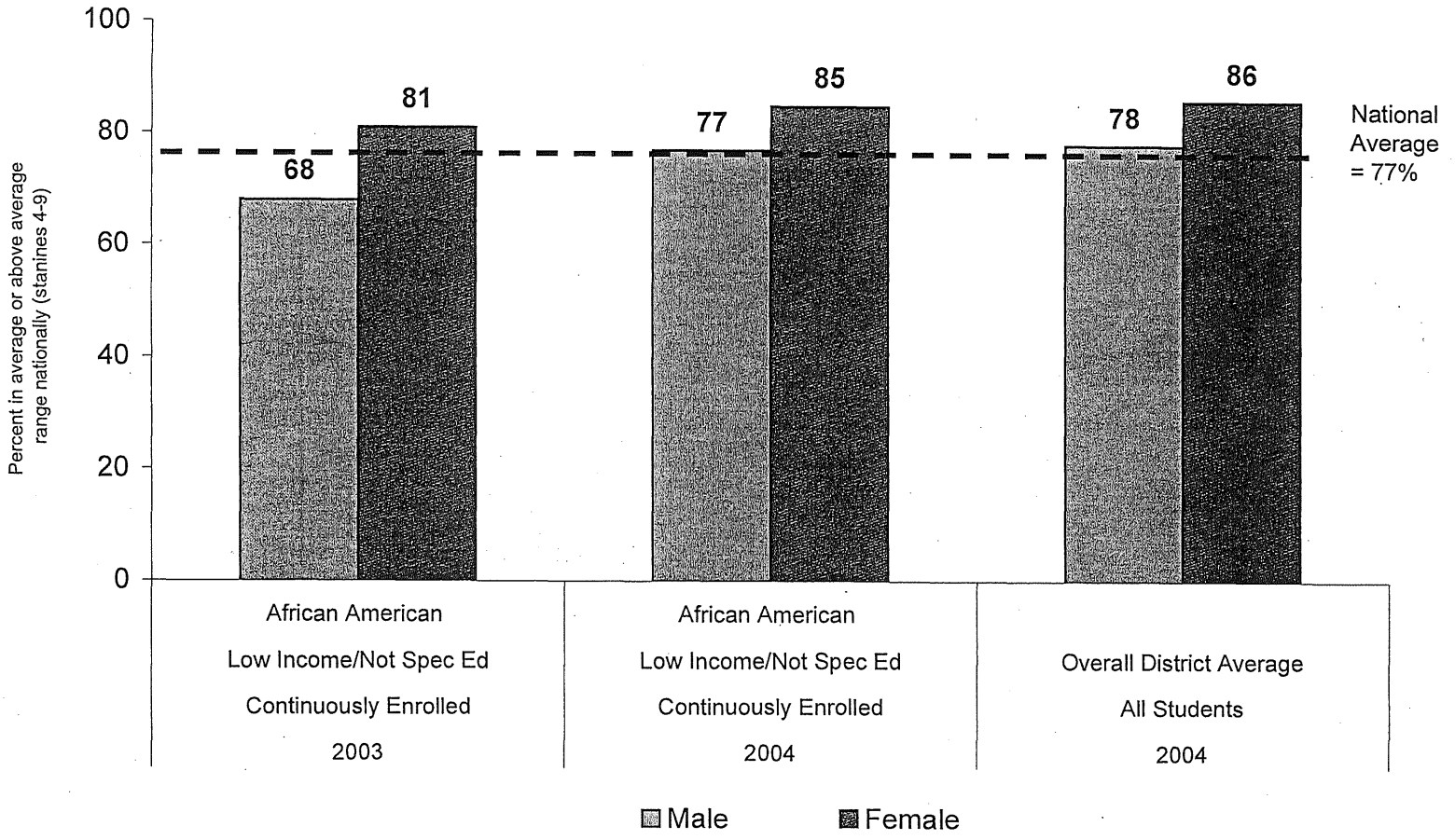
SPPS Office of Research and Development
REA Dept
12/15/2004

African American *Low Income/ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Language
Percent in Average or Above Average Range Nationally



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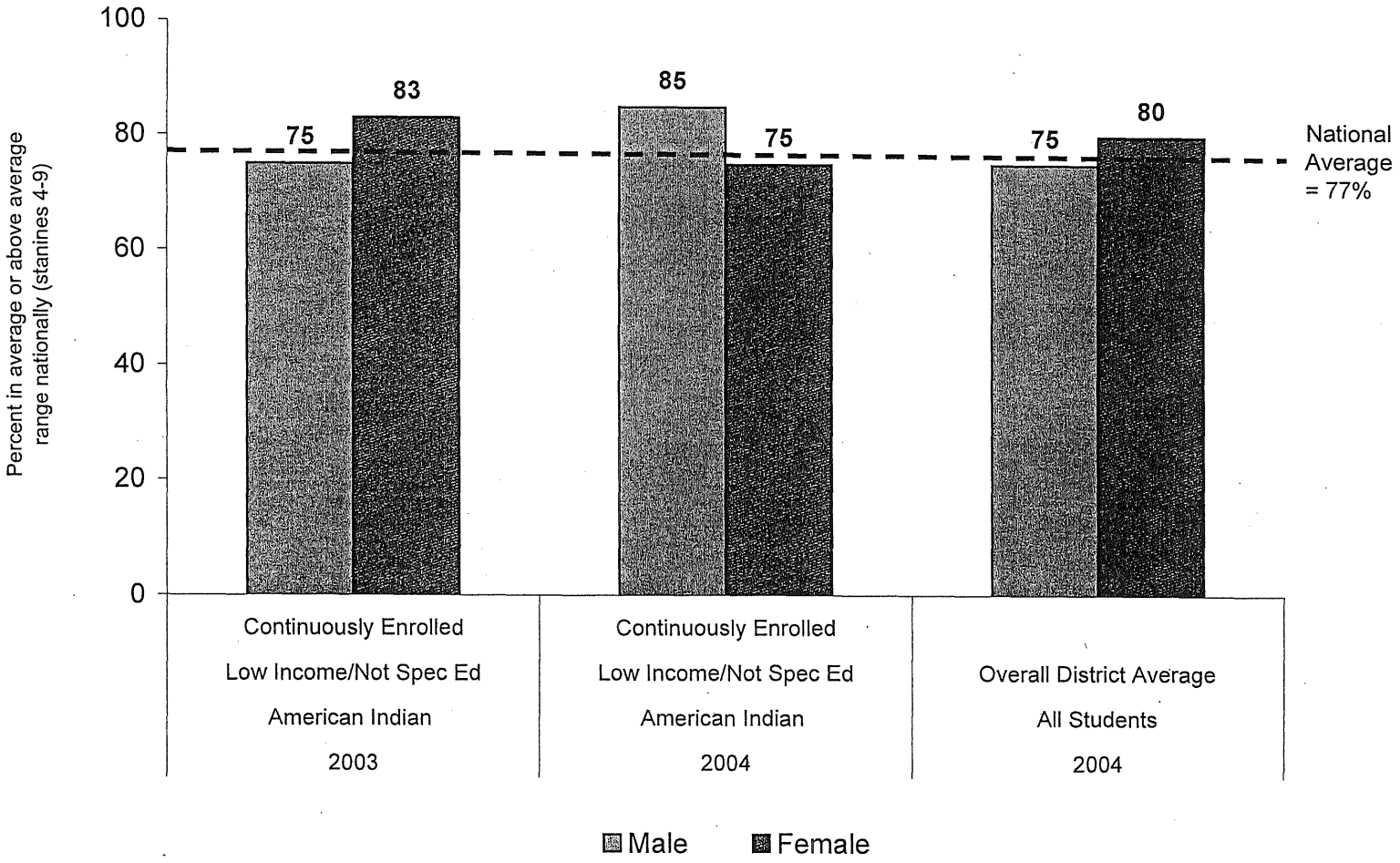
SPPS Office of Research and Development
REA Dept
12/15/2004

American Indian *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading
Percent in Average or Above Average Range Nationally



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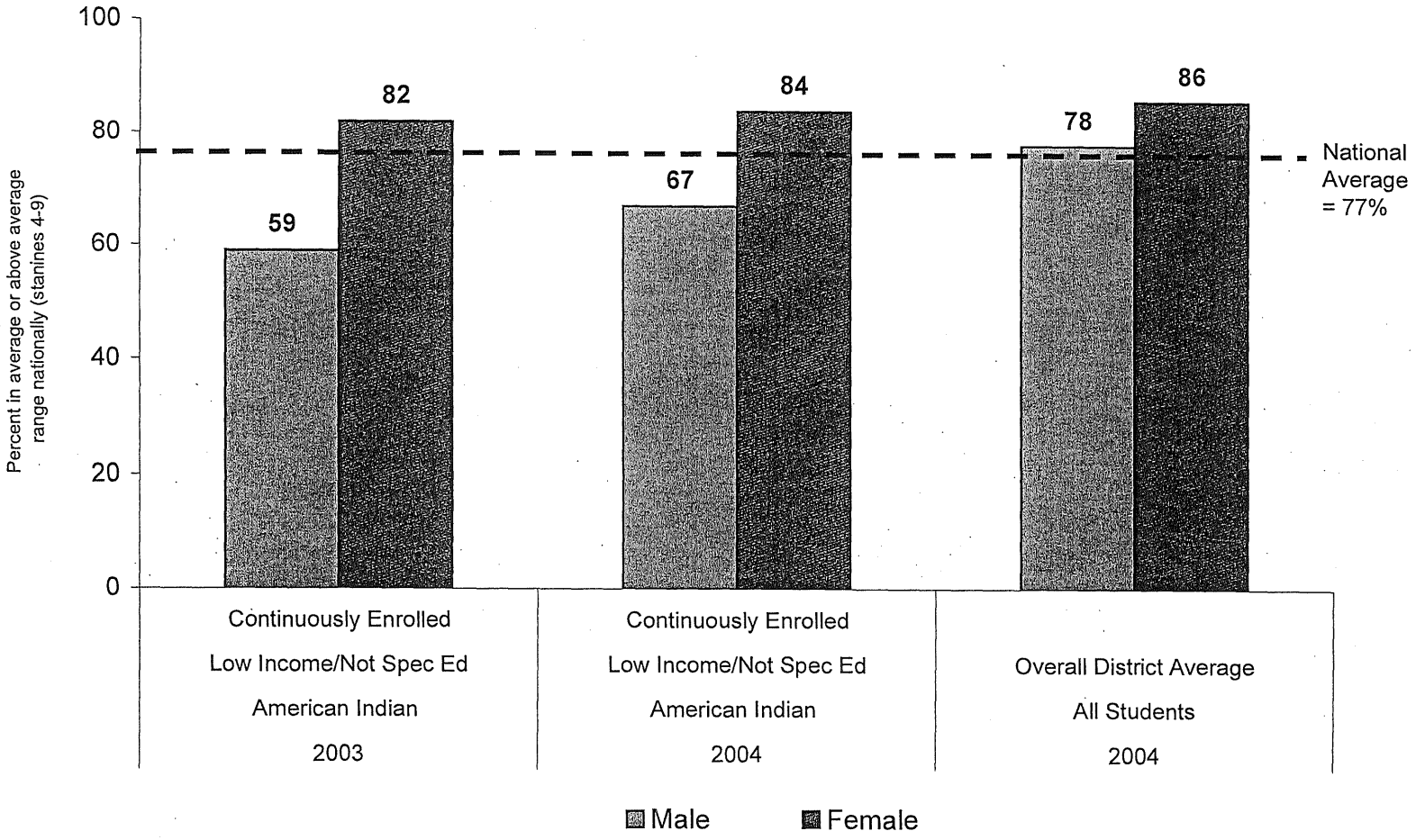
SPPS Office of Research and Development
REA Dept.
9/8/2004

American Indian *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Language Percent in Average or Above Average Range Nationally



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SPPS Office of Research and Development
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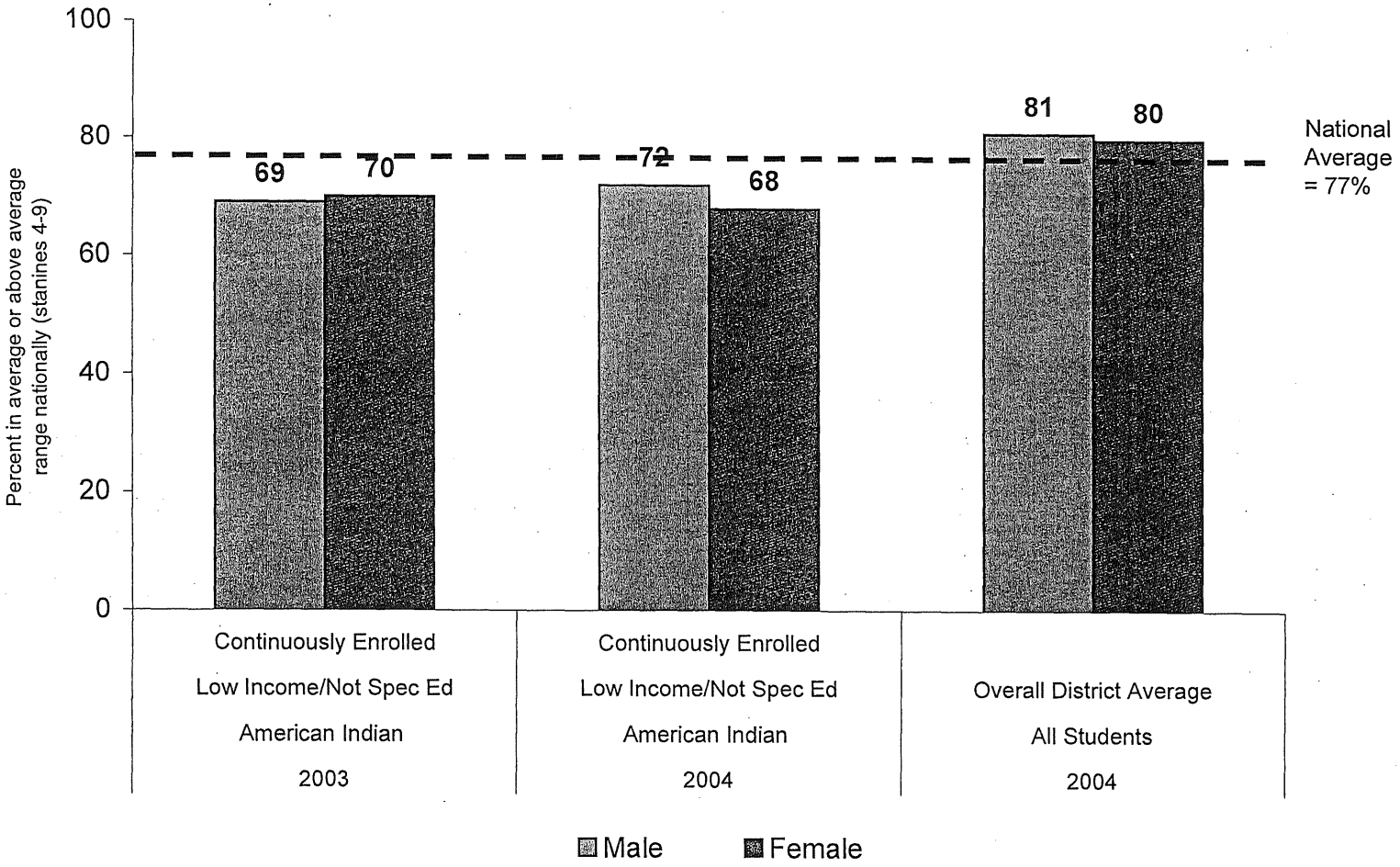
12/15/2004

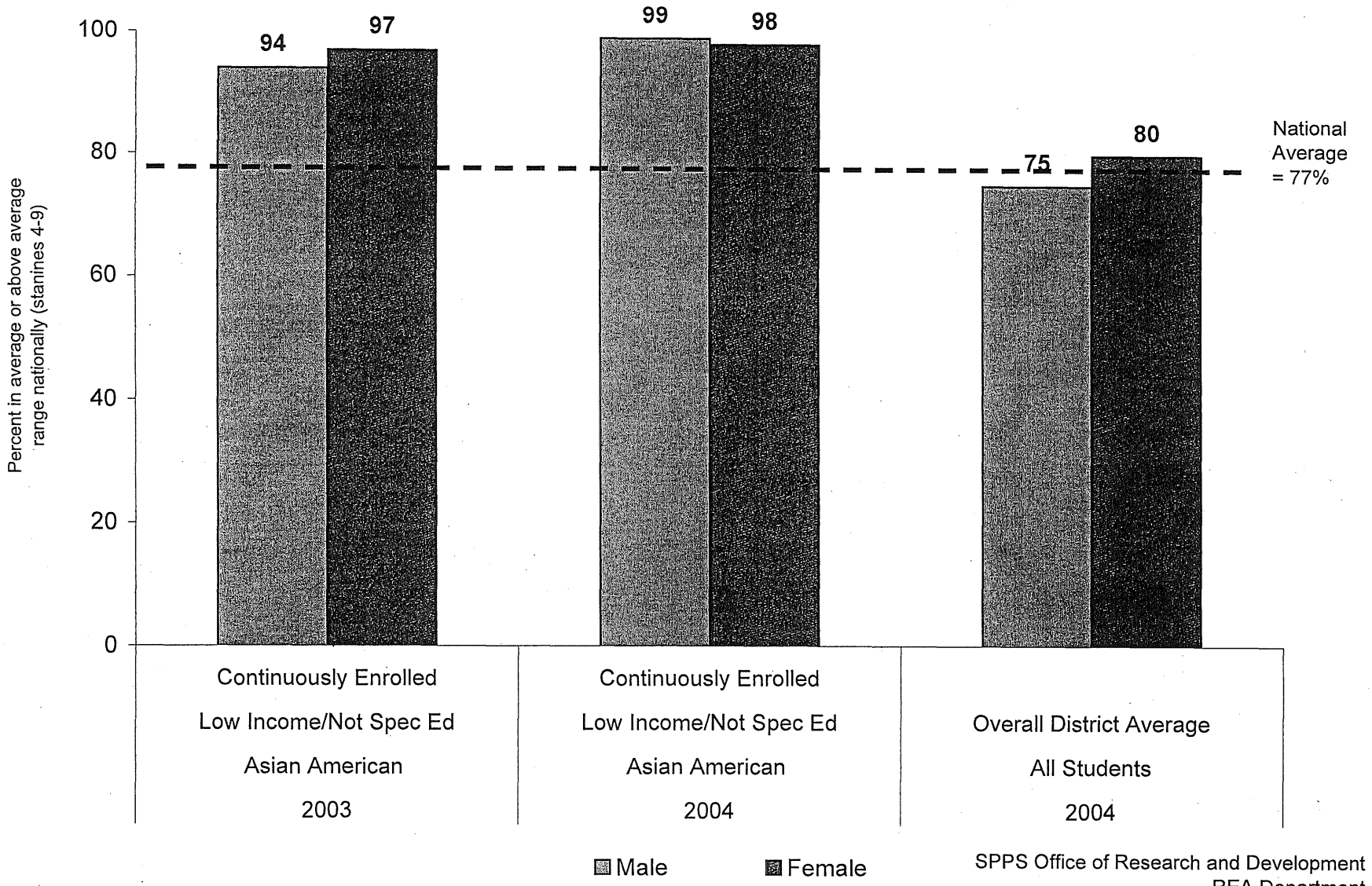
American Indian *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Math
Percent in Average or Above Average Range Nationally



Note: Continuously enrolled students have been in the district over the past three years.

SPPS Office of Research and Development
REA Dept.
10/8/2004

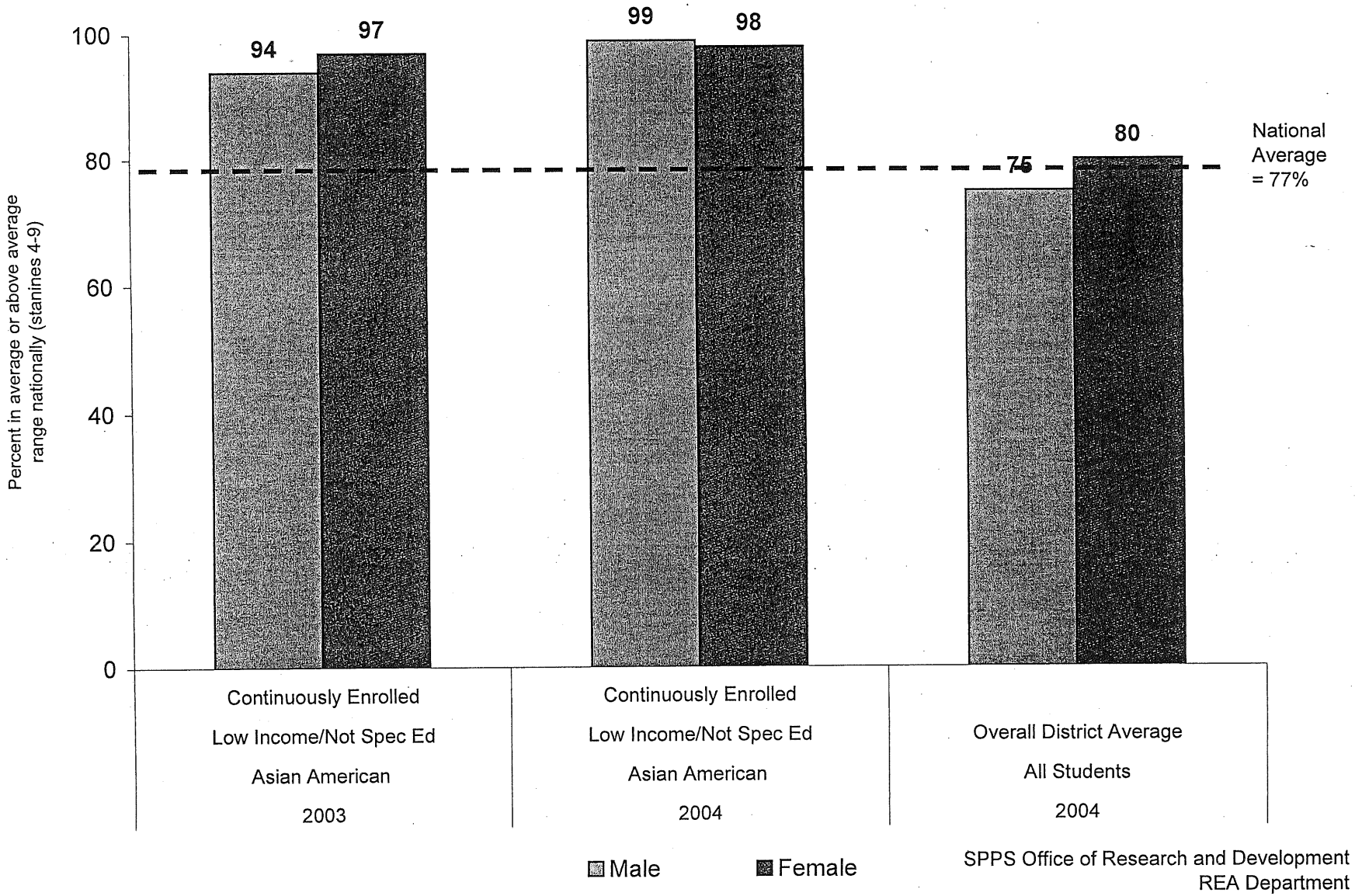
Asian American *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading
Percent in Average or Above Average Range Nationally



Note: Continuously enrolled students have been in the district over the past three years.

SPPS Office of Research and Development
REA Department
9/8/2004

Asian American *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading Percent in Average or Above Average Range Nationally



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12/15/2004

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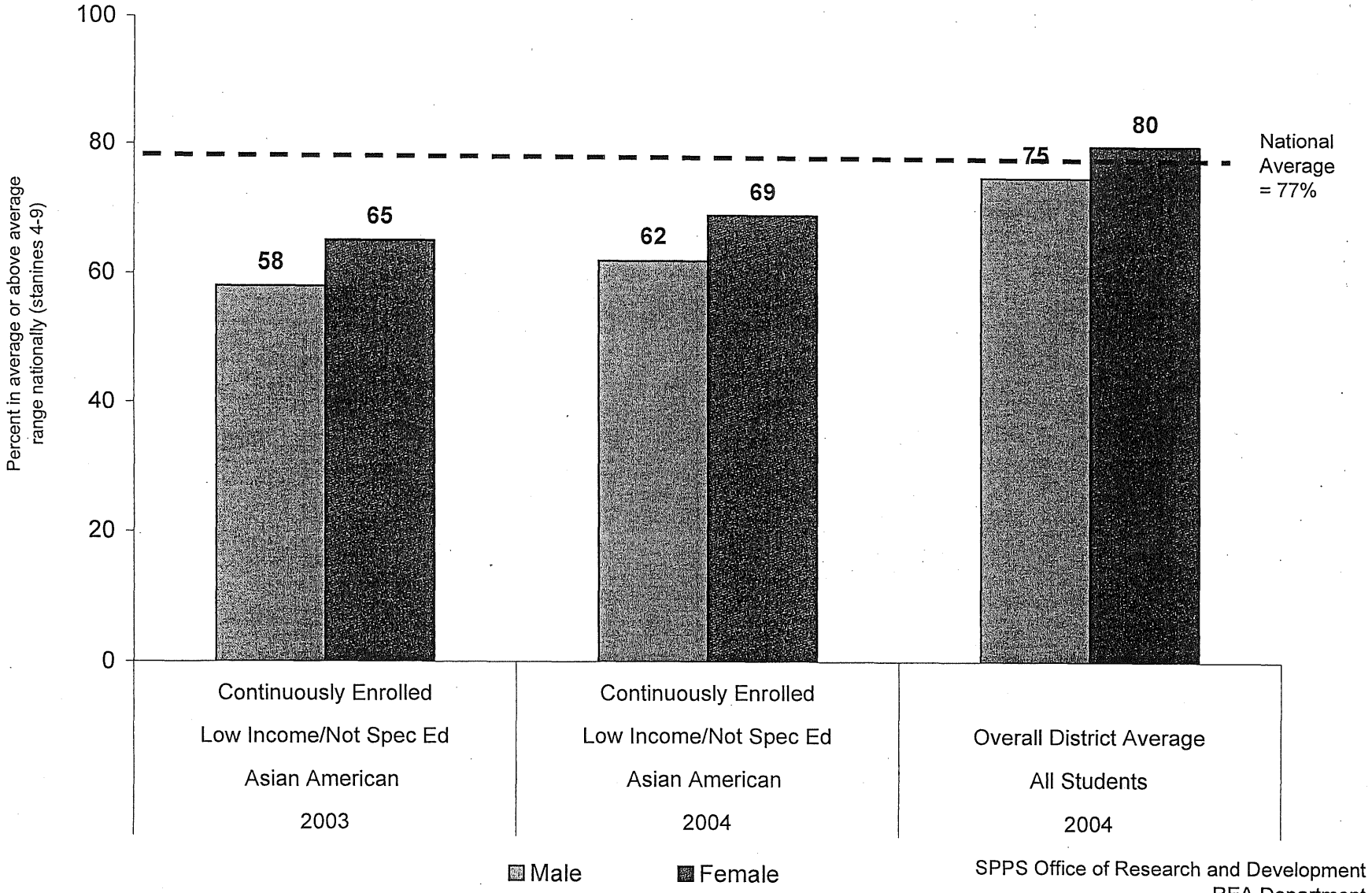
Asian American *Low Income/ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading
Percent in Average or Above Average Range Nationally



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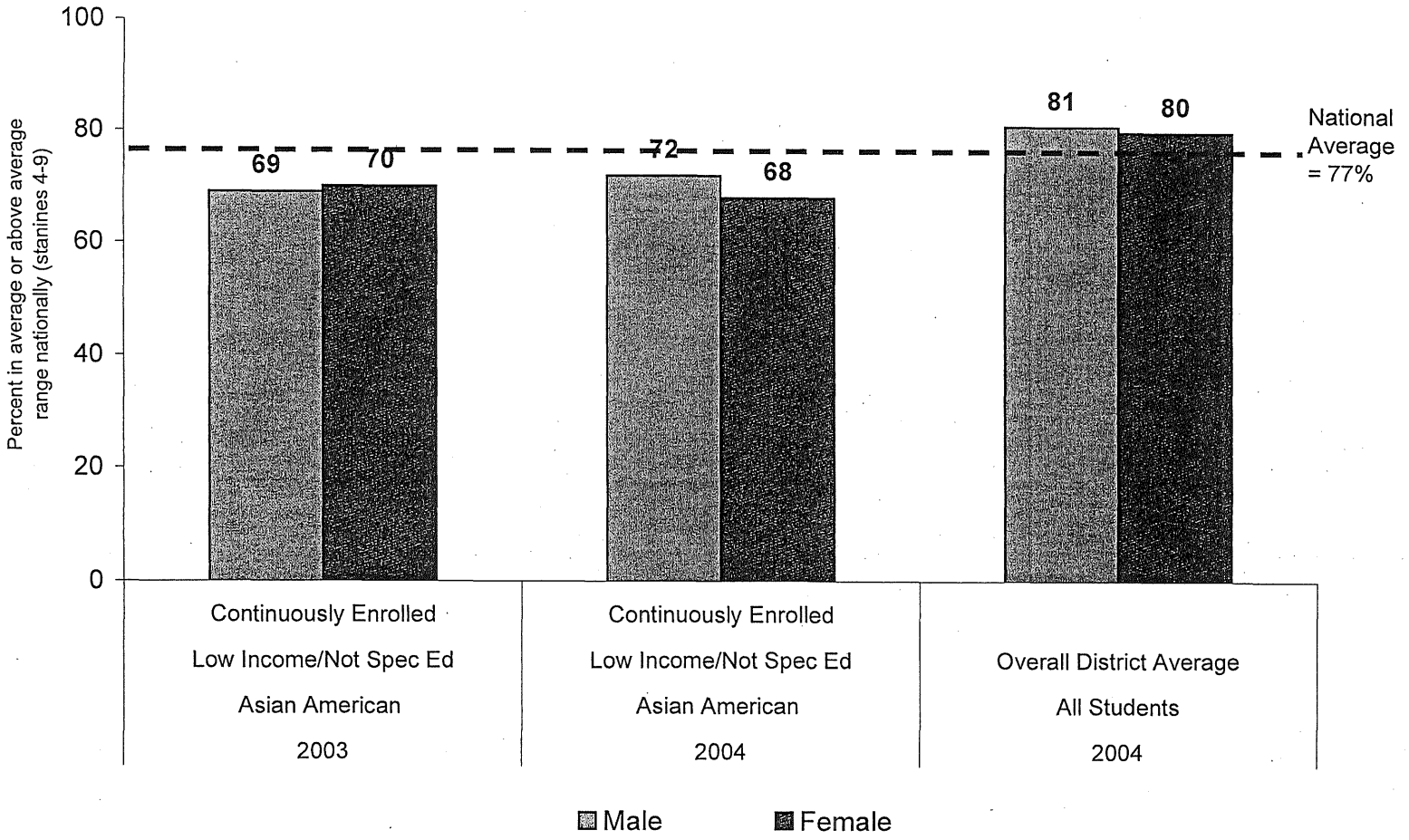

SPPS Office of Research and Development
REA Department
10/8/2004

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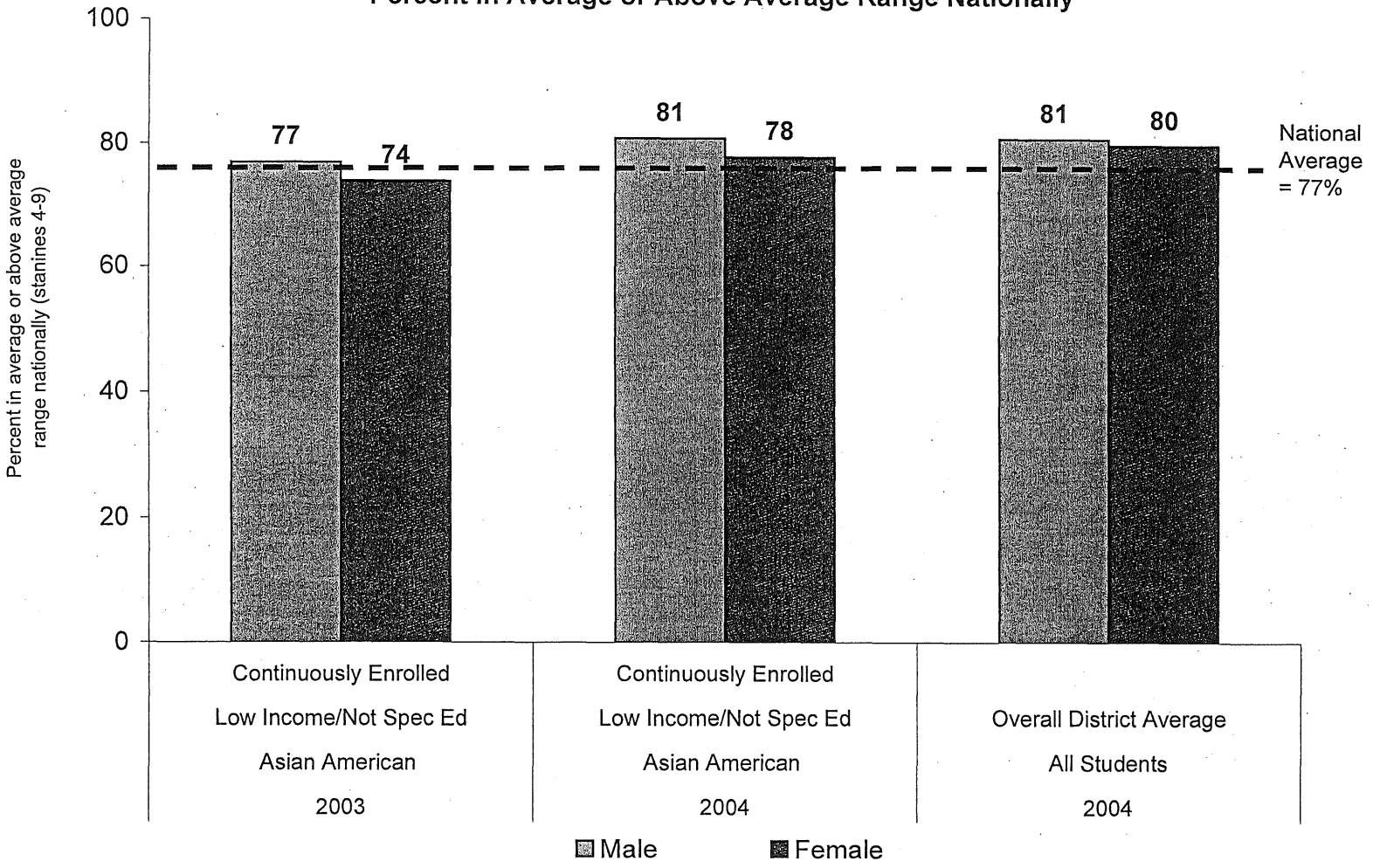

SPPS Office of Research and Development
REA Department
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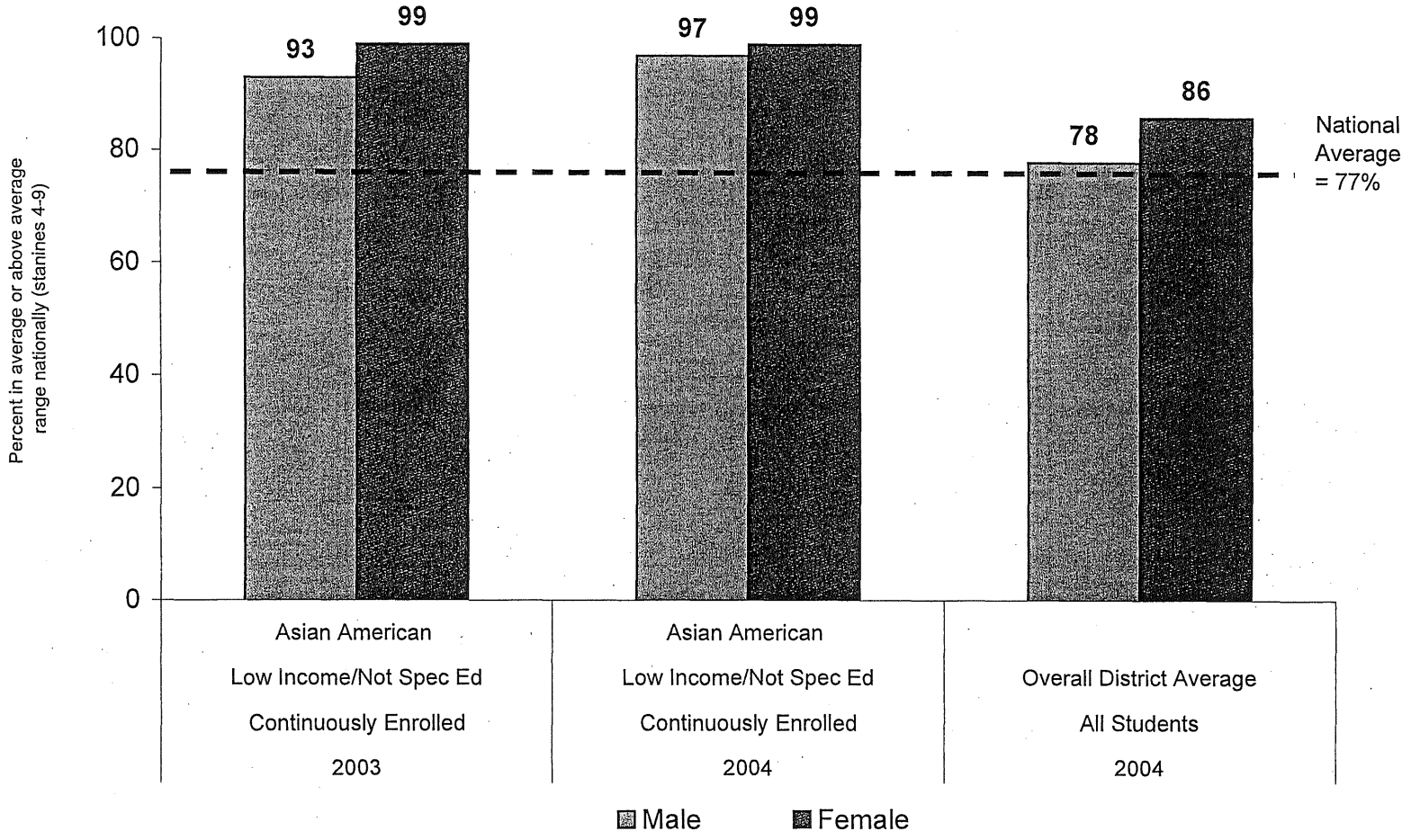

SPPS Office of Research and Development
REA Dept.
12/15/2004

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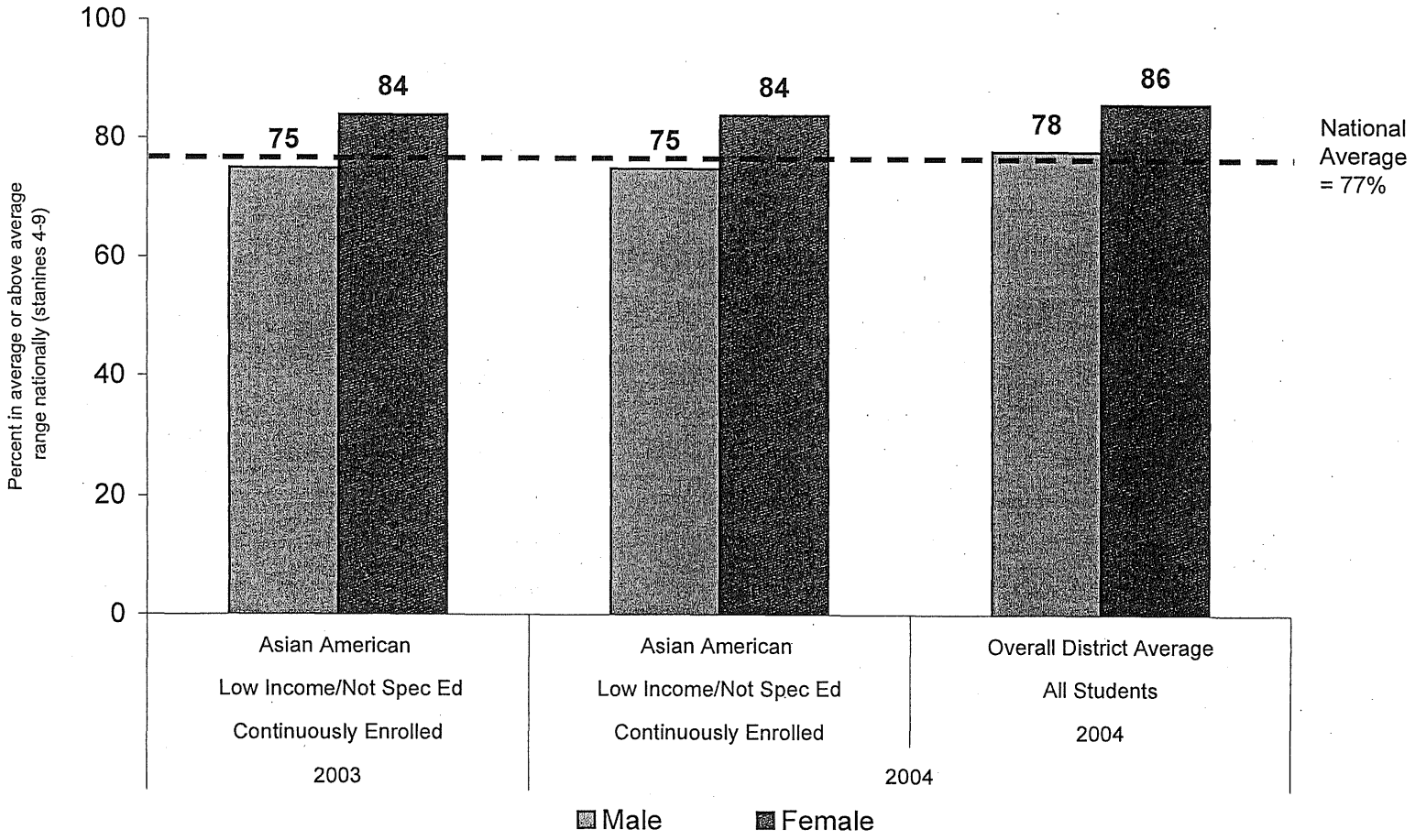

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SPPS Office of Research and Development
REA Dept.
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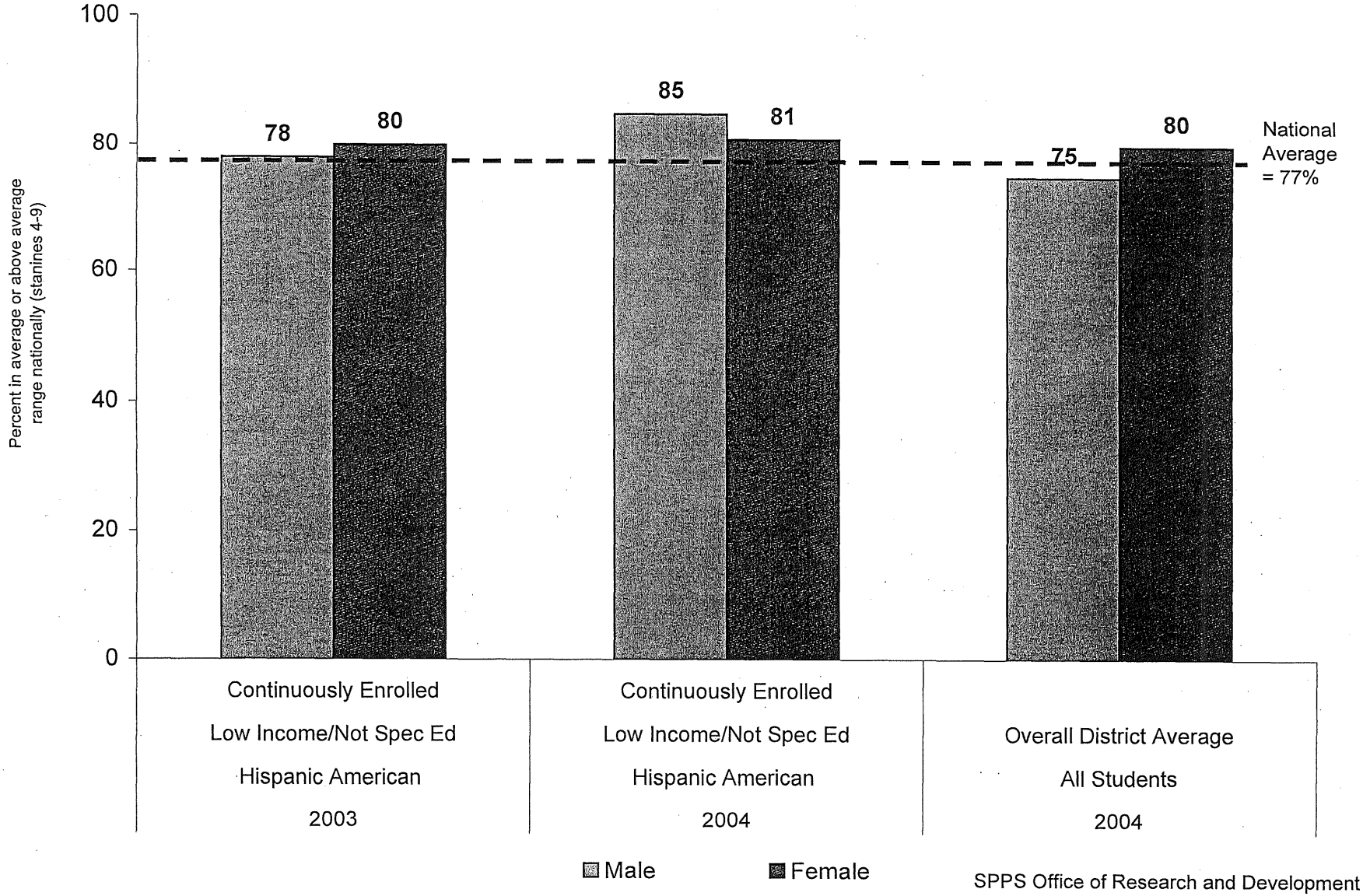
Hispanic American *Low Income/Non-ELL* Students Compared to All Students in SPPS on the 2003 & 2004 SAT10 Reading Percent in Average or Above Average Range Nationally



SPPS Office of Research and Development
REA Department
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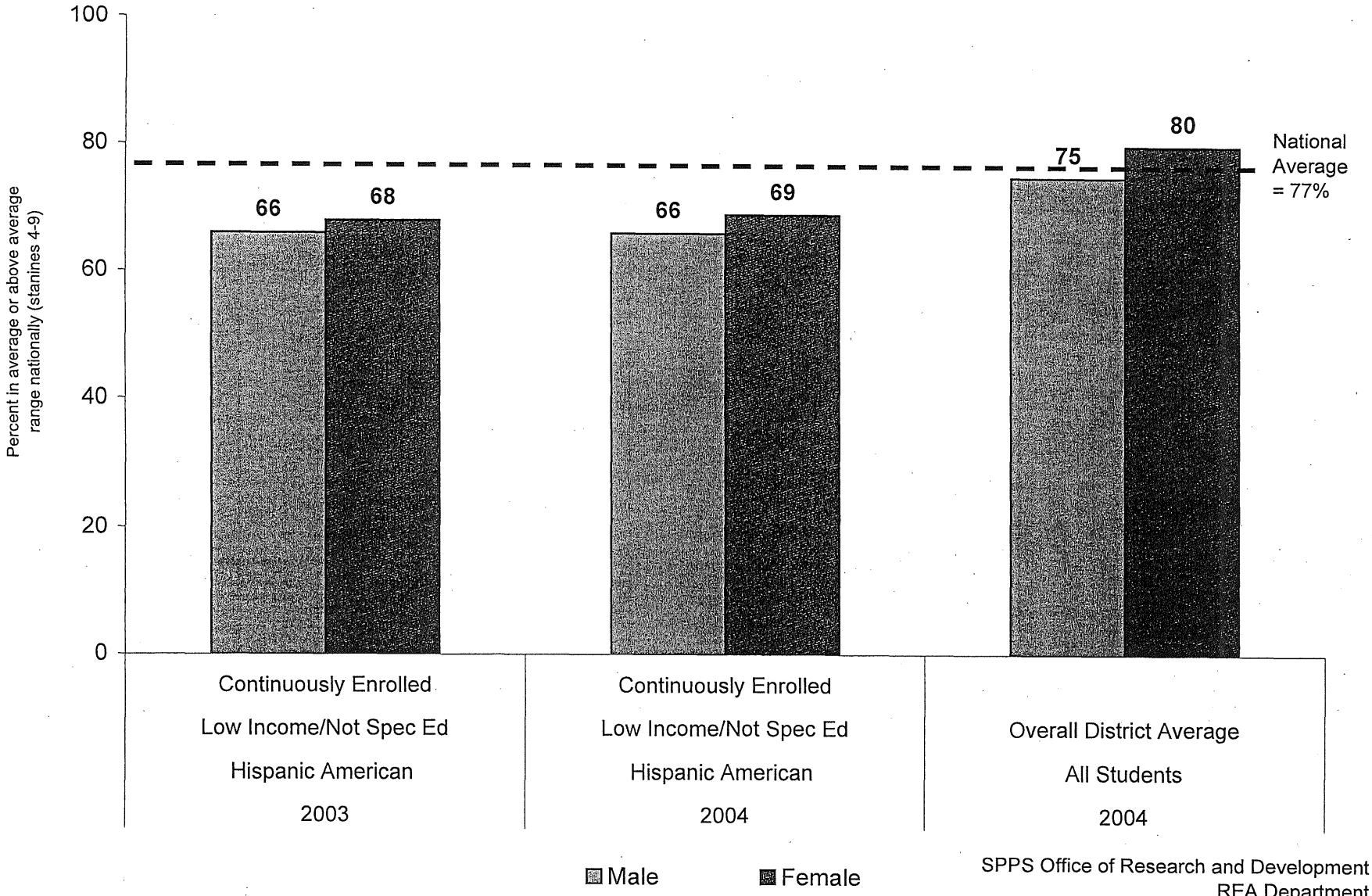

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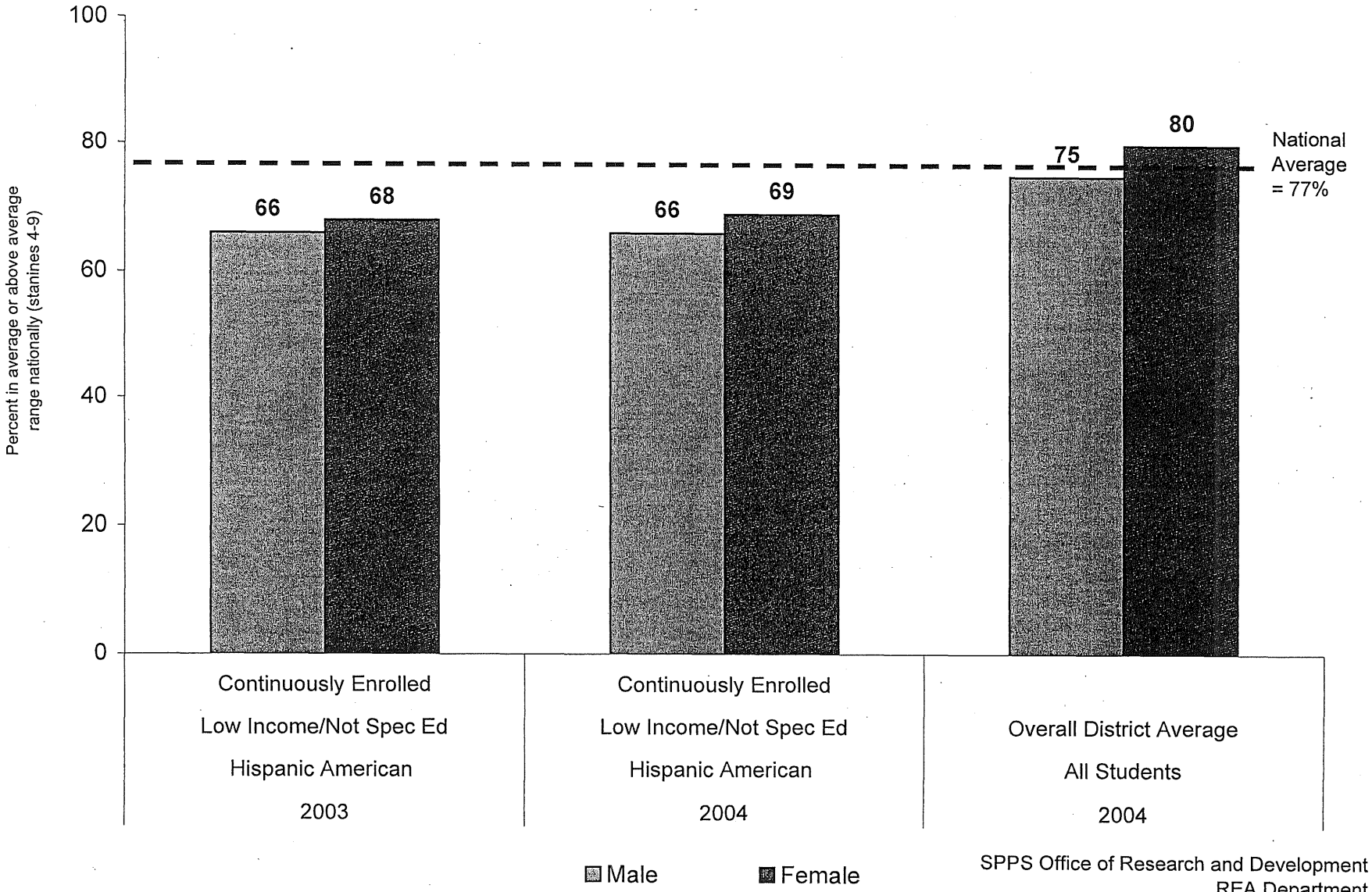

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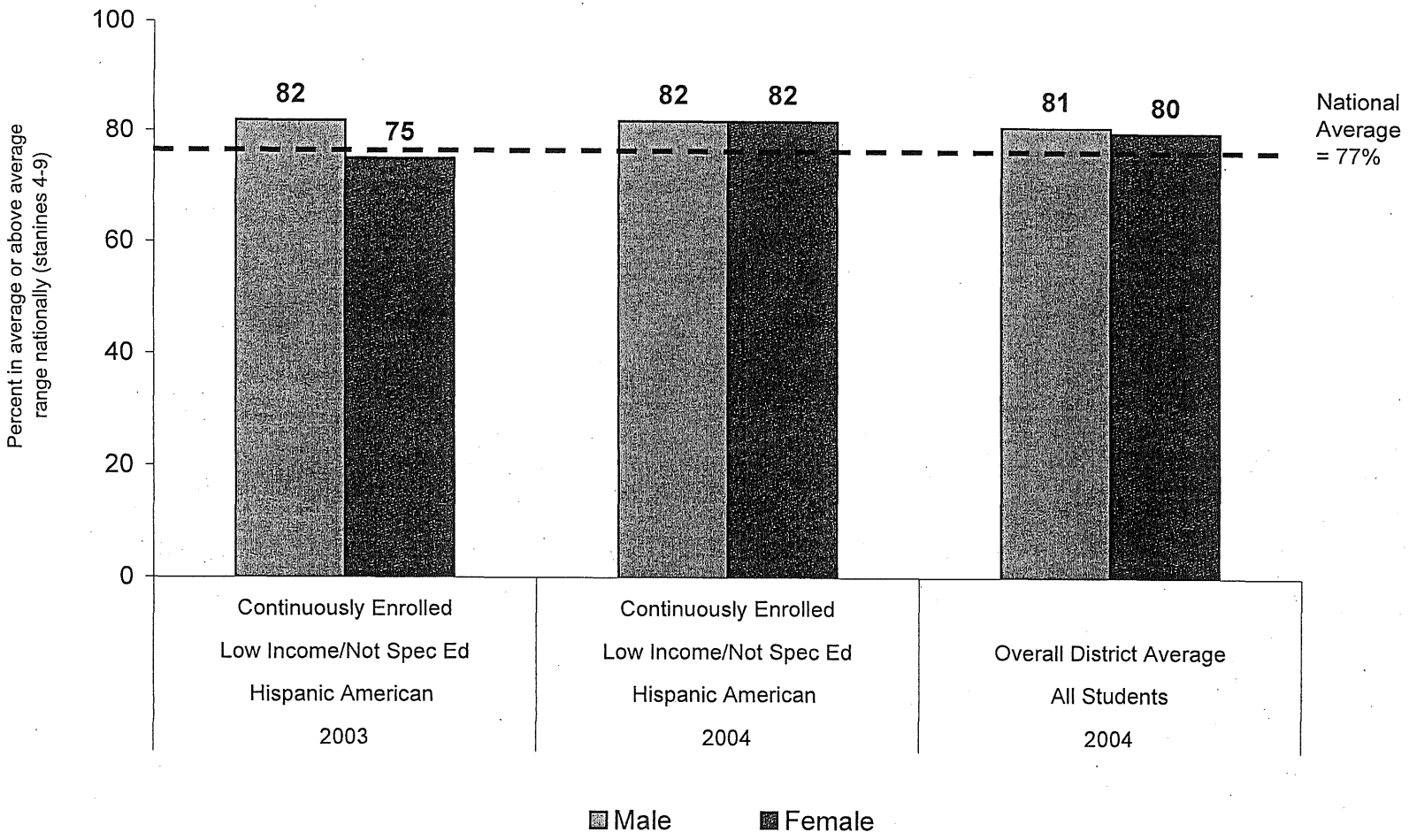

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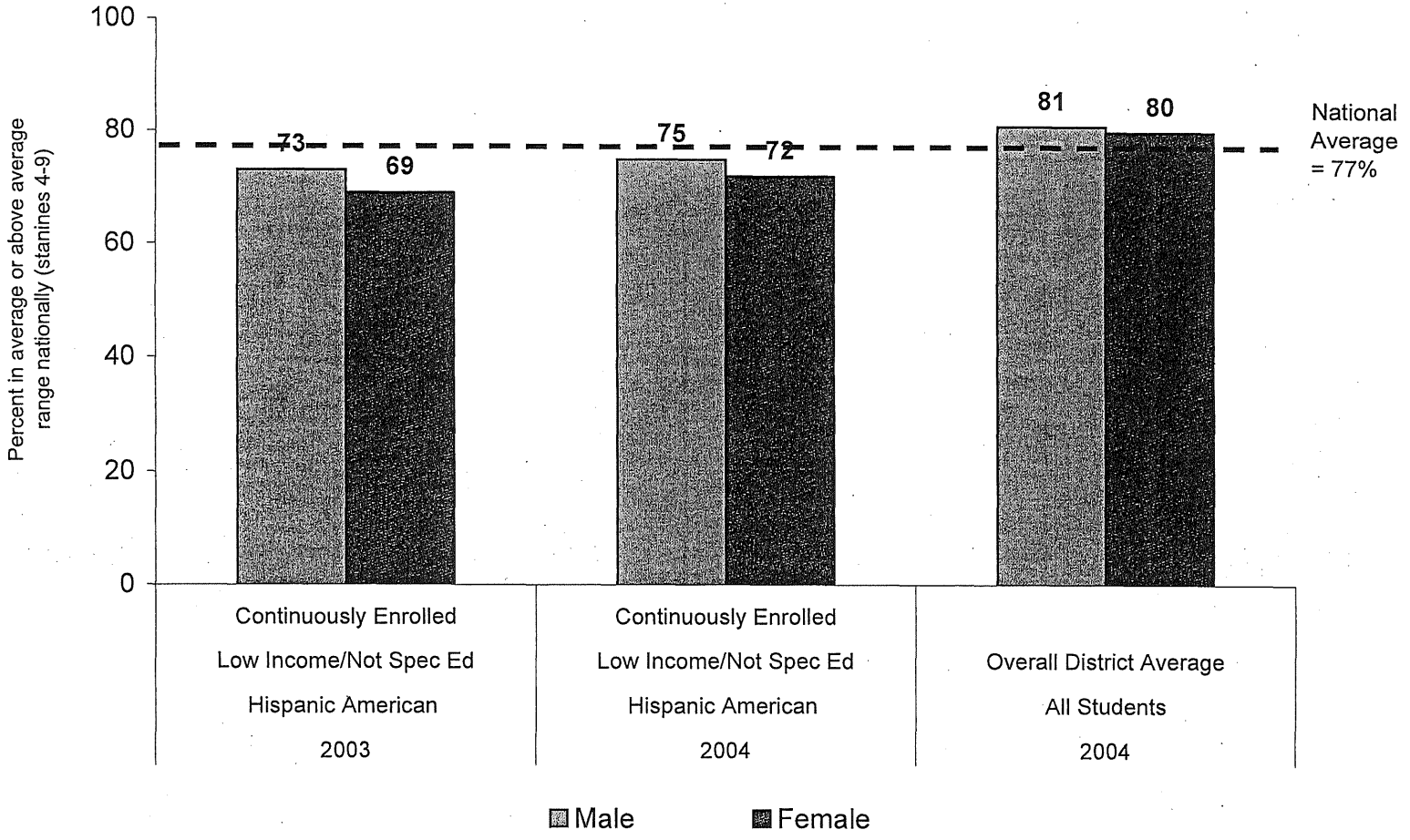

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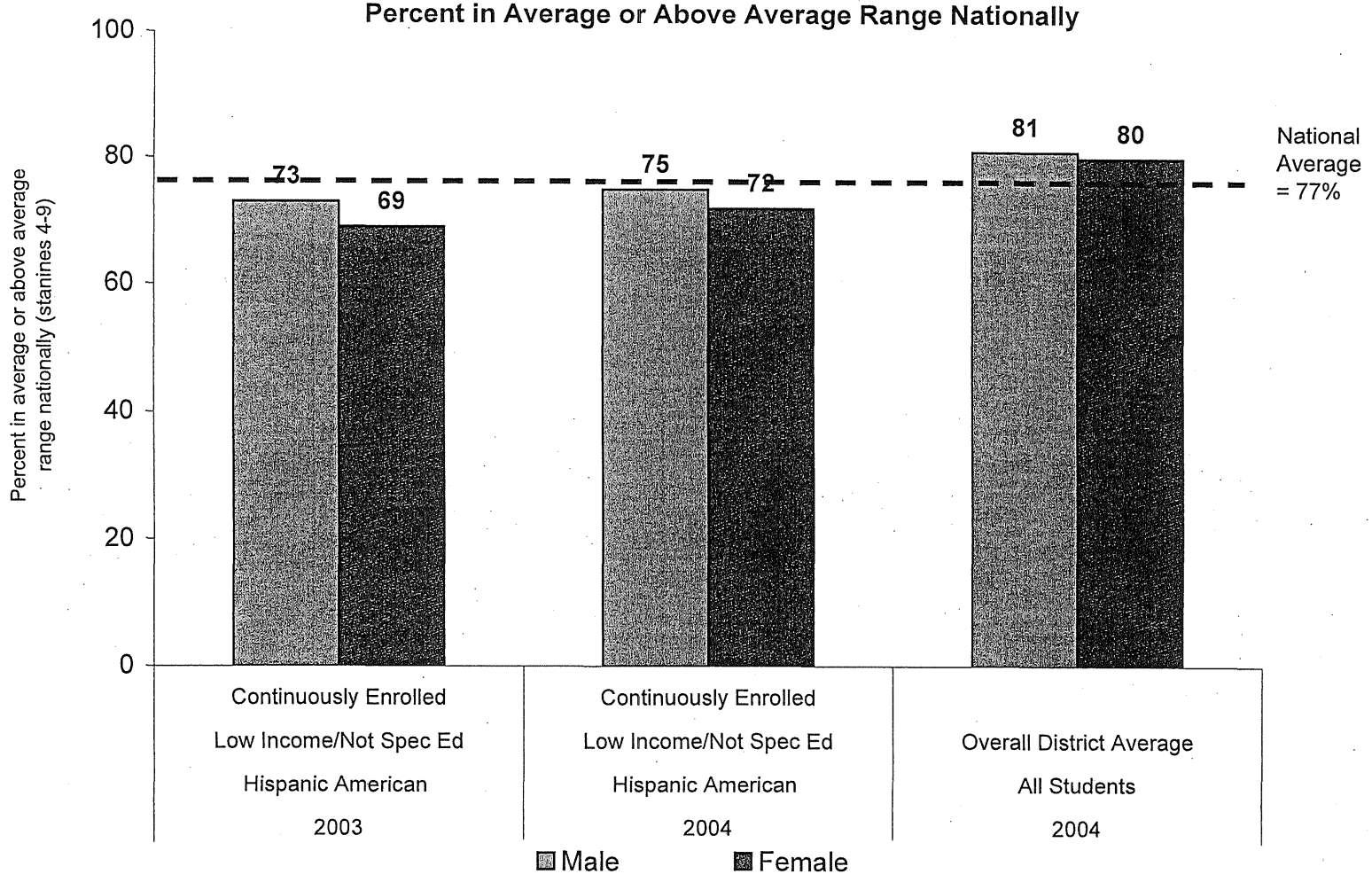

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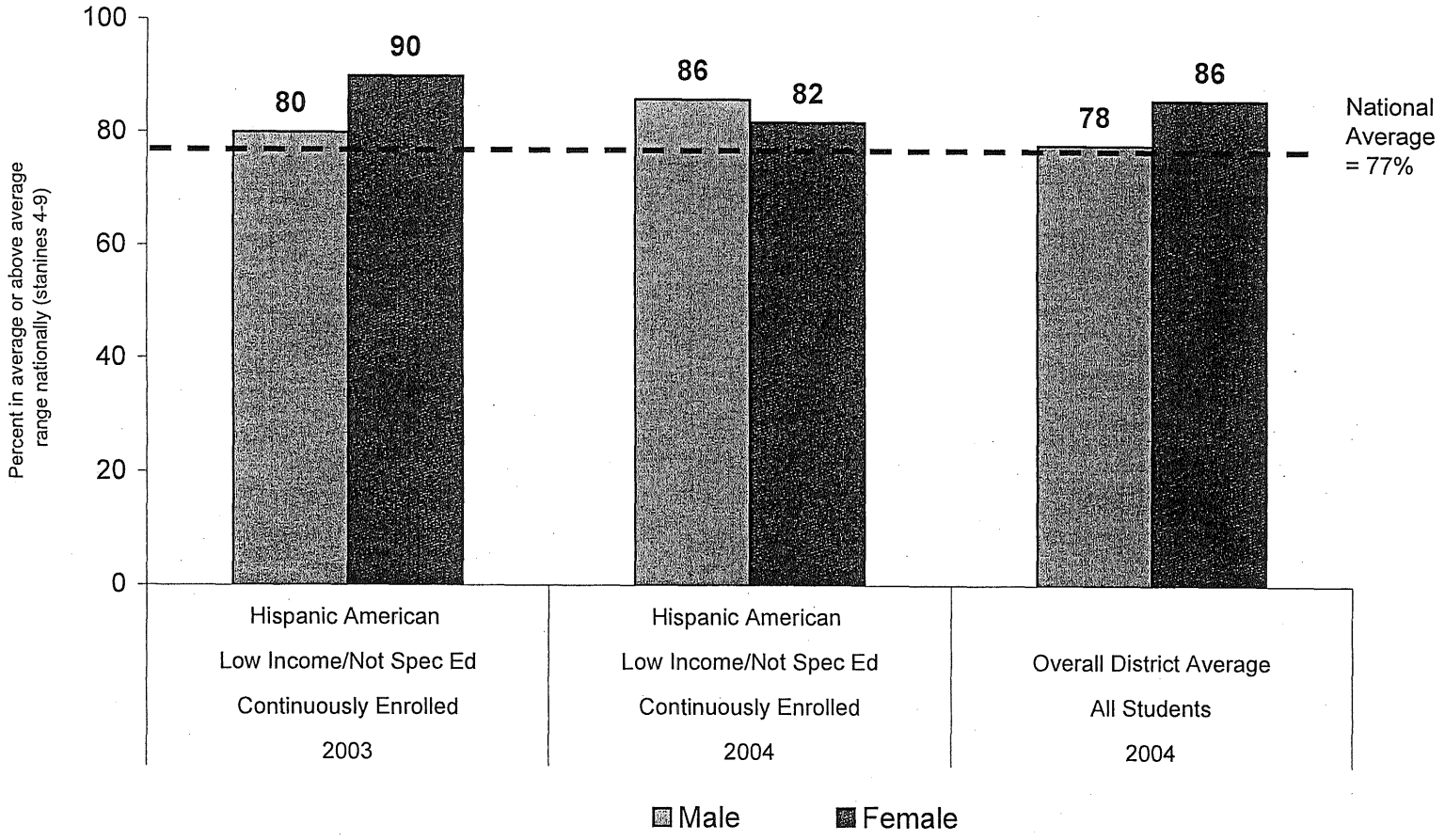

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SPPS Office of Research and Development
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12/15/2004

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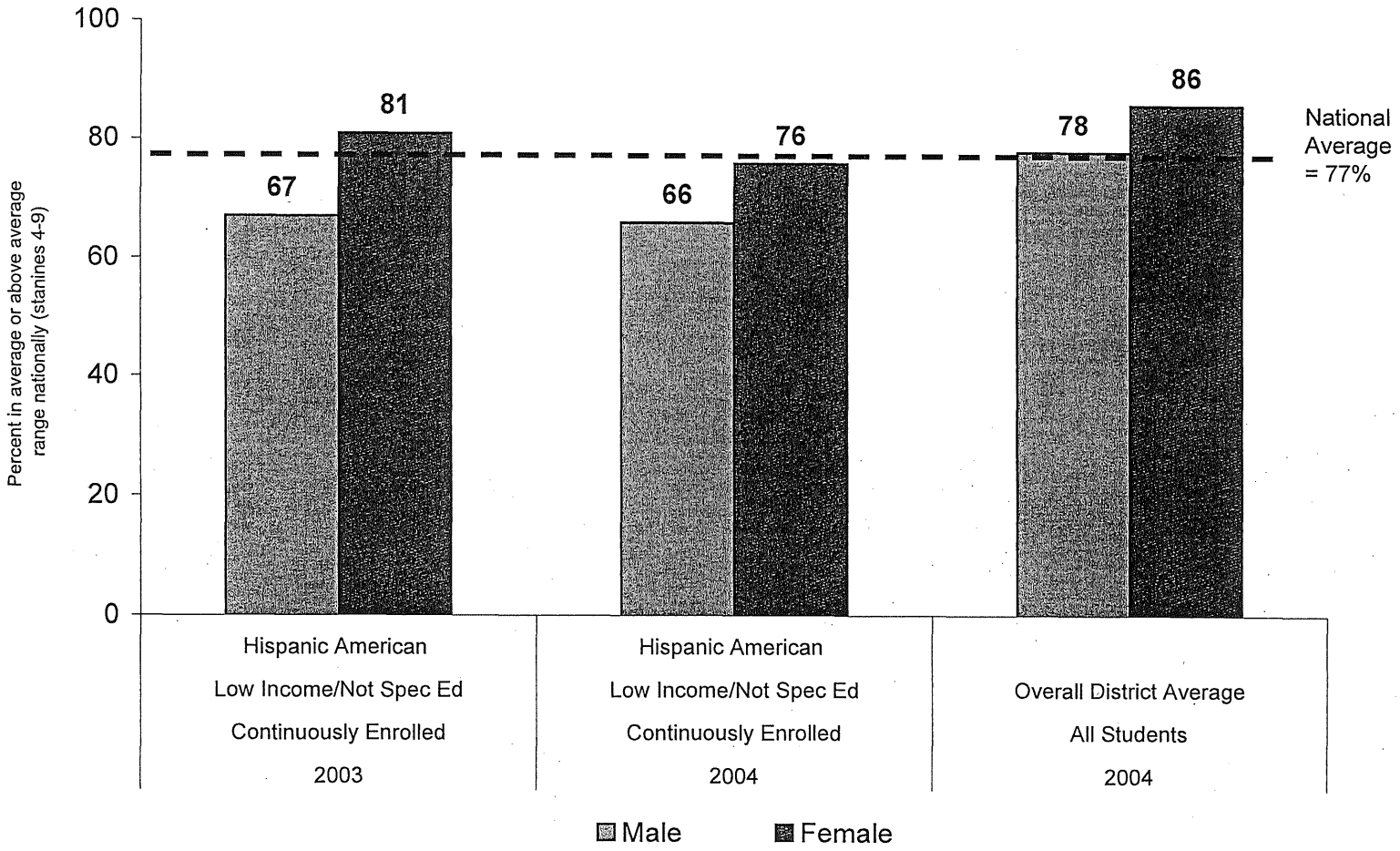

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Saint Paul Public Schools: A NETWORKED SYSTEM OF SCHOOLS

In six short years, Saint Paul Public Schools has transformed itself from a top-down, one-size-fits-all school organization, to a system of schools and programs that has the flexibility to represent the best interests of its constituents. SPPS has turned the traditional definition of reform upside down by providing a centralized framework that provides support to teachers and principals so that they can deliver educational services more efficiently and effectively at the building level.

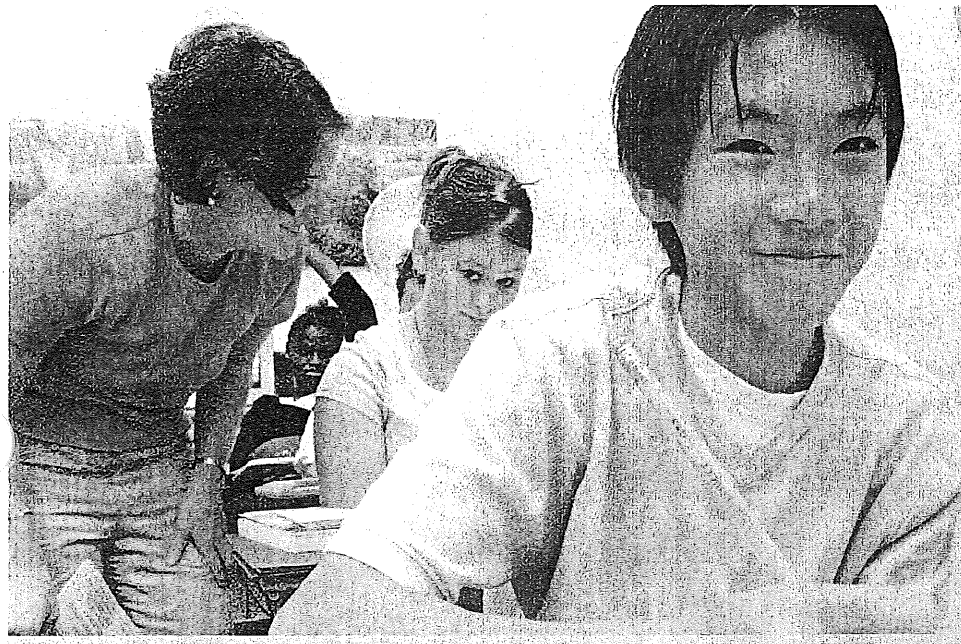
Making organizational change one of her top priorities, Superintendent Patricia Harvey has decentralized decision-making authority and responsibility to the sites by converting the district's single "school system" into a networked "system of schools."

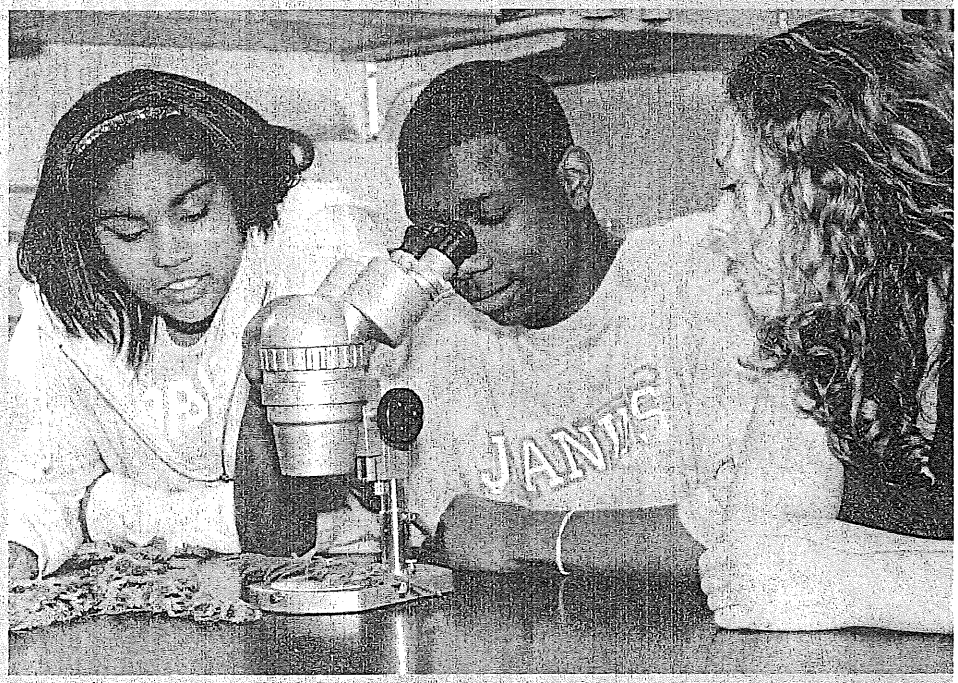
Developing effective building-level leadership both with members of school site councils and with principals and teachers allowed the district's site-based management direction to take hold quickly throughout the district. Site councils, made up of teachers, principals and community partners, now make decisions on how to spend their allocations and how to staff their buildings—unheard of tactics in a traditional school system.

Saint Paul Public Schools
360 Colborne Street
Saint Paul, MN 55102-3299

Telephone: (651) 767-8110
Web site: www.spps.org

Saint Paul Public Schools	vs.	Traditional School System
POLICY DECISIONS		
SHARED DECISION MAKING		TOP DOWN DECISION MAKING
Central Office Support: Community Input; Task Forces; Community Meetings		
PRINCIPAL SELECTION		
CHOSEN BY SITE COUNCIL		APPOINTED BY CENTRAL OFFICE
Central Office Support: Leadership Institute; On-going Leadership Development Opportunities; Site Council Training		
STAFF SELECTION		
DETERMINED BY PRINCIPAL		ASSIGNED BY CENTRAL OFFICE
Central Office Support: Project for Academic Excellence; Small Learning Communities; Middle School Initiatives		
BUDGETING		
DECISIONS SHARED WITH SITE COUNCILS		CENTRAL OFFICE MAKES ALL BUDGET DECISIONS
Central Office Support: Accountants Assigned to Each School; On-going Planning and Budget Training for Principals and Site Councils		
CAPITAL IMPROVEMENTS		
SITE COUNCILS SUBMIT APPLICATIONS		CENTRAL OFFICE MAKES DECISIONS
Central Office Support: Citizens Committee Reviews and Recommends; Professional Design Assistance		
SCHOOL CHOICE		
PARENTS CHOOSE		CENTRAL OFFICE ASSIGNS STUDENTS TO SCHOOLS
Central Office Support: Parent Information Fair; Communications/Marketing Specialists Assigned to Schools; School Choices and Services Catalog; Multi-Language Support; Centralized Enrollment Services		





1999–2005

Journey to a World of Opportunities

Saint Paul

SAINT PAUL PUBLIC SCHOOLS

Superintendent

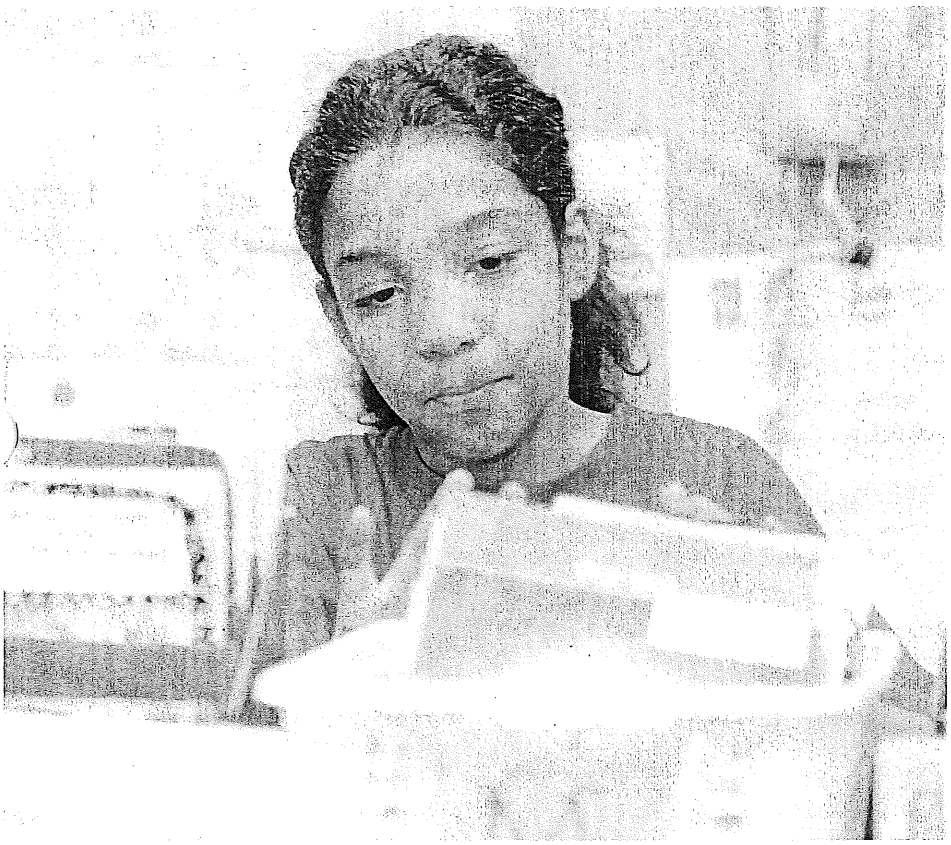
Patricia A. Harvey

2004 Board of Education

Toni Carter, Chair • Elona Street-Stewart, Vice Chair

John Brodrick, Clerk • Kazoua Kong-Thao, Treasurer

Anne Carroll, Director • Tom Conlon, Director • Al Oertwig, Director



The Journey So Far

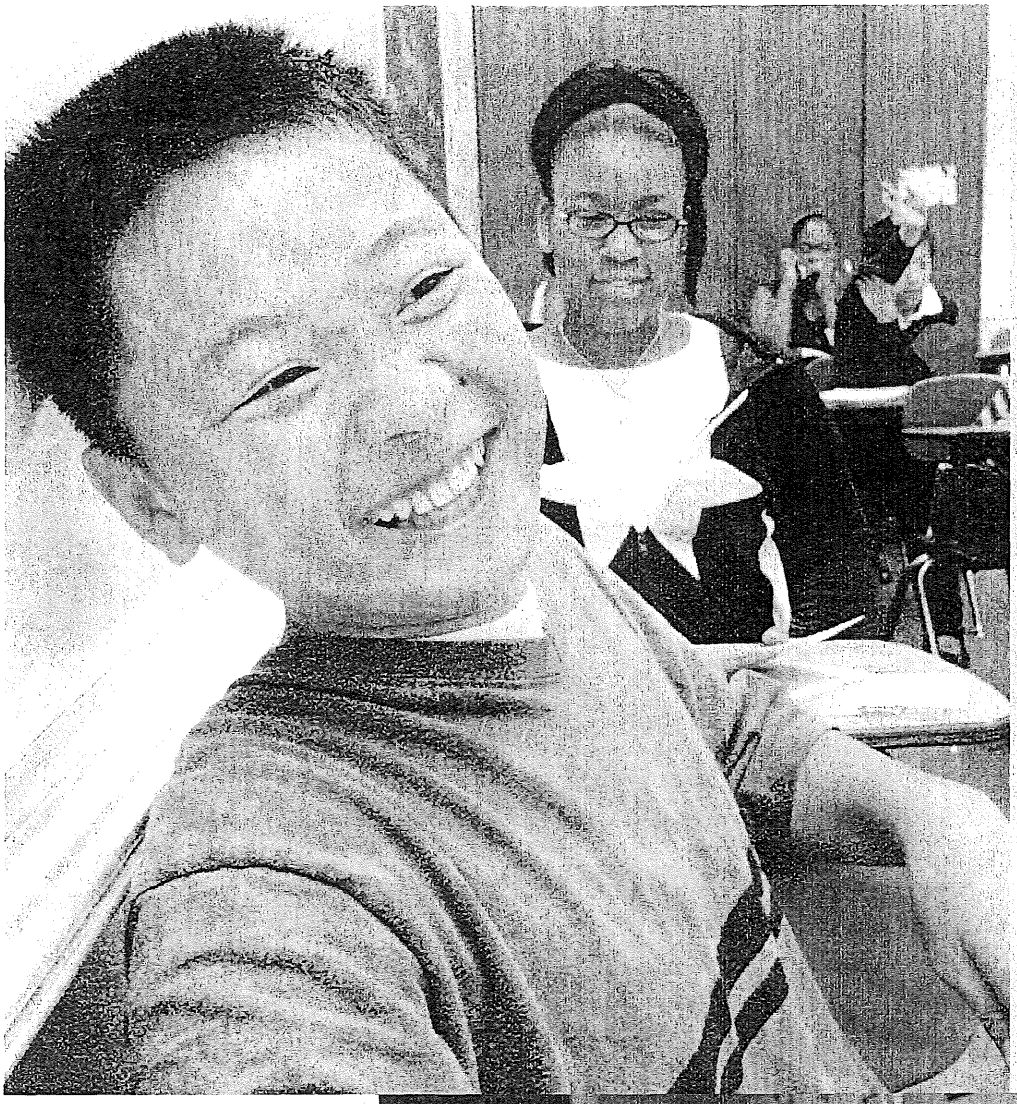
1999–2005

Each August, as Saint Paul Public Schools administrators gather for two days of reflection and planning before the start of the new school year, Superintendent Patricia Harvey has shared a theme that, for her, captures the central challenge of the year ahead. Taken together, that collection of themes paints a good picture of the progress that has been made in the Saint Paul Public Schools over the past five years as the district works to prepare every student to succeed in the Information Age.

Those annual themes have been:

- 1999–00: Raising Expectations
- 2000–01: Leadership for Change
- 2001–02: Focus on Student Work
- 2002–03: Challenging Every Child
- 2003–04: Knowing with Precision
- 2004–05: Working Together: Growth, Partnerships and Momentum

The purpose of this overview is to highlight the progress that has been made as the district looks forward to the 2004–2005 school year.



Raising Expectations

1999–2000

The journey to a world of opportunities that continues today in the Saint Paul Public Schools began in August of 1999, when members of the Board of Education and the newly-hired Superintendent, Dr. Patricia Harvey, convened a diverse group of citizens to assist the school district in shaping a strategic vision for Saint Paul Public Schools. Through that process, members of the larger Saint Paul community came together to say that they believed all children can and must achieve at higher levels. Despite the very real challenges of urban education, community members agreed that they were determined to set high expectations for all students and would do whatever it takes to help every child meet and exceed them.

The 1999 Saint Paul Public Schools Strategic Plan committed the school district to organize school improvement efforts around five critical goals:

- Preparing all students for life;
- Providing clear and accurate reporting;
- Engaging the public;
- Creating institutional change; and
- Respecting and including all cultures and differences.

During the 1999–2000 school year, the district took tangible steps forward in each of these areas, including:

- began the conversion to site-based management;
- established an accountability framework for school reform efforts;
- held community conversations around the elimination of social promotion and provided enriched and challenging opportunities for students;
- came together at the school and program levels to develop Schoolwide Continuous Improvement Plans (SCIPs);
- launched Saint Paul Reads, which has resulted in our students reading more than 6 million books since it first began; and
- increased student achievement on local, state, and national assessments.

Leadership for Change

2000–2001

In year two of this journey, the school district placed into practice the knowledge and skills acquired the previous year. It was during the 2000–01 school year that Saint Paul Public Schools:

- began the Excel program as its response to the elimination of social promotion;
- invested in a new generation of school leaders through the Leadership Institute;
- focused on research-based, best practice approaches to instruction in core academic areas;
- won the community's continuing support by passing Saint Paul's first referendum in more than three decades to create more learning time and technology for students;
- empowered school and program sites by creating and strengthening site councils, instituting lump sum budgeting, and giving sites a stronger voice in the hiring process;
- laid the groundwork for reinventing high schools through the Blueprint for Better High Schools; and
- once again, increased student achievement on local, state, and national assessments.

During this journey to school reform, the school district has continued Saint Paul Public Schools' long tradition of maintaining high standards in its operational areas and has continued to be a good steward of the financial support provided by local taxpayers and the state legislature. Transportation routes run on time and are cost-effective; schools are safe; and buildings continue to be maintained. Saint Paul Public Schools continues to meet bi-weekly payroll for employees, and food service operations provide healthy breakfasts and lunches for students. Saint Paul continues to set benchmarks against which other school districts measure themselves in these areas.

Focus on Student Work

2001–2002

During the third year of the Saint Paul Public Schools journey, the focus shifted to what students do inside the classroom, and how the entire district can be aligned to support student learning at all levels. It was during the 2001–02 school year that Saint Paul Public Schools:

- developed the 2002–05 Action Plan to realize the goals of the 1999 Strategic Plan and refocus its internal work plans toward support of standards-based site reform;
- began a districtwide focus on three teaching approaches—Balanced

Literacy, Integrated Math, and Inquiry-Based Science—that have been identified as the most promising for raising student achievement;

- launched the Project for Academic Excellence at seven schools in partnership with the Institute for Learning;
- began planning at the site level for the development of small learning communities in each of our seven high schools;
- strengthened the leadership skills of more than 2,000 site council members;
- launched school-by-school reports that provided a snapshot of school performance and demographics;
- brought together a diverse group of internal and external stakeholders to develop recommendations for a new Accountability Framework that would use multiple measures to evaluate how well schools are meeting the needs of all students; and
- for the third year in a row, increased student achievement on local, state, and national assessments.

Challenging Every Child

2002–2003

In the fourth year of the journey, the focus was on academic rigor. Throughout the district, leaders began to challenge old assumptions about student aptitude and to organize instructional support to ensure that all students—regardless of where they start academically—master high-level thinking skills. The new assumptions about student learning in Saint Paul Public Schools are based on the belief that effort can create ability and improve individual student achievement, and that all students can achieve at high standards.

In addition to challenging assumptions about student aptitude and abilities, the school district began to change old assumptions about its operations by implementing the priorities of the 2002–05 Action Plan, its road map for systemic improvement across the school district.

It was during the 2002–03 school year that Saint Paul Public Schools:

- created the Professional Development Center for Academic Excellence by merging six programs and departments into one comprehensive teacher training and support center focused on the school district's priority best practice approaches for student learning;
- secured community support through the passage of an operating referendum to prevent further reductions in school budgets;
- assisted high schools in promoting collaboration through the Teacher Leadership Support Network, secured more than $6 million in external funding to support implementation of small learning communities, and provided support to high schools as they developed implementation plans for the creation of small learning communities;
- brought together almost 700 Saint Paul citizens to examine the future of school choice in the school district;
- continued the development of an accountability framework that will focus on student needs and research-based best practices, as well as meet requirements of the No Child Left Behind (NCLB) law;
- adopted a new assessment, the Stanford Achievement Test, 10th edition (SAT-10);
- fully implemented the Career in Education program to define professional performance standards and promote school-based professional development;
- began to phase in a new per-pupil funding formula to more equitably allocate general education funds to schools and programs; and
- saw the majority of our students in 10th and 11th grades score at or above the proficient level on the Minnesota Comprehensive Assessments (MCAs), and our school district achieve a greater increase in proficiency levels than the state overall on third and fifth grade MCA reading and math tests.

Knowing with Precision

2003–2004

During the 2003–04 school year, the focus will be on ensuring that classroom teachers, school and program administrators, central office staff, and, equally importantly, parents and students themselves have a clear idea of the knowledge and skills that students have mastered and what they have yet to learn.

During the 2003–04 school year, Saint Paul Public Schools will:

- adopt a diagnostic assessment for 3rd, 5th, 7th, and 8th grade students in reading and math that will allow teachers to do what they do best—provide educational services to our learners;
- provide data from SAT-10s and MCAs by school, classroom teacher, and various subgroups of students that will allow pinpoint clarity about our individual learner's achievement levels and where they need help;
- restructure our extended-day and summer school programs to better meet the needs of our learners;
- monitor more closely drop-out rates, graduation rates, attendance, and participation; and identify and provide additional help for those students who are at risk of not meeting academic targets as defined by NCLB;
- provide focused supplemental services to groups of students in our under-performing schools, and monitor the supplemental services that will be provided by outside vendors;
- expand the Project for Academic Excellence to 51 schools, including all middle and junior high schools;
- adopt Learning Walks to focus curriculum and instruction in all schools;
- launch the Arts for All Program and take Saint Paul Reads to new levels;
- continue to support our secondary schools as they transition themselves into small learning communities; and
- continue to align our district priorities around the Action Plan.

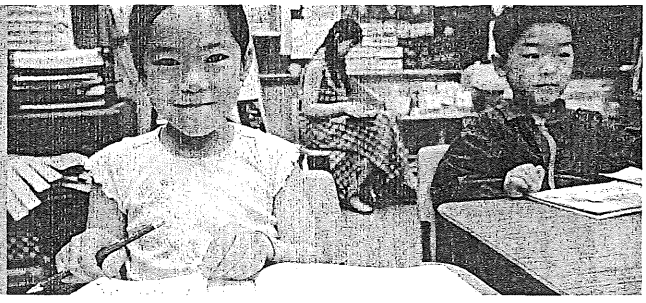
Working Together: Growth, Partnerships and Momentum

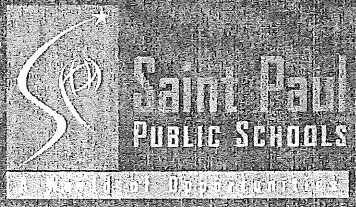
2004-2005

During the 2004-05 school year, the focus will be on working with our partners to tell the story of our successes and challenges to our local, regional, state and national stakeholders so that we can continue to maintain the momentum of continuous improvement for every student in the Saint Paul Public Schools. We will work with our parents/guardians, staff and business partners in mutually-beneficial partnerships. Our community will know that Saint Paul Public Schools has the knowledge, skills and commitment to ensure that our students show continuous growth in their academic achievement.

During the 2004-05 school year, Saint Paul Public Schools will:

- ensure the continuation of quality programs throughout the district by working to enhance district resources;
- make recommendations to expand choice options for parents;
- launch comprehensive professional development in reading for all K-8 teachers;
- implement K-6 literacy standards framework;
- expand the Project for Academic Excellence to all elementary, middle and junior high schools;
- provide professional development in core content areas for middle and junior high staff using the Disciplinary Literacy Framework;
- launch new Early Kindergarten and Community Kindergarten programs for 4-year-olds at 12 additional schools;
- open Transitional Language Centers for K-6 Hmong refugee students;
- expand the LEAP program to include an International Academy to assist with the transition of new refugee secondary students;
- embark on a comprehensive science reform initiative for K-12 students;
- relaunch the Saint Paul Public Schools Foundation to provide additional resources for schools;
- increase the quantity and enhance the quality of data provided to schools to help staff identify and address students' educational needs with precision;
- implement new high school standards, curriculum and assessment processes;
- complete the transformation of the district's comprehensive high schools into small learning communities in alignment with the district's Blueprint for Better High Schools; and
- continue to align our district priorities around the Action Plan.

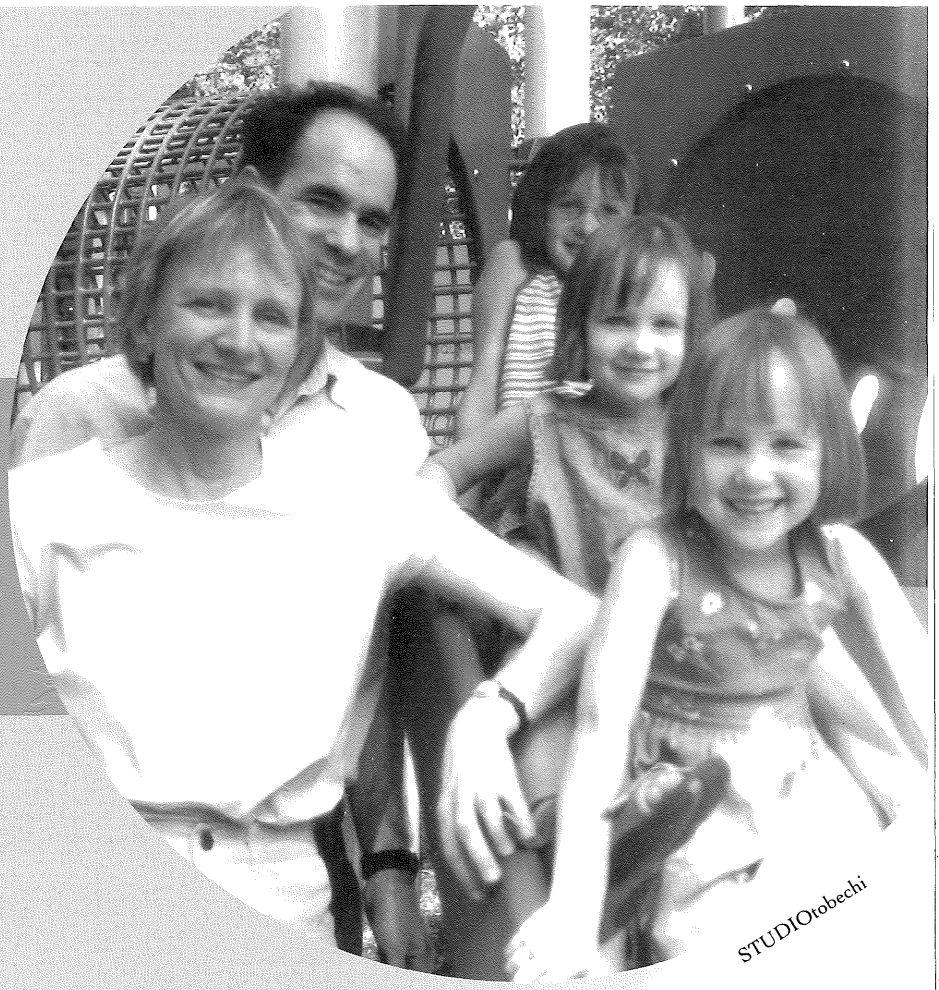




Saint Paul Public Schools
360 Colborne Street
Saint Paul, MN 55102-3299
Tel: 651-767-8110 • Fax: 651-290-8386

"Our daughter has had such a terrific experience at school that it didn't cross our minds to look anywhere else when our twins were ready to start kindergarten."

—Susan Diem and Brad Bart, parents



Brad and Susan met during medical residency at the University of Colorado and returned to Minneapolis after completing fellowships at Duke University. Brad is an assistant professor of medicine at the University of Minnesota and a cardiologist at Hennepin County Medical Center. Susan is on the faculty in internal medicine at the University.

When their oldest daughter was ready to start school, they looked at public, private and parochial schools. They wanted a nurturing environment, classrooms that were vibrant, energetic, and orderly, and a good academic program. They ultimately chose a public school near their home in southwest Minneapolis.

"We've found the teachers to be masterful at figuring out where the kids are and challenging every student," says Susan. "Lea's never bored in school. She loves it."

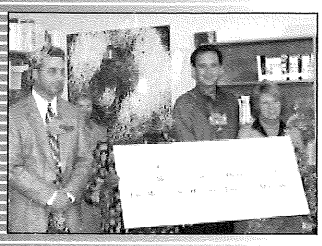
"When we really compared public and private classrooms, we found them to be very similar," says Brad. "We looked at test scores and found that if you looked at the brightest kids' scores, those in the top 20 percent, the scores between public and private were the same. She's going to get a great education and be challenged right here in our neighborhood. Why send her somewhere else?"

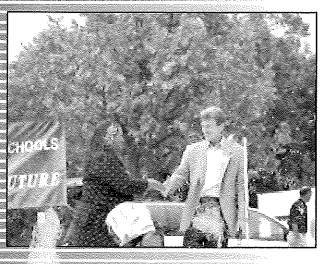
Minneapolis Public Schools can inspire your son or daughter too.
Visit www.mpls.k12.mn.us or call 612-668-1840.

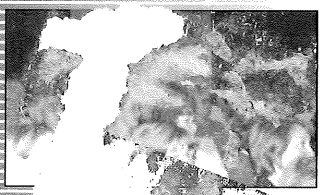
We inspire learning.

Minneapolis Public Schools. Expect Great Things.

Excellence in Education for Minneapolis's Future







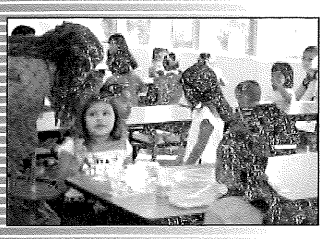
MPS MINNEAPOLIS PUBLIC SCHOOLS SUPERINTENDENT'S MID-YEAR REPORT

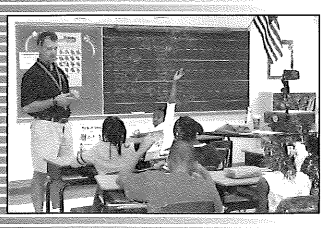
Equity in Education: Academic Achievement for All Students

- Designed and implemented a structure to improve the academic performance of schools in "corrective action" status according to No Child Left Behind legislation. Minneapolis has 7 of 8 correction schools in the state.
- Established Minneapolis Public Schools as a supplementary service provider in collaboration with Sylvan Learning. Aligned services to District standards.
- Developed and implemented a focus and strategy to increase passage rates on the MBST for 8th grade students.
- Developed and implemented a strategy to increase graduation rates by increasing MBST passage rates for grade 12 students who have met all graduation requirements except MBST passage.
- Revised the district Attendance Handbook with an added focus on high expectations and an efficient reporting system.
- Revised district-wide School Safety Handbook with revisions focused on sanctions for unacceptable school behavior. This document also contains intervention strategies for designated behaviors.
- Commissioned a Middle School Report to establish baseline data for revisiting the Middle School Reform initiative. The direction for Middle Schools will align to the high school Small Learning Communities (SLC) initiative.
- Provided MCA and MBST practice for students (in grades 3-5 and 7-8) through Homework Packets for winter recess and the MLK holiday weekend to provide MCA and MBST practice for students.
- Developed a strategy to increase Advanced Placement enrollment for all ethnic groups through early assessment.
- Designed a model for high performing schools to be known as AAA+ schools. These schools will be recognized and supported so that current achievement is enhanced . (in progress)
- Directed the High School Department to create three new Small Learning Communities. (scheduled opening Sept. 05)
- Developed a comprehensive plan, in collaboration with community agencies, for Early Childhood Education to support the academic needs of young children and their families.

uity in Allocation of Resources

- ned the Food Services Department to design and implement a universal am to impact student nutrition and maximize healthy food options that ts' well-being and academic performance. Pilot project set to rch 2005.
- nning grant to provide funding for academic initiatives in the "Corrective tic ols."
- eorga d Area Superintendent's Office to provide more support to schools.
- cured foundation support to reorganize the District's Communications Department.
- npleted the consolidated Annual Financial Report for fiscal year 2004.
- Continued support to schools and specific programs through local and national foundations, corporate sponsors, individual donors, government agencies and private organizations. Included in this support is the funding stream through Achieve!Minneapolis.





- Developed a protocol for Budget Forecasts that enhances the District's ability to plan based on student needs in the context of the current budget crisis.
- Continued partnership through the MacArthur grant to fund Professional Development Institutes in the summer of 2005.
- Directed a "due diligence" review of the proposed contract with Siemens Business Services, Inc. for the installation of a new enterprise resource planning software.
- Established a protocol for utilization of space within John B. Davis Educational Services Center.
- Provided oversight and guidance to the Facility Utilization Planning Team as they held public meetings and formulated recommendations for the repurposing of District sites.
- Initiated a dialogue with the Commissioner of Education regarding the State's underfunding of bus transportation for homeless and highly mobile students outside of District boundaries.
- Implemented Teacher Advancement Program (TAP), which is supported by Governor Pawlenty, at three Minneapolis Public Schools. TAP is an alternative teacher compensation program that was designed by the Milken Family Foundation as a strategy to attract, retain and motivate talented people in the teaching profession.

Family and Community Engagement

- Created the Ombudsperson Office in order to bring parent concerns not resolved at school level to the attention of the Superintendent's Office for resolution.
- Reestablished the monthly District Parent Advisory Council under the direct responsibility of the Superintendent's Office.
- Created mid-winter Homework Packets in order to connect parents with their children's learning.
- Prepared to establish the community in conversations through the Superintendent's Town Hall Meetings and Coffee Clutches. (To commence in February).
- Prepared to establish community partnerships with the creation of two community groups connecting the District to the community:
  - The Superintendent's Community Round Table
  - The Superintendent's Business Round Table
- Partnered with the office of Hennepin County Attorney, the Minneapolis Police Department, Minneapolis Park and Recreation and the Urban League to decrease truancy.

Accountability for Results

- Established an Executive Cabinet as Advisory Arm for the Superintendent.
- Reorganized internal departments in order to provide clear lines of reporting and cohesiveness in delivery of services to schools.
- Created and strengthened internal systems to address personnel activities within the District Office.
- Commissioned a funded programs audit to identify additional dollars that could contribute to the 2004-2005 budget.
- Identified and appropriated funding in Title dollars from the above audit to enhance Professional Development.
- Implemented mid-year performance review process of principals that focused on their school's performance around selected indicators.
- Piloting of Transportation Accountability System includes Global Positioning System tracking and other strategies to enhance customer service.

The Minneapolis Public Schools will be a world class system preparing students to become productive citizens able to contribute to the future of Minneapolis and the world.

Testimonials

"The Superintendent has included the MFT building stewards in all her leadership briefings so that the teacher representatives are in-the-know and can be supportive of her improvement strategies. Superintendent Peebles has also personally provided a training for teacher leaders in the Corrective Action Schools that has received rave reviews. The teachers who have been a part of her training are appreciative of her deep skills and knowledge in the specifics of how to teach reading. It is the first time, they say, that anyone actually taught them exactly how to use the teachers' manual and did it hands-on, not hypothetically."

– Louise Sundin, President
Minneapolis Federation of Teachers

"The focus of the Superintendent's schools is clearly on improving instruction. My teachers and I feel that the specific attention on instruction and student achievement is helping our students to achieve this school year at greater levels."

– Kevin Welsh, Principal
Bancroft Elementary School

"Through the process of all the schools working together, with Superintendent Peebles, we have been able to give students and families very specific support. By working together, we are on the same page when it comes to understanding curriculum better, how to support its implementation and where we need to go academically."

– Karen Wells, Principal
Willard M/S/T Community School

"The training that we have received has been instrumental in focusing us on looking at data and how to target student needs and specific strands in the classroom. This focus has also aided the schools in knowing how to involve parents in helping their child in specific areas. We have received invaluable resources needed to help our students perform better academically."

– Karon Cunningham, Principal
Lucy Laney Community School

"It is energizing to work with Dr. Peebles and the low performing schools. Since September 2004, I have witnessed amazing growth and a renewed focus on rigorous academics and high standards in both the staff and leadership in these schools."

– Tara Stringfellow-Bond
Assistant to the Superintendent for Academic Support

MPS
MINNEAPOLIS
PUBLIC SCHOOLS
SPECIAL SCHOOL DISTRICT NO. 1
807 Northeast Broadway
Minneapolis, MN 55413-2398

Minneapolis Public Schools
Presents

The Superintendent's
EXCEL Schools

EXCELLENCE IN CURRICULUM
ENHANCED LEARNING

Superintendent's Message

Welcome to the EXCEL Schools. The EXCEL Schools represent a unique opportunity for schools to implement strategies to promote student achievement within their existing structure.

EXCEL Schools, Excellence in Curriculum Enhanced Learning, are designed to build capacity for enhanced learning in low performing schools by reframing the school's focus on academic achievement in three areas that drive many school reform models:

- *Leadership Practice;*
- *Curriculum, Instruction and Assessment; and*
- *Differentiated Professional Development.*

In August the Minnesota Department of Education identified eight schools in the state of Minnesota designated as "Corrective Action." According to the NCLB Act, this designation is rendered when schools fail to meet Adequate Yearly Progress for three consecutive years. Minneapolis has seven of the eight Corrective Action schools in the State. Six of these schools will be EXCEL Schools.

Minneapolis Public Schools is committed to equity in academic achievement for all students. The EXCEL Schools embody the qualities and correlates of successful school reform.

The EXCEL Schools are aligned to the District's Strategic Plan, "Excellence in Educating Minneapolis's Future," which is focused on equity in education: academic achievement for all students, equity in allocation of resources, accountability for results, and family and community engagement.

If our schools are to succeed, "real" change in the way we educate our students must continuously improve to meet the needs of ALL students. For our lowest performing schools, change in academic achievement is imperative.

I am excited about the work at hand and encouraged by the opportunity to make a difference in the lives of the students we serve.

– Thandiwe M.C. Peebles

Our Mission

In the Minneapolis Public Schools, our mission is to ensure that all students learn. We support their growth into knowledgeable, skilled and confident citizens capable of succeeding in their work, personal, and family lives in the 21st century.

What Defines an EXCEL School?

- High standards/rigorous curriculum, an effective and committed workforce
- Extended opportunities to learn before and after school, Saturdays and during the summer
- Community partnerships with art institutions
- Meaningful engagement of parents in their children's learning
- Clean, organized and attractive school buildings
- Exemplary leadership and shared decision-making

Our First EXCEL Sites

BANCROFT ELEMENTARY

RICHARD R. GREEN CENTRAL PARK ELEMENTARY

JORDAN PARK ELEMENTARY

LUCY CRAFT LANEY COMMUNITY SCHOOL

NELLIE STONE JOHNSON SCHOOL

WILLARD M/S/T SCHOOL

Minneapolis Public Schools

District Achievement Report April 2005

Minnesota Comprehensive Assessments

Percent of MPS Students with "Solid Grade Level Skills" or Better (Level 3 in 2004, or formerly Level IIB)

	2000	2004	Change
Reading Grade 3	34%	50%	+16%
Reading Grade 5	38%	49%	+11%
Math Grade 3	40%	50%	+10%
Math Grade 5	35%	50%	+15%

Minnesota Basic Skills Test

Percent of Students Passing on the First Attempt

	2004	2005	Change
Reading Grade 8	52%	64%	+12%
Math Grade 8	41%	48%	+7%
Writing Grade 10	74%	78%	+4%

NEWS FROM THE MINNEAPOLIS PUBLIC SCHOOLS

Contact:
Josh Collins
Communications and Public Affairs
(612) 668-0228

FOR IMMEDIATE RELEASE
April 04, 2005

Minneapolis Public Schools Make the Grade
Increases in 2004-2005 MBST scores indicate significant reading gains and a diminishing achievement gap

MINNEAPOLIS—The State's announcement of Minnesota Basic Skills Test (MBST) scores on Saturday, April 2, 2005 shows that Minneapolis Public Schools has achieved significant gains in reading, moderate gains in math, and progress for one of the district's primary goals: a reduction in the achievement gap between several groups of students of color and white students. Reading scores showed unprecedented improvement, increasing 12 percentage points, with the passing rate increasing from 52 percent to 64 percent. The overall gain in reading at the state level was seven percent. Math results advanced seven percentage points from 41 percent to 48 percent. The overall state increase was three percentage points.

"This is good news. We're not there yet, but if you consider the time frame in which we've done the changes, it's pretty good," said school board chairman Joseph Erickson.

"We've seen strong improvement on this year's MBST," said David Heistad, Chief of Research, Evaluation and Assessment for Minneapolis Public Schools. "In reading in particular, our students achieved the most significant improvement in scores we have ever seen."

The district also made progress on one of its primary goals: to understand and overcome the achievement gap between white students and students of color. Minneapolis Public Schools has begun to make headway in reading, with MBST scores showing significant closure in the achievement gap for several groups: American Indian students achieved a five percent decrease; Asian students an 18 percent decrease; and Hispanic students a 12 percent decrease. Reading

scores for African-American and white students each increased by seven percentage points, thereby leaving the achievement gap the same.

Hard work and focus on data boost scores

Ongoing professional development in literacy and mathematics has been a factor in teacher's continuous success. In addition, the teachers and principals have increased their focus on data. Among the strategies implemented this school year was the development of a targeted monitoring system for "credit-ready" seniors in the high schools who had not passed the MBST. The high school superintendent's office kept a close watch on seniors at the individual schools. Eighth graders were also targeted in this effort.

At the schools, improvement plans were tailored to maximize results for all students. Activities at each school varied, and many included Super Saturday practice sessions, one-on-one tutoring, parent and community volunteers, and differentiated lessons developed by teachers for students with specific needs. Some schools conducted workshops for parents and developed materials that could be used at home. The district also posted MBST data on its website so that parents could easily access and track their students' progress.

Some principals felt that the increased focus on individual students had a significant impact. With double-digit increases in both math and reading scores, Dr. Gary Kociemba, principal of Franklin Middle School, said, "The monitoring and tracking system designed by the Superintendent's office makes a lot of sense. It is based on data and encourages schools to re-teach skills that aren't strong."

Additionally, Larry Lucio, principal of Edison High School, said, "The increased scores are the result of the hard work of staff and students. Principals were encouraged to focus on areas that needed growth and the district provided the support we needed to make those improvements happen."

Another key strategy was the development and distribution of test practice materials and homework packets. Teachers designed the packets to allow students additional practice and reinforcement of skills learned in school. By providing structured practice that parents could use to help their children, the district hoped to maximize the impact of instruction. Although the district's winter recess homework packets were met with mixed reviews, some parents and administrators who used the material found it to be a useful intervention strategy for many students.

Superintendent's EXCEL Schools Show Signs of Improvement

Seventy-five percent of the EXCEL Schools, the schools in corrective action under No Child Left Behind, showed gains in reading. However, only one school showed an improvement in mathematics. "Math continues to be a challenge across the district," said Peebles. The Council of the Great City Schools' audit on the district's academic programs revealed that this problem is exacerbated by the lack of a unified strategy in mathematics district wide.

The good news is that two of the EXCEL schools, Nellie Stone Johnson and Lucy Craft Laney, were among the state's top gainers in reading. Students at Lucy Craft Laney demonstrated significant gains in both reading and math. Karon Cunningham, a first-year principal at the school, credits much of the school's success to using assessment to inform instruction. "Assessment allows us to monitor our progress, and our students' progress, but it also provides information for ways we can do better," said Cunningham. "That's always our goal, to help our students have even greater success."

Dramatic results over last year

"When district staff, parents, and valued partners work together to impact classroom learning and provide support for teachers, outstanding results *can* and *do* happen. I've seen the staff at our schools target their efforts and focus activities on our children's ongoing progress. By maintaining this momentum, we can expect to continue seeing increases in the academic achievement for all students," said Peebles.

"These gains are encouraging, but we are not going to rest on the growth that we have seen thus far. There is still significant room for improvement," said Peebles. Since the preliminary numbers were released, schools have refined their targeted plans for each student to aid them in being successful on the next round of MBST testing, as well as the upcoming Minnesota Comprehensive Assessments later this month.

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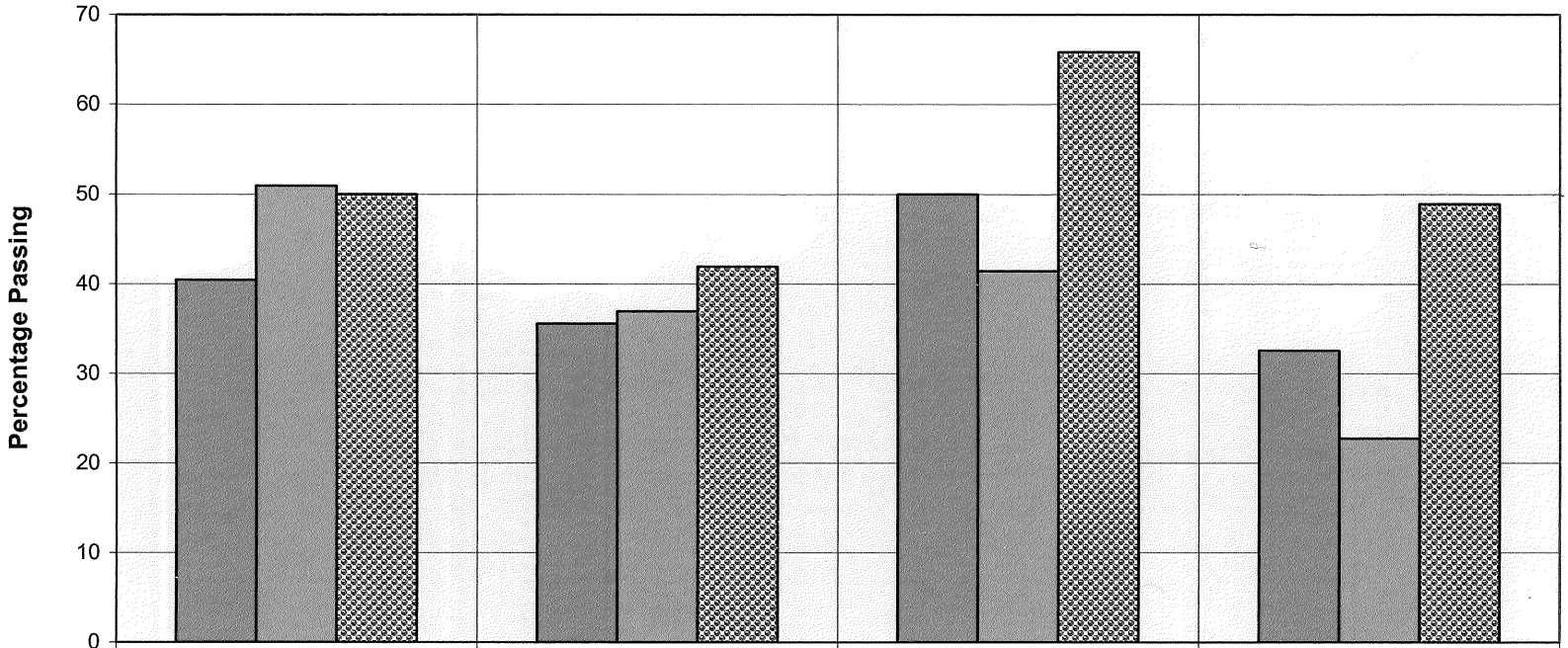
MP/S
MINNEAPOLIS
PUBLIC SCHOOLS
SPECIAL SCHOOL DISTRICT NO. 1

EXCEL SCHOOLS

Reading MBST Results
Trend Over Last Three Years



	Green Central	Jordan Park	Lucy Laney	Nellie Stone
2003	40.43	35.59	50	32.56
2004	50.94	36.96	41.43	22.73
2005	50	41.94	65.79	48.89

In August of 2004 the Minnesota Department of Education identified eight schools in the state of Minnesota designated as "corrective action." According to the NCLB Act, this designation is rendered when schools fail to meet Adequate Yearly Progress for three consecutive years. Minneapolis has seven of the eight Corrective Action schools in the State. Six of these schools are EXCEL Schools, Excellence in Curriculum Enhanced Learning. Superintendent Peebles took over as their direct supervisor in September of 2004. The EXCEL Schools represent a unique opportunity for schools to implement strategies to promote student achievement and are designed to enhance learning by reframing the school's focus on academic achievement. The results above reflect the achievement these schools made over a short period of time. Math scores were not consistent and the District is working on a comprehensive program to accelerate achievement.

"Jayme loves and respects his teachers because he knows they're committed to his education."

—Sylvia Payne-Loveless, parent

As a community servant who's worked for the Minneapolis Urban League for 26 years, education has always been one of Sylvia's top priorities. As with all her children, she sees her son's education as a true partnership between herself and the school.

"My son needs to be challenged in school," she says. "I do it at home and I need it to be reinforced by the administration and the teachers at his school." Jayme attended private school, but Sylvia chose to enroll him in public school in eighth grade. "I looked at the curriculum and how they challenge students, and I didn't find a big difference."

Jayme's now a senior at North High School in Minneapolis, the same school that Sylvia and most of her family attended.

Jayme's interest in chemistry and economics is supported by outstanding teachers. "He's got some of the best teachers in those areas and they truly challenge him," Sylvia says. "Jayme loves school. He doesn't want to miss a lecture. He loves and respects his teachers because he knows they're committed to his education."

Minneapolis Public Schools can inspire your son or daughter too.
Visit www.mpls.k12.mn.us or call 612-668-1840.

We inspire learning.

Minneapolis Public Schools. Expect Great Things.

Common Characteristics & Recommendations for Successful Schools
The Role of School-based Governance

Numerous studies have examined schools that have been successful in educating their students, often despite challenging demographics. Of course, no study has found a "silver bullet" for closing the academic achievement gap. But the studies below have identified common characteristics of "successful" schools. Common threads among these studies include:

- ✓ Academic standards & expectations
- ✓ Regular assessment of student progress
- ✓ Support to schools
- ✓ Choices for families

But one item appears on every list of these common characteristics: School-based governance. Transferring significant decision-making authority to individual schools allows educators to focus on the specific needs of their students. This gives educators more flexibility to meet those needs & enables them to "own" the policies & practices under which they teach. The result, when combined with the above listed strategies, is success educating students who are more likely to struggle in the current system. It's not a cure-all, but another tool to customize instruction & help improve student achievement.

Common Characteristics of "Successful" Schools

Making Schools Work: Seven Keys to Success (www.williamouchi.com)

1. **Every principal is an entrepreneur.**
2. **Every school controls its own budget.**
3. Everyone is accountable for student performance & budgets.
4. Everyone delegates authority to those below.
5. There is a burning focus on student achievement.
6. Families have real choices among a variety of unique schools.

What Makes School Systems Perform? (www.oecd.org)

1. Specification of educational standards.
2. **Greater school autonomy.**
3. Expansion of a differentiated system of education within individual schools.
4. Establishment of highly professional central evaluation agencies.
5. Centrally organized empirical tests & school evaluations.
6. Development of differentiated resource allocation based on evaluation outcomes & aligned with targeted support.

Report of the National Commission on Governing America's Schools (www.ecs.org)

1. Strengthen, not discard, the public system of education.
2. **Allow money to follow the child to the school he or she attends.**
3. **Grant individual schools control over personnel & budget.**
4. Give parents more choice about where their children attend school.
5. Provide good information on student, teacher & school performance for parents & the community.
6. Redefine labor/management relations.
7. Focus accountability system on improving student achievement.
8. Strengthen local school boards.

Decentralization in Practice: Toward a System of Schools (www.rand.org)

1. **School-level educators must control the checkbook; the hiring, evaluation & firing of staff; & the instructional strategies.**
2. States & districts should not attempt to deliver "one size fits all" training & assistance.
3. Schools should be free to select help from a range of public & private sources.
4. Districts & states should nurture a "rich system of school-specific accountability," including new forms of testing & real consequences for schools that fail to educate children.
5. Parents should be able to choose schools.

Inside the Black Box of High-Performing, High-Poverty Schools (www.prichardcommittee.org)

1. School-wide ethic of high expectations, for students & staff.
2. Caring, respectful atmosphere; principal to teacher, teachers to students, students to students, school to families, etc.
3. Faculty takes responsibility for student learning, no excuses.
4. Staff work hard, but enjoy their work & want to be there.
5. **Recruitment strategy for teachers; schools typically only hire prospective faculty & staff members who believe in the school's mission & instructional approach.**
6. Strong academic, instructional focus (although specific curricular programs differed from school to school).
7. Systems in place for assessing individual students on a regular basis & addressing academic problems as they are identified.
8. Unified focus & high expectations fostered by principals.
9. Collaborative, no-authoritative leadership by principals.
10. Strong sense of identity in ways the school describes itself.
11. Curriculum, assessment & instruction are aligned.

No Excuses: Lessons from 21 High-performing, High Poverty Schools (www.noexcuses.org)

1. **Principals must be free (e.g. how to spend money, whom to hire & what to teach).**
2. Principals use measurable goals to establish a culture of achievement.
3. Master teachers bring out the best in faculty.
4. Rigorous & regular testing leads to continuous student achievement.
5. Achievement is the key to discipline.
6. Principals work actively with parents to make the home a center of learning.
7. Effort creates ability.

***Blue** indicates correlation to school-based governance.*

Every Parent, Every Child

A Pastoral Statement on Educational Choice
By the Catholic Bishops of Minnesota

Minnesota Catholic Conference

As the spiritual leaders of Minnesota's 1.25 million Catholics, and as concerned citizens, we are moved to speak out on public policy issues that affect human lives. We offer our comments and recommendations in a spirit of cooperation and good will.

"Children are our most precious gift and represent our greatest hope. By ensuring access to adequate and appropriate educational opportunities, particularly for families with limited options, we invest in our children and our society."

The Catholic Bishops of Minnesota

The principles of Catholic Social Teaching guide us to seek public policies that build the common good. We advocate for policies that protect life, promote justice, support community and provide compassionate care for the most vulnerable among us. When considering the needs of children and families, we have consistently called for policies that ensure access to basic needs, including access to a quality education

Today, our comments focus specifically on the value and importance of educational choice to children, families and society. Children are our most precious gift and represent our greatest hope. By ensuring access to adequate and appropriate educational opportunities, particularly for families with limited options, we invest in our children and our society.

The primary responsibility for children rests with parents. However, government, faith communities and schools all play significant roles in their development, protection and education as well. In Minnesota, we have seen a longstanding commitment to providing high quality education for our children. Our government has consistently reflected this commitment by investing in programs that have provided a range of beneficial educational options. Minnesota has led the nation in the expansion of innovative educational choice through open enrollment, the development of charter schools and other programs. Augmenting our system of public education, Minnesota is also rich in Catholic and other parochial and private schools that round out and enhance the range of available education options.

Thankfully, we have a wealth of options. These options have enabled families to find the right schools for their children and, consequently, They enhance the possibility of success in school and in life.

> *The problem is not a lack of options, but a lack of access.*

However, despite innovative educational initiatives, the dedication of educators across the state and the commitment of parents, choice remains out of reach for countless families throughout Minnesota. The problem is not a lack of options, but a lack of access.

For families that cannot afford to live in an area with successful public schools or afford private school tuition, choice is illusive. That is why we are calling on policymakers to continue our state's legacy of commi to education by increasing access to the rich range of options that exist in our state. We do not view this as a quantum leap, but rather, the next logical step in the development of options that empower families to find the best possible educational setting for their children.

Critics of increasing access to educational options, like parochial or private schools, have cited fear of negative impacts on government schools. Some have characterized increased access through vouchers or other means as an attack on funding for government schools or view increased access as a criticism of the status quo. However, in areas where school choice programs have been implemented, many public schools have shown improvement without a loss in revenue. In many cases previously failing public schools have been motivated to improve due to increased competition. Families, society and especially children have benefited from increased access to educational options.

Other critics have cited First Amendment protection against the establishment of religion as an argument against providing public funds for access to religious schools. However, the recent decision by the United States Supreme Court, *(Zelman v. Simmons-Harris)*, affirms the legitimacy of expanded choice programs. Ultimately, we feel that what is best for the child should be the foremost concern of all education advocates. A funding model that allows parents to freely choose where their children attend school will shift this debate and place the focus on the student rather than the system.

Increasing access to parochial and private schools would likely benefit both students and society. In the case of Catholic schools, studies have shown consistently high achievement - particularly among minority students. The positive effects of Catholic schools have been attributed in part to solid core curricula and strong school communities - characteristics shared by many other parochial and private schools. At the same time, Catholic schools generally spend less per pupil than public schools.

We do not call on government to provide all things for all people, but we do assert that government should establish conditions that provid equity and equal access to opportunity. By empowering families with true educational choice, government can help provide this access. Through real educational choice, families are strengthened to make decisions that benefit both the individual and society.

In the interest of enhancing access, we call on our elected leaders to assist parents in the important task of directing the education of their children. Through the establishment of tax credits, vouchers or scholarships, government can help ensure that all parents have the means to select the appropriate schools for their children. Furthermore, we call for the creation of strategic alliances with members of all religious faiths, communities, business and families to speak with one voice to bring about changes in our educational system that prioritize the needs of our children.

By uniting to increase educational choice for Minnesota's families, we making an important investment in the future of our children and ou state.

Portions of this statement were adapted from, *Every Parent, Every Child,* New York State Catholic Conference, 2002

Archbishop Harry Flynn
Archdiocese of St. Paul/Minneapolis

Bishop Frederick Campbell
Archdiocese of St. Paul/Minneapolis

Bishop Richard Pates
Archdiocese of St. Paul/Minneapolis

Bishop Victor Balke
Diocese of Crookston

Bishop Dennis Schnurr
Diocese of Duluth

Bishop John Nienstedt
Diocese of New Ulm

Bishop John Kinney
Diocese of St. Cloud

Bishop Bernard Harrington
Diocese of Winona

Minnesota Catholic Conference
475 University Avenue West
St. Paul, MN 55103
651-227-8777 www.mncc.org

A bill for an act

relating to education; providing for prekindergarten through grade 12 education and early childhood and families, including general education, education excellence, special education, facilities and technology, early childhood family support, and prevention; providing for rulemaking; amending Minnesota Statutes 2004, sections 13.321, by adding a subdivision; 120A.22, subdivision 12; 120B.02; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.13, subdivisions 1, 3, by adding subdivisions; 120B.30, subdivisions 1, 1a; 121A.06, subdivisions 2, 3; 121A.53; 122A.06, subdivision 4; 122A.09, subdivision 4; 122A.18, subdivision 2a; 122A.413; 122A.414; 122A.415, subdivisions 1, 3; 122A.61, subdivision 1; 123A.24, subdivision 2; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.92, subdivisions 1, 5; 124D.095, subdivision 8; 124D.10, subdivisions 3, 4, 8; 124D.11, subdivisions 1, 6; 124D.66, subdivision 3; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.24; 125A.28; 125A.51; 126C.10, by adding subdivisions; 126C.457; 134.31, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 171.30, subdivision 1; 260A.03; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 122A; 123A; 124D; 125B; 171; repealing Minnesota Statutes 2004, sections 122A.415, subdivision 2; 122A.60.

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

ARTICLE 1

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2004, section 120B.11, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section and section 120B.10, the following terms have the meanings given them.

(a) "Instruction" means methods of providing learning experiences that ~~enables~~ enable a student to meet state and district academic standards and graduation ~~standards~~ requirements.

(b) "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge, and skills, ~~and positive attitudes~~.

Sec. 2. Minnesota Statutes 2004, section 120B.11, subdivision 2, is amended to read:

Subd. 2. [ADOPTING POLICIES.] (a) A school board shall ~~adopt annually a~~ have in place an adopted written policy that

includes the following:

(1) district goals for instruction ~~and~~ including the use of best practices, district and school curriculum, and achievement for all student subgroups;

(2) a process for evaluating each student's progress toward meeting ~~graduation~~ academic standards and identifying the strengths and weaknesses of instruction and curriculum affecting students' progress;

(3) a system for periodically reviewing and evaluating all instruction and curriculum;

(4) a plan for improving instruction ~~and~~, curriculum, and student achievement; and

(5) an ~~instruction-plan-that-includes~~ education effectiveness ~~processes-developed-under~~ plan aligned with section 122A.625 ~~and~~ that integrates instruction, curriculum, and technology.

Sec. 3. Minnesota Statutes 2004, section 120B.11, subdivision 3, is amended to read:

Subd. 3. [~~INSTRUCTION-AND-CURRICULUM~~ DISTRICT ADVISORY COMMITTEE.] Each school board shall establish an ~~instruction-and curriculum~~ advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state ~~graduation~~ and district academic standards. A district advisory committee, to the extent possible, shall reflect the diversity of the district and its learning sites, and shall include teachers, parents, support staff, ~~pupils~~ students, and other community residents. The district may establish building teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee shall recommend to the school board ~~districtwide-education-standards~~ rigorous academic standards, student achievement goals and measures, assessments, and program evaluations. Learning sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents shall comprise at least two-thirds of advisory

committee members.

Sec. 4. Minnesota Statutes 2004, section 120B.11, subdivision 4, is amended to read:

Subd. 4. [BUILDING TEAM.] A school may establish a building team to develop and implement an education effectiveness plan to improve instruction ~~and~~, curriculum, and student achievement. The team shall advise the board and the advisory committee about developing an instruction and curriculum improvement plan that aligns curriculum, assessment of student progress in meeting state ~~graduation~~ and district academic standards, and instruction.

Sec. 5. Minnesota Statutes 2004, section 120B.11, subdivision 5, is amended to read:

Subd. 5. [REPORT.] (a) By October 1 of each year, the school board shall use standard statewide reporting procedures the commissioner develops and adopt a report that includes the following:

(1) student ~~performance~~ achievement goals for meeting state ~~graduation~~ academic standards ~~adopted for that year~~;

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

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

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

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

(b) The school board shall publish the report in the local newspaper with the largest circulation in the district ~~or~~, by mail, or by electronic means such as the district Web site. If electronic means are used, the public must be notified and copies of the report made available on request. The board shall make a copy of the report available to the public for inspection. The board shall send a copy of the report to the commissioner of education by October 15 of each year.

(c) The title of the report shall contain the name and

number of the school district and read "Annual Report on Curriculum, Instruction, and Student ~~Performance~~ Achievement." The report must include at least the following information about advisory committee membership:

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

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

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

Sec. 6. Minnesota Statutes 2004, section 120B.11, subdivision 8, is amended to read:

Subd. 8. [BIENNIAL EVALUATION; ASSESSMENT PROGRAM.] At least once every two years, the district report shall include an evaluation of the district testing programs, according to the following:

(1) written objectives of the assessment program;

(2) names of tests and grade levels tested;

(3) use of test results; and

(4) ~~implementation of an assurance of mastery program~~ student achievement results compared to previous years.

Sec. 7. Minnesota Statutes 2004, section 121A.06, subdivision 2, is amended to read:

Subd. 2. [REPORTS; CONTENT.] ~~By January 1, 1994, the commissioner, in consultation with the criminal and juvenile information policy group, shall develop a standardized form to be used by schools to report incidents involving the use or possession of a dangerous weapon in school zones.~~ School districts must electronically report to the commissioner of education incidents involving the use or possession of a dangerous weapon in school zones. The form ~~shall~~ must include the following information:

(1) a description of each incident, including a description of the dangerous weapon involved in the incident;

(2) where, at what time, and under what circumstances the incident occurred;

(3) information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;

(4) information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;

(5) the cost of the incident to the school and to the victim; and

(6) the action taken by the school administration to respond to the incident.

The commissioner ~~also~~ shall ~~develop~~ provide an ~~alternative~~ electronic reporting format that allows school districts to provide aggregate data~~,-with-an-option-to-use-computer technology-to-report-the-data~~.

Sec. 8. Minnesota Statutes 2004, section 121A.06, subdivision 3, is amended to read:

Subd. 3. [REPORTS; FILING REQUIREMENTS.] By ~~February-1-and~~ July ~~1~~ 31 of each year, each public school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be ~~made on-the-standardized-forms-or-using-the-alternative format~~ submitted using the electronic reporting system developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety~~,-the-criminal and-juvenile-information-policy-group,~~ and the legislature.

Sec. 9. Minnesota Statutes 2004, section 121A.53, is amended to read:

121A.53 [REPORT TO COMMISSIONER OF EDUCATION.]

Subdivision 1. [EXCLUSIONS AND EXPULSIONS.] The school board ~~shall~~ must report through the department electronic reporting system each exclusion or expulsion within 30 days of

the effective date of the action to the commissioner of education. This report ~~shall~~ must include a statement of alternative educational services given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status.

Subd. 2. [REPORT.] The school board must include state student identification numbers of affected pupils on all dismissal reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals by age, grade, gender, race, and special education status of the affected pupils. All dismissal reports must be submitted through the department electronic reporting system.

Sec. 10. Minnesota Statutes 2004, section 122A.06, subdivision 4, is amended to read:

Subd. 4. [COMPREHENSIVE, SCIENTIFICALLY BASED READING INSTRUCTION.] ~~"Comprehensive, scientifically based reading instruction" includes instruction and practice in phonemic awareness, phonics and other word recognition skills, and guided oral reading for beginning readers, as well as extensive silent reading, vocabulary instruction, instruction in comprehension, and instruction that fosters understanding and higher order thinking for readers of all ages and proficiency levels.~~ "Comprehensive, scientifically based reading instruction" includes a program or collection of instructional practices with demonstrated success in instructing learners and reliable and valid evidence to support the conclusion that when these methods are used with learners, they can be expected to achieve, at a minimum, satisfactory progress in reading achievement. The program or collection of practices must include, at a minimum, instruction in five areas of reading: phonemic awareness, phonics, fluency, vocabulary, and text comprehension.

Comprehensive, scientifically based reading instruction also includes and integrates instructional strategies for

continuously assessing and evaluating the learner's reading progress and needs in order to design and implement ongoing interventions so that learners of all ages and proficiency levels can read and comprehend text and apply higher level thinking skills.

Sec. 11. Minnesota Statutes 2004, section 122A.09, subdivision 4, is amended to read:

Subd. 4. [LICENSE AND RULES.] (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar

services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

(o) The board must:

(1) adopt rules to license qualified candidates to teach chemistry, physics, biology, and earth and space science; and

(2) license a science teacher to teach in a new science content area or level if the teacher holds a continuing license to teach science and receives a qualifying score on an appropriate Praxis II test in a science subject other than the teacher's currently licensed science field or level. A qualifying score is the same test score used for initial licenses to teach science. A science teacher who seeks licensure in a different science content area or level under this paragraph is responsible for the actual costs of the required testing.

Sec. 12. Minnesota Statutes 2004, section 122A.18, subdivision 2a, is amended to read:

Subd. 2a. [READING STRATEGIES.] (a) All colleges and universities approved by the Board of Teaching to prepare persons for classroom teacher licensure must include in their teacher preparation programs ~~reading best practices that enable classroom teacher licensure candidates to know how to teach reading, such as phonics or other~~ research-based best practices

in reading, consistent with section 122A.06, subdivision 4, that enable the licensure candidate to know how to teach reading in the candidate's content areas.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in the application of comprehensive, scientifically based, and balanced reading instruction programs~~.~~ that:

(1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4, so that all students will achieve continuous progress in reading; and

(2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers.

Sec. 13. Minnesota Statutes 2004, section 123B.36, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL BOARDS MAY REQUIRE FEES.] (a) For purposes of this subdivision, "home school" means a home school as defined in sections 120A.22 and 120A.24 with five or fewer students receiving instruction.

(b) A school board is authorized to require payment of fees in the following areas:

(1) in any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

(2) admission fees or charges for extra curricular activities, where attendance is optional and where the admission fees or charges a student must pay to attend or participate in an extracurricular activity is the same for all students, regardless of whether the student is enrolled in a public or a home school;

(3) a security deposit for the return of materials, supplies, or equipment;

(4) personal physical education and athletic equipment and apparel, although any pupil may personally provide it if it meets reasonable requirements and standards relating to health

and safety established by the board;

(5) items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements;

(6) fees specifically permitted by any other statute, including but not limited to section 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual cost to the school and school district of providing driver education, and (ii) the driver education courses are open to enrollment to persons between the ages of 15 and 18 who reside or attend school in the school district;

(7) field trips considered supplementary to a district educational program;

(8) any authorized voluntary student health and accident benefit plan;

(9) for the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument;

(10) transportation of pupils to and from extra curricular activities conducted at locations other than school, where attendance is optional, and transportation of charter school students participating in extracurricular activities in their resident district under section 123B.49, subdivision 4, paragraph (a), which must be charged to the charter school;

(11) transportation to and from school of pupils living within two miles from school and all other transportation services not required by law. If a district charges fees for transportation of pupils, it must establish guidelines for that transportation to ensure that no pupil is denied transportation solely because of inability to pay;

(12) motorcycle classroom education courses conducted outside of regular school hours; provided the charge must not exceed the actual cost of these courses to the school district;

(13) transportation to and from postsecondary institutions for pupils enrolled under the postsecondary enrollment options

program under section 123B.88, subdivision 22. Fees collected for this service must be reasonable and must be used to reduce the cost of operating the route. Families who qualify for mileage reimbursement under section 124D.09, subdivision 22, may use their state mileage reimbursement to pay this fee. If no fee is charged, districts must allocate costs based on the number of pupils riding the route.

Sec. 14. Minnesota Statutes 2004, section 123B.49, subdivision 4, is amended to read:

Subd. 4. [BOARD CONTROL OF EXTRACURRICULAR ACTIVITIES.] (a) The board may take charge of and control all extracurricular activities of the teachers and children of the public schools in the district. Extracurricular activities means all direct and personal services for pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member. The board shall allow all resident pupils receiving instruction in a home school as defined in section 123B.36, subdivision 1, paragraph (a), and all resident pupils receiving instruction in a charter school as defined in section 124D.10 to be eligible to fully participate in extracurricular activities on the same basis as public school students enrolled in the district's schools. A charter school student must give the enrolling charter school at least a 30-day notice of the student's intent to participate in an extracurricular activity in the resident district. A charter school student is not eligible to participate in an extracurricular activity in the resident district if that extracurricular activity is offered by the enrolling charter school or the extracurricular activity is not controlled by the high school league under chapter 128C. Charter school students participating in extracurricular activities must meet the academic and student conduct requirements of the resident district. The charter school must:

(1) collect the same information that a district collects on a student's eligibility to participate in an extracurricular activity;

(2) transmit that information to the district at least ten

days before a student begins to participate in the extracurricular activity; and

(3) immediately transmit to the district any additional information affecting the student's eligibility.

(b) Extracurricular activities have all of the following characteristics:

(1) they are not offered for school credit nor required for graduation;

(2) they are generally conducted outside school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;

(3) the content of the activities is determined primarily by the pupil participants under the guidance of a staff member or other adult.

(c) If the board does not take charge of and control extracurricular activities, these activities shall be self-sustaining with all expenses, except direct salary costs and indirect costs of the use of school facilities, met by dues, admissions, or other student fund-raising events. The general fund must reflect only those salaries directly related to and readily identified with the activity and paid by public funds. Other revenues and expenditures for extra curricular activities must be recorded according to the "Manual ~~of Instruction~~ for ~~Uniform Student Activities~~ Activity Fund Accounting ~~for Minnesota School Districts and Area Vocational Technical Colleges~~." Extracurricular activities not under board control must have an annual financial audit and must also be audited annually for compliance with this section.

(d) If the board takes charge of and controls extracurricular activities, any or all costs of these activities may be provided from school revenues and all revenues and expenditures for these activities shall be recorded in the same manner as other revenues and expenditures of the district.

(e) If the board takes charge of and controls extracurricular activities, the teachers or pupils in the district must not participate in such activity, nor shall the

school name or any allied name be used in connection therewith, except by consent and direction of the board.

(f) School districts may charge charter schools their proportional share of the direct and indirect costs of the extracurricular activities that are not covered by student fees under section 123B.36, subdivision 1. A district may charge charter school students the same fees it charges enrolled students to participate in an extracurricular activity. A district is not required to provide transportation from the charter school to the resident district for a charter school student who participates in an extracurricular activity in the resident district.

[EFFECTIVE DATE.] This section is effective for the 2005-2006 school year and later.

Sec. 15. Minnesota Statutes 2004, section 124D.095, subdivision 8, is amended to read:

Subd. 8. [FINANCIAL ARRANGEMENTS.] (a) For a student enrolled in an on-line learning course, the department must calculate average daily membership and make payments according to this subdivision.

(b) The initial on-line learning average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted on-line learning average daily membership equals the initial on-line learning average daily membership times .88.

(c) No on-line learning average daily membership shall be generated if: (1) the student does not complete the on-line learning course, or (2) the student is enrolled in on-line learning provided by the enrolling district and the student was either enrolled in a Minnesota public school for the school year before the school year in which the student first enrolled in on-line learning, or the student is enrolled in an instructional program in which at least 40 percent of the total instructional time takes place in the school's facilities. For students enrolled in on-line learning according to clause (2), the department shall calculate average daily membership

according to section 126C.05, subdivision 8.

(d) On-line learning average daily membership under this subdivision for a student currently enrolled in a Minnesota public school and who was enrolled in a Minnesota public school for the school year before the school year in which the student first enrolled in on-line learning shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause ~~(iii)~~ (2), and for computing on-line learning aid according to section 126C.24.

(e) On-line learning average daily membership under this subdivision for students not included in paragraph (c) or (d) shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause ~~(iii)~~ (2), and for computing payments under paragraphs (f) and (g).

(f) Subject to the limitations in this subdivision, the department must pay an on-line learning provider an amount equal to the product of the adjusted on-line learning average daily membership for students under paragraph (e) times the student grade level weighting under section 126C.05, subdivision 1, times the formula allowance.

(g) The department must pay each on-line learning provider 100 percent of the amount in paragraph (f) within 45 days of receiving final enrollment and course completion information each quarter or semester.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 16. Minnesota Statutes 2004, section 124D.10, subdivision 3, is amended to read:

Subd. 3. [SPONSOR.] (a) A school board; intermediate school district school board; education district organized under sections 123A.15 to 123A.19; charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986 that is a member of the Minnesota Council of Nonprofits or the Minnesota Council on Foundations, registered with the attorney general's office, and reports an end-of-year fund balance of at least

$2,000,000; Minnesota private college that grants two- or four-year degrees and is registered with the Higher Education Services Office under chapter 136A; community college, state university, or technical college, governed by the Board of Trustees of the Minnesota State Colleges and Universities; or the University of Minnesota may sponsor one or more charter schools.

(b) A nonprofit corporation subject to chapter 317A, described in section 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may sponsor one or more charter schools if the charter school has operated for at least three years under a different sponsor and if the nonprofit corporation has existed for at least 25 years.

(c) The commissioner of education may approve up to five charitable organizations under section 501(c)(3) of the Internal Revenue Code of 1986 which have as their primary activity the sponsoring of charter schools. Proposals of the charitable organizations to the commissioner must contain:

(1) the articles, bylaws, and initial board membership;

(2) the sources of financing for its operation;

(3) the areas of specialization of its sponsorship; and

(4) other information requested by the department.

Sponsors approved under this paragraph shall report annually to the commissioner on the types of charter schools sponsored, their effectiveness in promoting student achievement; the development of alternative school governance structures, and other information requested by the department. The commissioner may terminate its authorization for a charitable organization to sponsor a charter school under this paragraph if the charitable organization demonstrates persistent financial mismanagement or repeated violations of law.

Sec. 17. Minnesota Statutes 2004, section 124D.10, subdivision 4, is amended to read:

Subd. 4. [FORMATION OF SCHOOL.] (a) A sponsor may authorize one or more licensed teachers under section 122A.18,

subdivision 1, to operate a charter school subject to approval by the commissioner. A board must vote on charter school application for sponsorship no later than 90 days after receiving the application. After 90 days, the applicant may apply to the commissioner. If a board elects not to sponsor a charter school, the applicant may appeal the board's decision to the commissioner. The commissioner may elect to sponsor the charter school or assist the applicant in finding an eligible sponsor. The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section. Notwithstanding sections 465.717 and 465.719, a school district may create a corporation for the purpose of creating a charter school.

(b) Before the operators may form and operate a school, the sponsor must file an affidavit with the commissioner stating its intent to authorize a charter school. The affidavit must state the terms and conditions under which the sponsor would authorize a charter school. The commissioner must approve or disapprove the sponsor's proposed authorization within ~~60~~ 90 days of receipt of the affidavit. Failure to obtain commissioner approval precludes a sponsor from authorizing the charter school that was the subject of the affidavit.

(c) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five members until a timely election for members of the charter school board of directors is held according to the school's articles and bylaws. A charter school board of directors must be composed of at least five members. Any staff members who are employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents of children

enrolled in the school may participate in the election for members of the school's board of directors. Licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors before the school completes its third year of operation, unless the commissioner waives the requirement for a majority of licensed teachers on the board. Board of director meetings must comply with chapter 13D.

(d) The granting or renewal of a charter by a sponsoring entity must not be conditioned upon the bargaining unit status of the employees of the school.

(e) A sponsor may authorize the operators of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the sponsor's application as approved by the commissioner only after submitting a supplemental application to the commissioner in a form and manner prescribed by the commissioner. The supplemental application must provide evidence that:

(1) the expansion of the charter school is supported by need and projected enrollment;

(2) the charter school is fiscally sound;

(3) the sponsor supports the expansion; and

(4) the building of the additional site meets all health and safety requirements to be eligible for lease aid.

(f) The commissioner annually must provide timely financial management training to newly elected members of a charter school board of directors and ongoing training to other members of a charter school board of directors. Training must address ways to:

(1) proactively assess opportunities for a charter school to maximize all available revenue sources;

(2) establish and maintain complete, auditable records for the charter school;

(3) establish proper filing techniques;

(4) document formal actions of the charter school,

including meetings of the charter school board of directors;

(5) properly manage and retain charter school and student records;

(6) comply with state and federal payroll record-keeping requirements; and

(7) address other similar factors that facilitate establishing and maintaining complete records on the charter school's operations.

Sec. 18. Minnesota Statutes 2004, section 124D.10, subdivision 8, is amended to read:

Subd. 8. [STATE AND LOCAL REQUIREMENTS.] (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363A and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial

audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The Department of Education, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(l) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(m) A charter school is subject to sections 123B.36, subdivision 1, paragraph (b), clause (10), and 123B.49, subdivision 4, paragraph (a), when its students participate in extracurricular activities in their resident district.

[EFFECTIVE DATE.] This section is effective for the 2005-2006 school year and later.

Sec. 19. Minnesota Statutes 2004, section 124D.11, subdivision 1, is amended to read:

Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) General education revenue must be paid to a charter school as though it were a district. The general education revenue for each adjusted marginal cost pupil unit is the state average general education revenue per pupil unit, plus the referendum

equalization aid allowance in the pupil's district of residence, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills revenue, extended time revenue, transition revenue, and transportation sparsity revenue, plus basic skills revenue, extended time revenue, and transition revenue as though the school were a school district. The general education revenue for each extended time marginal cost pupil unit equals $4,378.

(b) Notwithstanding paragraph (a), for charter schools in the first year of operation, general education revenue shall be computed using the number of adjusted pupil units in the current fiscal year.

Sec. 20. Minnesota Statutes 2004, section 124D.11, subdivision 6, is amended to read:

Subd. 6. [OTHER AID, GRANTS, REVENUE.] (a) A charter school is eligible to receive other aids, grants, and revenue according to chapters 120A to 129C, as though it were a district.

(b) Notwithstanding paragraph (a), a charter school may not receive aid, a grant, or revenue if a levy is required to obtain the money, or if the aid, grant, or revenue is a replacement of levy revenue, except as otherwise provided in this section.

(c) Federal aid received by the state must be paid to the school, if it qualifies for the aid as though it were a school district.

(d) A charter school may receive money from any source for capital facilities needs. In the year-end report to the commissioner of education, the charter school shall report the total amount of funds received from grants and other outside sources.

Sec. 21. Minnesota Statutes 2004, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM DESCRIBED.] American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, tribal, charter, or alternative schools enrolling American

Indian children designed to:

(1) support postsecondary preparation for pupils;

(2) support the academic achievement of American Indian students with identified focus to improve reading and mathematic skills;

(3) make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(4) provide positive reinforcement of the self-image of American Indian pupils;

(5) develop intercultural awareness among pupils, parents, and staff; and

(6) supplement, not supplant, state and federal educational and cocurricular programs.

Program components may include: development of support components for students in the areas of academic achievement, retention, and attendance; development of support components for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and supplemental instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program components by establishing cooperative liaisons with tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

Sec. 22. Minnesota Statutes 2004, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. [GRANTS; PROCEDURES.] Each fiscal year the commissioner of education must make grants to no fewer than six American Indian education programs. At least three programs must be in urban areas and at least three must be on or near reservations. The board of a local district, a participating

school or a group of boards may develop a proposal for grants in support of American Indian education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 124D.71 to 124D.82. ~~The commissioner must submit all proposals to the state Advisory Committee on American Indian Education Programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.~~

Sec. 23. Minnesota Statutes 2004, section 124D.84, subdivision 1, is amended to read:

Subdivision 1. [AWARDS.] The commissioner~~, with the advice and counsel of the Minnesota Indian Education Committee,~~ may award scholarships to any Minnesota resident student who is of one-fourth or more Indian ancestry, who has applied for other existing state and federal scholarship and grant programs, and who, in the opinion of the commissioner, has the capabilities to benefit from further education. Scholarships must be for accredited degree programs in accredited Minnesota colleges or universities or for courses in accredited Minnesota business, technical, or vocational schools. Scholarships may also be given to students attending Minnesota colleges that are in candidacy status for obtaining full accreditation, and are eligible for and receiving federal financial aid programs. Students are also eligible for scholarships when enrolled as students in Minnesota higher education institutions that have joint programs with other accredited higher education institutions. Scholarships shall be used to defray the total cost of education including tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned where the student receives federal financial aid. The total cost of education includes all tuition and fees

for each student enrolling in a public institution and the portion of tuition and fees for each student enrolling in a private institution that does not exceed the tuition and fees at a comparable public institution. Each student shall be awarded a scholarship based on the total cost of the student's education and a federal standardized need analysis. Applicants are encouraged to apply for all other sources of financial aid. ~~The amount and type of each scholarship shall be determined through the advice and counsel of the Minnesota Indian education committee.~~

When an Indian student satisfactorily completes the work required by a certain college or school in a school year the student is eligible for additional scholarships, if additional training is necessary to reach the student's educational and vocational objective. Scholarships may not be given to any Indian student for more than five years of study ~~without special recommendation of the Minnesota Indian Education Committee~~.

ARTICLE 2

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 2004, section 125A.24, is amended to read:

125A.24 [PARENT ADVISORY COUNCILS.]

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, school districts must have a special education advisory council that is incorporated into the district's special education system plan.

(1) This advisory council may be established either for individual districts or in cooperation with other districts who are members of the same special education cooperative.

(2) A district may set up this council as a subgroup of an existing board, council, or committee.

(3) At least half of the designated council members must be parents of students with a disability. <u>At least one of the members must be a parent of a nonpublic school student with a disability or an employee of a nonpublic school.</u> Each local

council must meet no less than once each year. The number of members, frequency of meetings, and operational procedures are to be locally determined.

Sec. 2. Minnesota Statutes 2004, section 125A.28, is amended to read:

125A.28 [STATE INTERAGENCY COORDINATING COUNCIL.]

An Interagency Coordinating Council of at least 17, but not more than 25 members is established, in compliance with Public Law 102-119, section 682. The members must be appointed by the governor. Council members must elect the council chair. The representative of the commissioner may not serve as the chair. The council must be composed of at least five parents, including persons of color, of children with disabilities under age 12, including at least three parents of a child with a disability under age seven, five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, local Head Start director, and a community health services or public health nursing administrator, one member of the senate, one member of the house of representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the commissioners of commerce, education, health, human services, a representative from the state agency responsible for child care, and a representative from Indian health services or a tribal council. Section 15.059, subdivisions 2 to 5, apply to the council. The council must meet at least quarterly.

The council must address methods of implementing the state policy of developing and implementing comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with disabilities and their families.

The duties of the council include recommending policies to ensure a comprehensive and coordinated system of all state and local agency services for children under age five with disabilities and their families. The policies must address how to incorporate each agency's services into a unified state and local system of multidisciplinary assessment practices, individual intervention plans, comprehensive systems to find children in need of services, methods to improve public awareness, and assistance in determining the role of interagency early intervention committees.

~~By September 1~~ On the date that Minnesota Part C Annual Performance Report is submitted to the federal Office of Special Education, the council must recommend to the governor and the commissioners of education, health, human services, commerce, and employment and economic development policies for a comprehensive and coordinated system.

Notwithstanding any other law to the contrary, the State Interagency Coordinating Council expires on June 30, ~~2005~~ 2009.

Sec. 3. Minnesota Statutes 2004, section 134.31, is amended by adding a subdivision to read:

Subd. 5a. [ADVISORY COMMITTEE.] The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota Library for the Blind and Physically Handicapped on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee except that the committee shall not expire.

ARTICLE 3

OTHER EDUCATION POLICY

Section 1. Minnesota Statutes 2004, section 122A.413, is amended to read:

122A.413 [EDUCATIONAL IMPROVEMENT PLAN.]

Subdivision 1. [QUALIFYING PLAN.] A district or charter school may develop an educational improvement plan for the purpose of qualifying for alternative teacher compensation aid under sections 122A.414 and 122A.415. The plan must include measures for improving school district, charter school, school

site, teacher, and individual student performance.

Subd. 2. [PLAN COMPONENTS.] The educational improvement plan must be approved by the school board and have at least these elements:

(1) assessment and evaluation tools to measure student performance and progress;

(2) performance goals and benchmarks for improvement;

(3) measures of student attendance and completion rates;

(4) a rigorous professional development system that is aligned with educational improvement, designed to achieve teaching quality improvement, and consistent with clearly defined research-based standards;

(5) measures of student, family, and community involvement and satisfaction;

(6) a data system about students and their academic progress that provides parents and the public with understandable information; and

(7) a teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support. The process for developing the plan must involve district or charter school teachers.

Subd. 3. [DISTRICT SCHOOL SITE ACCOUNTABILITY.] A district that develops a plan under subdivisions 1 and 2 must ensure that each school site develops a board-approved educational improvement plan that is aligned with the district educational improvement plan under subdivision 2. While a site plan must be consistent with the district educational improvement plan, it may establish performance goals and benchmarks that meet or exceed those of the district. The process for developing the plan must involve site teachers.

Sec. 2. Minnesota Statutes 2004, section 122A.414, is amended to read:

122A.414 [ALTERNATIVE TEACHER COMPENSATION.]

Subdivision 1. [RESTRUCTURED PAY SYSTEM.] A restructured teacher compensation system is established under subdivision 2 to provide incentives for teachers to improve their knowledge

and skills and for school districts and charter schools to recruit and retain highly qualified teachers, and to support teachers' roles in improving students' educational achievement.

Subd. 2. [ALTERNATIVE TEACHER PROFESSIONAL PAY SYSTEM.] (a) To participate in this program, a school district or charter school must have an educational improvement plan as described in section 122A.413 and an alternative teacher professional pay system as described in paragraph (b).

(b) The alternative teacher professional pay system must:

(1) describe ~~the conditions necessary for~~ how teachers can achieve career advancement and additional compensation;

(2) describe how the school district will provide career advancement options for teachers ~~retaining~~ which allow them to retain primary roles in student instruction. These options shall include positions that provide multiple career paths such as master and mentor teaching positions to help peers increase their teaching skills;

(3) use a professional pay system that replaces the ~~step~~ lockstep steps and ~~lane~~ lanes salary ~~schedule and is not based on years of service~~ system and allows school districts and charter schools to compensate teachers for satisfactory service and completion of annual performance goals;

(4) include performance compensation for teachers in districts or charter schools based on, at a minimum:

(i) student achievement gains and school achievement gains under section 120B.35, locally selected standardized assessments, or both; and

(ii) results of individual teacher evaluations based on classroom observations by a locally selected evaluation team;

~~(4) encourage teachers' continuous improvement in content knowledge, pedagogy, and use of best practices~~ (5) provide staff development for teachers that:

(i) utilize best practice research;

(ii) are integrated and collaborative;

(iii) provide for ongoing site-based and teacher-led professional growth activities aligned with student needs as

outlined in sections 122A.413 and 122A.601; and

(iv) focus on the identified needs of students, which may include skill development in reading strategies, methods to align curriculum with learning standards, intervention with students not meeting proficiency level, and use of state and local assessment data; and

~~(5)~~ (6) implement ~~an objective~~ a teacher performance evaluation ~~system~~ that is a comprehensive system based on scientifically based education research and on specific performance and accountability goals aligned with the district's, the charter school's, or the site's educational improvement plan as described in section 122A.413 and the staff development plan described in section 122A.601. The evaluation shall include the locally selected evaluation team. The evaluation of each teacher's performance in the school shall occur several times during the school year, including classroom observation~~, that is aligned with the district's or the site's educational improvement plan as described in section 122A.413~~.

Subd. 3. [REPORT.] Participating districts, charter schools, and school sites must report on the implementation and effectiveness of the alternative teacher compensation plan, particularly addressing each requirement under subdivision 2 and make biennial recommendations by January 1 to their school boards. The school boards shall transmit a copy of the report with a summary of the findings and recommendations of their district or charter school to the commissioner of education.

Sec. 3. Minnesota Statutes 2004, section 122A.415, subdivision 1, is amended to read:

Subdivision 1. [~~AID~~ REVENUE AMOUNT.] (a) A school district or charter school that meets the conditions of section 122A.414 and submits an application approved by the commissioner is eligible for alternative compensation ~~aid~~ revenue.

(b) The commissioner must consider only applications submitted jointly by a school district and the exclusive representative of the teachers for participation in the program. The application must contain a formally adopted

collective bargaining agreement, memorandum of understanding, or other binding agreement that implements an alternative teacher professional pay system consistent with section 122A.414, is in compliance with the Public Employment Labor Relations Act under chapter 179A, and includes all teachers in a district, or all teachers at a school site, ~~or at least 25 percent of the teachers in a district. The commissioner, in approving applications, may give preference to applications involving entire districts or sites or to applications that align measures of teacher performance with student academic achievement and progress under section 120B.35, subdivision 1.~~

~~(b)~~ Alternative compensation ~~aid~~ revenue for a qualifying school district, or site, ~~or portion of a district or school site is as follows:~~

~~(1) for a school district~~ in which the school board and the exclusive representative of the teachers agree to place all teachers in the district or at the site on the alternative compensation schedule, alternative compensation ~~aid~~ revenue equals ~~$150~~ $225 times the district's or the site's number of pupils enrolled on October 1 of the previous fiscal year; ~~or~~

~~(2) for a district in which the school board and the exclusive representative of the teachers agree that at least 25 percent of the district's licensed teachers will be paid on the alternative compensation schedule, alternative compensation aid equals $150 times the percentage of participating teachers times the district's number of pupils enrolled as of October 1 of the previous fiscal year.~~

(c) Charter school applications must be submitted by the chair of the charter school board of directors and must contain: (1) an agreement that implements an alternative teacher compensation program consistent with section 122A.414; (2) a resolution by the charter school board of directors adopting the agreement; and (3) documentation of a vote of the teachers showing that at least 70 percent of the teachers supporting the agreement that implements the alternative teacher compensation program.

Alternative compensation revenue for a qualifying charter school must be calculated under section 126C.10, subdivision 34, paragraph (b).

Sec. 4. Minnesota Statutes 2004, section 122A.415, subdivision 3, is amended to read:

Subd. 3. [~~AID~~ REVENUE TIMING.] (a) Districts ~~or~~, school sites, or charter schools with approved applications must receive alternative compensation ~~aid~~ revenue for each school year that the district ~~or~~, school site, or charter school, participates in the program as described in this subdivision. Districts ~~or~~, school sites, or charter schools with applications ~~received~~ approved by the commissioner ~~before June 1 of the first year of a two-year contract~~ shall receive alternative compensation ~~aid~~ revenue for ~~both~~ the school years ~~of the contract. Districts or sites with applications received by the commissioner after June 1 of the first year of a two-year contract shall receive alternative compensation aid only for the second year of the contract~~ in which the alternative teacher compensation program is implemented for the full school year. For fiscal year 2007 and later, a qualifying district ~~or~~, school site, or charter school that received alternative compensation ~~aid~~ revenue for the previous fiscal year must receive at least an amount of alternative compensation revenue equal to the lesser of the amount it received for the previous fiscal year or ~~its proportionate share of the previous year's appropriation~~ the amount it qualifies for under subdivision 1 for the current fiscal year if the district, charter school, or site submits a timely application and the commissioner determines that the district, charter school, or site continues to implement an alternative teacher professional pay system, consistent with its application under this section. ~~The commissioner must approve initial applications for school districts qualifying under subdivision 1, paragraph (b), clause (1), by January 15 of each year. If any money remains, the commissioner must approve aid amounts for school districts qualifying under subdivision 1, paragraph (b), clause (2), by~~

~~February 15 of each year.~~

(b) The commissioner shall select applicants that qualify for this program, notify school districts, charter schools, and school sites about the program, develop and disseminate application materials, and carry out other activities needed to implement this section.

Sec. 5. Minnesota Statutes 2004, section 126C.10, is amended by adding a subdivision to read:

Subd. 34. [BASIC ALTERNATIVE COMPENSATION AID.] (a) For fiscal year 2006, the basic alternative compensation aid for a district or charter school with an alternative compensation plan approved under section 122A.415 equals the alternative compensation revenue according to section 122A.415, subdivision 1.

(b) For fiscal year 2007 and later, the basic alternative compensation aid for a district with an alternative compensation plan approved under section 122A.415 equals 68.9 percent of the alternative compensation revenue according to section 122A.415, subdivision 1. The basic alternative compensation aid for a charter school with an alternative compensation plan approved under section 122A.415 equals the school's alternative compensation revenue according to section 122A.415, subdivision 1, times the ratio of the sum of the alternative compensation aid and alternative compensation levy for all participating school districts to the maximum alternative compensation revenue for those districts according to section 122A.415, subdivision 1.

(c) Notwithstanding paragraphs (a) and (b) and section 122A.415, subdivision 1, the state total basic alternative compensation aid entitlement must not exceed $16,727,000 for fiscal year 2006 and $61,871,000 for fiscal year 2007 and later. The commissioner must limit the amount of alternative compensation revenue approved under section 122A.415, so as not to exceed these limits.

Sec. 6. Minnesota Statutes 2004, section 126C.10, is amended by adding a subdivision to read:

Subd. 35. [ALTERNATIVE COMPENSATION LEVY.] For fiscal year

2007 and later, the alternative compensation levy for a district receiving basic alternative compensation aid equals the product of (1) the difference between the district's alternative compensation revenue and the district's basic alternative compensation aid times (2) the lesser of one or the ratio of the district's adjusted net tax capacity per adjusted pupil unit to $6,900.

Sec. 7. Minnesota Statutes 2004, section 126C.10, is amended by adding a subdivision to read:

Subd. 36. [ALTERNATIVE COMPENSATION AID.] (a) For fiscal year 2007 and later, a district's alternative compensation equalization aid equals the district's alternative compensation revenue minus the district's basic alternative compensation aid minus the district's alternative compensation levy. If a district does not levy the entire amount permitted, the alternative compensation equalization aid must be reduced in proportion to the actual amount levied.

(b) A district's alternative compensation aid equals the sum of the district's basic alternative compensation aid and the district's alternative compensation equalization aid.

Sec. 8. [ALTERNATIVE COMPENSATION REVENUE GUARANTEE.]

Notwithstanding Minnesota Statutes, sections 122A.415, subdivision 1, and 126C.10, subdivision 34, a school district that received alternative compensation aid for fiscal year 2005, but does not qualify for alternative compensation revenue for fiscal year 2006 or 2007, shall receive basic alternative compensation aid for that fiscal year equal to the lesser of the amount of alternative compensation aid it received for fiscal year 2005 or the amount it would have received for that fiscal year under Minnesota Statutes 2004, section 122A.415, subdivision 1, if the district submits a timely application and the commissioner determines that the district continues to implement an alternative professional pay system, consistent with its application under Minnesota Statutes 2004, section 122A.415, for fiscal year 2005. A district qualifying for basic alternative compensation aid under this section does not qualify

for the alternative compensation levy under Minnesota Statutes, section 126C.10, subdivision 35. This section applies only to fiscal years 2006 and 2007 and does not apply to later fiscal years.

Sec. 9. [REPEALER.]

Minnesota Statutes 2004, section 122A.415, subdivision 2, is repealed.

ARTICLE 4

OTHER SPECIAL PROGRAMS POLICY

Section 1. [123A.10] [EDUCATION ADMINISTRATIVE DISTRICTS.]

Subdivision 1. [PURPOSE.] The purpose of an education administrative district is to increase the efficiency of administrative services for elementary and secondary education by combining administrative functions for multiple school districts, while maintaining independent school district control of individual student attendance sites.

Subd. 2. [AGREEMENT TO ESTABLISH AN EDUCATION ADMINISTRATIVE DISTRICT.] Boards meeting the requirements of subdivision 3 may enter into a written agreement to establish an education administrative district. The agreement must address methods to improve the efficiency of delivering administrative services. The agreement and subsequent amendments must be adopted by majority vote of the full membership of each board.

Subd. 3. [REQUIREMENTS FOR FORMATION.] (a) An education administrative district must have one of the following at the time of formation:

(1) at least five districts;

(2) at least three districts with a total of at least 5,000 pupils in average daily membership; or

(3) at least three districts with a total of at least 2,000 square miles.

(b) Members of an education administrative district must be contiguous. Districts with a cooperation agreement according to section 123A.32 may belong to an education administrative district only as a unit.

(c) Notwithstanding paragraph (b), a noncontiguous district

may be a member of an education administrative district if the commissioner of education determines that:

(1) a district between the education administrative district and the noncontiguous district has considered and is unwilling to become a member; or

(2) a noncontiguous configuration of member districts has sufficient technological or other resources to offer effective levels of administrative services.

Subd. 4. [COMMISSIONER REVIEW AND COMMENT.] Before entering into an agreement, the school boards of the proposed member districts must jointly submit the proposed agreement to the commissioner for review and comment. The commissioner shall submit a review and comment on the educational and economic advisability of the proposed agreement to the school boards within 60 days of receiving the proposal. If the commissioner submits a negative review and comment, the districts do not qualify for levy authority according to section 123A.12, subdivision 5.

Subd. 5. [NOTICE AND PUBLIC HEARING ON PROPOSED AGREEMENT.] Before entering into an agreement, the board of each member district must publish the commissioner's review and comment and a summary of the proposed agreement and its effect upon the district at least once in a newspaper of general circulation in the district. The board must conduct a public hearing on the proposed agreement not more than ten days after the notice and at least 30 days before entering into an agreement.

Sec. 2. [123A.11] [EDUCATION ADMINISTRATIVE DISTRICT BOARD.]

Subdivision 1. [SCHOOL DISTRICT REPRESENTATION.] The education administrative district board shall be composed of at least one representative appointed by the school board of each member district. Each representative must be a member of the appointing school board. Each representative shall serve at the pleasure of the appointing board and may be recalled by a majority vote of the appointing board. Each representative

shall serve for the term that is specified in the agreement. The board shall select its officers from among its members and shall determine the terms of the officers. The board shall adopt bylaws for the conduct of its business. The board may conduct public meetings via interactive television if the board complies with chapter 13D in each location where board members are present.

Subd. 2. [PROVISION OF ADMINISTRATIVE SERVICES.] An education administrative district board shall implement the agreement for delivering administrative services, defined in section 123A.12, needed in the education administrative district.

Subd. 3. [PERSONNEL.] The board may employ personnel as necessary to provide administrative services for the education administrative district. Education administrative district staff shall participate in retirement programs. Notwithstanding section 123B.143, subdivision 1, a member district of an education administrative district must contract with the education administrative district to obtain the services of a superintendent. The person to provide the services need not be employed by the education administrative district or a member district at the time the contract is entered into.

Subd. 4. [CONTRACTS.] The board may enter into contracts with districts and other public and private agencies to provide administrative services needed in the education administrative district.

Subd. 5. [GENERAL LAW.] The board shall be governed, unless specifically provided otherwise, by section 471.59.

Subd. 6. [ANNUAL REPORT.] After each of its first five years of operation, the board shall submit an annual report to the member districts and the commissioner regarding the activities of the education administrative district, including analysis of the impact of the arrangement on administrative costs and efficiency.

Sec. 3. [123A.12] [EDUCATION ADMINISTRATIVE DISTRICT AGREEMENT.]

Subdivision 1. [IMPLEMENTATION; REVIEW.] An education

administrative district board shall implement the agreement for provision of administrative services to the member school districts adopted by the member districts according to section 123A.10, subdivision 2. The education administrative district board shall review the agreement annually and propose necessary amendments to the member districts.

Subd. 2. [ADMINISTRATIVE SERVICES.] (a) The agreement must provide for the selection of one superintendent for the administrative district at a specified time, according to section 123B.143, subdivision 1, by the administrative district board.

(b) The agreement must specify which other noninstructional services are to be provided by the education administrative district. These services may include, but are not limited to, business management, human resources, payroll, food service, buildings and grounds maintenance, pupil transportation, technology coordination, curriculum coordination, community education, nursing services, student records, district policy, student administrative services, and school building administration.

Subd. 3. [TIMING AND DURATION.] (a) The initial agreement must specify a time schedule for implementation.

(b) The initial agreement must be for a period of at least three years. After completing the first two years, the agreement may be extended by majority vote of the full membership of each board.

Subd. 4. [FINANCES.] The initial agreement must:

(1) include a three-year budget projection comparing existing administrative services and their costs with the proposed services and their costs for each year;

(2) specify what retirement and severance incentives may be offered to licensed and nonlicensed staff, and how these costs will be apportioned among the member districts. The incentives must conform with section 123A.48, subdivision 23;

(3) specify any other start-up costs for the education administrative district and how these costs will be apportioned

among the member districts;

(4) specify the estimated amounts that each member district will levy under subdivision 5 for the costs specified in clauses (2) and (3); and

(5) specify an equitable distribution formula for the education administrative district board to assess and certify to each member school district its proportionate share of expenses. Each member district must remit its assessment to the education administrative district board within 30 days after receipt.

Subd. 5. [LEVY.] A school district that is a member of an education administrative district may levy an amount equal to the district's share of costs approved by the commissioner for retirement and severance incentives and other start-up costs included in the initial agreement under subdivision 4, clauses (2) and (3), over a period of time not to exceed three years.

Subd. 6. [REPORTS TO DEPARTMENT OF EDUCATION.] Member districts may submit joint reports and jointly provide information required by the department. The joint reports must allow information, including expenditures for the education administrative district, to be attributed to each member district.

Subd. 7. [ADDITION AND WITHDRAWAL OF DISTRICTS.] (a) Upon approval by majority vote of a district school board and of the education administrative district board, an adjoining district may become a member of the education administrative district and be governed by the provisions of this section and the agreement in effect. A noncontiguous district may become a member with the approval of the commissioner according to the criteria specified in section 123A.10, subdivision 3, paragraph (c). A new member added to an existing education administrative district may levy for approved costs of retirement and severance incentives according to subdivision 5.

(b) After its first three years of membership, a district may withdraw from the education administrative district and from the agreement in effect by a majority vote of the full board

membership of the member district desiring withdrawal and upon compliance with provisions in the agreement establishing the education administrative district. The withdrawal shall become effective at the end of the next following fiscal year.

Subd. 8. [DISSOLUTION.] After the first three years of the education administrative district, the boards of each member district may agree to dissolve the education administrative district effective at the end of any fiscal year or at an earlier time as they may mutually agree. A dissolution must be accomplished in accordance with any applicable provisions of the agreement establishing the education administrative district. The dissolution must not affect the continuing liability of the previous member districts for continuing obligations, including unemployment benefits.

Sec. 4. Minnesota Statutes 2004, section 123A.24, subdivision 2, is amended to read:

Subd. 2. [COOPERATIVE UNIT DEFINED.] For the purposes of this section, a cooperative unit is:

(1) an education district organized under sections 123A.15 to 123A.19;

(2) a cooperative vocational center organized under section 123A.22;

(3) an intermediate district organized under chapter 136D;

(4) an education administrative district organized under sections 123A.10 to 123A.12;

(5) a service cooperative organized under section 123A.21; or

~~(5)~~ (6) a regional management information center organized under section 123A.23 or as a joint powers district according to section 471.59.

Sec. 5. Minnesota Statutes 2004, section 123B.92, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section and section 125A.76, the terms defined in this subdivision have the meanings given to them.

(a) "Actual expenditure per pupil transported in the

regular and excess transportation categories" means the quotient obtained by dividing:

(1) the sum of:

(i) all expenditures for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 15 percent per year for districts operating a program under section 124D.128 for grades 1 to 12 for all students in the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.01, subdivision 6, clause (5), which must be used a majority of the time for pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses by:

(2) the number of pupils eligible for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

(b) "Transportation category" means a category of transportation service provided to pupils as follows:

(1) Regular transportation is:

(i) transportation to and from school during the regular school year for resident elementary pupils residing one mile or more from the public or nonpublic school they attend, and resident secondary pupils residing two miles or more from the public or nonpublic school they attend, excluding desegregation transportation and noon kindergarten transportation; but with respect to transportation of pupils to and from nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

(ii) transportation of resident pupils to and from language immersion programs;

(iii) transportation of a pupil who is a custodial parent

and that pupil's child between the pupil's home and the child care provider and between the provider and the school, if the home and provider are within the attendance area of the school;

(iv) transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; and

(v) transportation to and from school during the regular school year required under subdivision 3 for nonresident elementary pupils when the distance from the attendance area border to the public school is one mile or more, and for nonresident secondary pupils when the distance from the attendance area border to the public school is two miles or more, excluding desegregation transportation and noon kindergarten transportation.

For the purposes of this paragraph, a district may designate a licensed day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the pupil's parent or guardian as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian, and if that facility or residence is within the attendance area of the school the pupil attends.

(2) Excess transportation is:

(i) transportation to and from school during the regular school year for resident secondary pupils residing at least one mile but less than two miles from the public or nonpublic school they attend, and transportation to and from school for resident pupils residing less than one mile from school who are transported because of extraordinary traffic, drug, or crime hazards; and

(ii) transportation to and from school during the regular school year required under subdivision 3 for nonresident secondary pupils when the distance from the attendance area border to the school is at least one mile but less than two miles from the public school they attend, and for nonresident pupils when the distance from the attendance area border to the school is less than one mile from the school and who are

transported because of extraordinary traffic, drug, or crime hazards.

(3) Desegregation transportation is transportation within and outside of the district during the regular school year of pupils to and from schools located outside their normal attendance areas under a plan for desegregation mandated by the commissioner or under court order.

(4) "Transportation services for pupils with disabilities" is:

(i) transportation of pupils with disabilities who cannot be transported on a regular school bus between home or a respite care facility and school;

(ii) necessary transportation of pupils with disabilities from home or from school to other buildings, including centers such as developmental achievement centers, hospitals, and treatment centers where special instruction or services required by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district where services are provided;

(iii) necessary transportation for resident pupils with disabilities required by sections 125A.12, and 125A.26 to 125A.48;

(iv) board and lodging for pupils with disabilities in a district maintaining special classes;

(v) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, and necessary transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities who are provided special instruction and services on a shared-time basis <u>or if resident pupils are not transported, the costs of necessary travel between public and private schools or neutral instructional sites by essential personnel employed by the district's program for children with a disability</u>;

(vi) transportation for resident pupils with disabilities to and from board and lodging facilities when the pupil is

boarded and lodged for educational purposes; and

(vii) services described in clauses (i) to (vi), when provided for pupils with disabilities in conjunction with a summer instructional program that relates to the pupil's individual education plan or in conjunction with a learning year program established under section 124D.128.

For purposes of computing special education base revenue under section 125A.76, subdivision 2, the cost of providing transportation for children with disabilities includes (A) the additional cost of transporting a homeless student from a temporary nonshelter home in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin but only through the end of the academic year; and (B) depreciation on district-owned school buses purchased after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled transportation category must be excluded in calculating the actual expenditure per pupil transported in the regular and excess transportation categories according to paragraph (a).

(5) "Nonpublic nonregular transportation" is:

(i) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, excluding transportation for nonpublic pupils with disabilities under clause (4);

(ii) transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123B.44; and

(iii) late transportation home from school or between schools within a district for nonpublic school pupils involved in after-school activities.

(c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services,

including diagnostic testing, guidance and counseling services, and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123B.41, subdivision 13.

Sec. 6. Minnesota Statutes 2004, section 123B.92, subdivision 5, is amended to read:

Subd. 5. [DISTRICT REPORTS.] (a) Each district must report data to the department as required by the department to account for transportation expenditures.

(b) Salaries and fringe benefits of district employees whose primary duties are other than transportation, including central office administrators and staff, building administrators and staff, teachers, social workers, school nurses, and instructional aides, must not be included in a district's transportation expenditures, except that a district may include salaries and benefits according to paragraph (c) for (1) an employee designated as the district transportation director, (2) an employee providing direct support to the transportation director, or (3) an employee providing direct transportation services such as a bus driver or bus aide.

(c) Salaries and fringe benefits of other district employees who work part-time in transportation and part-time in other areas must not be included in a district's transportation expenditures unless the district maintains documentation of the employee's time spent on pupil transportation matters in the form and manner prescribed by the department.

(d) Pupil transportation expenditures, excluding expenditures for capital outlay, leased buses, student board and lodging, crossing guards, and aides on buses, must be allocated among transportation categories based on a cost per mile, cost per student, cost per hour, or cost per route, regardless of whether the transportation services are provided on district-owned or contractor-owned school buses. Expenditures for school bus driver salaries and fringe benefits may either be directly charged to the appropriate transportation category or may be allocated among transportation categories on a cost per

mile, cost per student basis, cost per hour, or cost per route. Expenditures by private contractors or individuals who provide transportation exclusively in one transportation category must be charged directly to the appropriate transportation category. Transportation services provided by contractor-owned school bus companies incorporated under different names but owned by the same individual or group of individuals must be treated as the same company for cost allocation purposes.

[EFFECTIVE DATE.] This section is effective for expenditure reporting for fiscal year 2006 and later.

Sec. 7. Minnesota Statutes 2004, section 125A.51, is amended to read:

125A.51 [PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.]

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

(a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides.

(b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.

(c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement.

(d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the treatment facility for the pupil. Transportation shall only be provided by the district during regular operating hours of the district. The district may provide the instruction at a school within the district of residence, at the pupil's residence, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the state Board of Teaching.

(e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 127A.47, subdivision 2, shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the

state Board of Teaching. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

~~(f)~~ (g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

ARTICLE 5

OTHER EDUCATION EXCELLENCE POLICY

Section 1. Minnesota Statutes 2004, section 13.321, is amended by adding a subdivision to read:

Subd. 10. [TEACHER DATA FROM VALUE-ADDED ASSESSMENT MODEL.] Data on individual teachers generated from a value-added assessment model are governed under section 120B.362.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2004, section 120A.22, subdivision 12, is amended to read:

Subd. 12. [LEGITIMATE EXEMPTIONS.] A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may include a provision in its attendance policy that written documentation from the student's parent or legal guardian may be requested to verify the reason for the school absence. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) that the child's bodily or mental condition is such as to prevent attendance at school or application to study for the period required~~;-or~~, which shall include:

(i) student illness, medical, dental, orthodontic, or counseling appointments;

(ii) family emergencies;

(iii) the death or serious illness or funeral of an immediate family member; or

(iv) active duty in any military branch of the United States;

(2) that ~~for-the-school-years-1988-1989-through-1999-2000 the-child-has-already-completed-the-studies-ordinarily-required in-the-10th-grade-and-that-for-the-school-years-beginning-with the-2000-2001-school-year-the-child-has-already-completed-the studies-ordinarily-required-to-graduate~~ the child has already completed the state and district standard requirements for graduation from high school; or

(3) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Sec. 3. [120A.23] [SCHOOL ATTENDANCE REQUIREMENT; DRIVING PRIVILEGES.]

Subdivision 1. [ATTENDANCE.] The school attendance requirement for driving privileges is a tool available to school districts to encourage students to regularly attend school. A student meets the school attendance requirement when the student

provides verification that the student:

(1) has a high school diploma or general education development certificate (GED);

(2) has withdrawn from school under section 120A.22, subdivision 8;

(3) is enrolled and attending a public school, State-Approved Alternative Program (SAAP), or charter school, or is receiving alternative educational services during the pendency of a school expulsion, or is homeschooled or attending a nonpublic school, and does not meet the definition of a habitual truant under section 260C.007, subdivision 19; or

(4) has conformed to attendance laws, rules, and policies of the student's school, school district, and the state.

Subd. 2. [CERTIFICATION OF ATTENDANCE.] Upon student request, a school principal or other administrator at the student's public school, SAAP, or charter school must sign a written certificate form in a timely manner that verifies the student does not meet the definition of a habitual truant as defined in section 260C.007, subdivision 19, for the school's last and current grading period, to the extent that data is available. As set forth in section 171.056, the Department of Public Safety shall develop a certificate form for the school administrator to complete that includes the student's name, date of birth, and address. For any data not included in the school district, SAAP, or charter school definition of directory information, the school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release data to the Department of Public Safety. The school, district, SAAP, or charter school must include in the student attendance policy it distributes to the parent or guardian and student that it will request a parent or guardian to sign an informed consent form to transfer directory information about the student to the Department of Public Safety.

Subd. 3. [ONGOING REPORTING OF TRUANCY DATA TO DEPARTMENT OF PUBLIC SAFETY.] A school district, SAAP, or charter school may notify the Department of Public Safety electronically in a

manner and format prescribed by the Department of Public Safety of students who meet the definition of habitual truancy for the last grading period. The electronic notification must include each student's name, date of birth, and address. For any data not included in the school district, SAAP, or charter school definition of directory information, the school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release the data to the Department of Public Safety.

Subd. 4. [OPT OUT PROVISION.] A district school board, board of a state approved alternative program (SAAP), or charter school board of directors may, by majority vote, waive the school attendance requirement for driving privileges under section 171.056 for students enrolled in the district, SAAP, or charter school. The school board, SAAP board, or board of directors must vote to waive the requirement on or before September 30 of the initial school year for which the waiver is effective. If a school board, SAAP board, or board of directors intends to rescind its waiver and require students to comply with the school attendance requirement under section 171.056, for a later school year or school years, the board must vote on or before September 30 of the school year for which the waiver is initially rescinded. For a school district, charter school, or SAAP that opts out, the school board must send an annual certificate to the Department of Public Safety verifying that it is opting out of the attendance requirement for driving privileges for its students. The Department of Public Safety shall develop a certificate form for the school board to complete if that school district has opted out of the attendance requirement for driving privileges.

Subd. 5. [NOTICE.] School districts, SAAPs, and charter schools that choose to participate in the school attendance requirement for driving privileges must include that notice in their district wide school attendance policy and include the steps a student must take to obtain an initial certification of attendance, the required steps to obtain certification of

attendance after a student has failed to obtain an initial license or after a license is cancelled, the appeal provision, and the frequency and method followed if it chooses to send ongoing truancy reports to the Department of Public Safety regarding students 15 years and older who are habitually truant as defined in section 260C.007, subdivision 19.

Subd. 6. [HARDSHIP WAIVER.] (a) Pursuant to section 171.30, subdivision 1, a student may seek a limited license from the Department of Public Safety based upon the hardship that would occur by cancellation of a student's driver's license or permit or by the student's inability to obtain an initial provisional or driver's license. The school district superintendent or the equivalent administrator of a SAAP or charter school may consult with the Department of Public Safety to assist in making the limited license determination.

(b) In addition, the school board, SAAP board, or charter school board may choose to include in their attendance policy an internal appeal process for students to utilize prior to electronically submitting truancy data to the Department of Public Safety or when a school administrator has not signed a certificate of attendance. The student seeking review would submit a request for a hardship waiver hearing to the school district superintendent or the equivalent administrator of a SAAP or charter school in a manner and on a form the school administrator prescribes. The attendance policy would set forth the time frame and process utilized by the district superintendent or equivalent administrator to make its determination. The student and the student's parent or guardian would be able to submit documentary and oral evidence as part of the appeal process. Upon completion of the appeal process, the school district superintendent or the equivalent administrator would submit its written decision to the student and the student's parent or guardian within two business days after the determination is made. The decision must include a provision informing the student of the right to seek a limited license under section 171.30 from the Department of Public Safety.

Subd. 7. [MODEL SCHOOL POLICY.] The commissioner of the Department of Education will develop and make available to districts a districtwide model school policy for attendance.

Subd. 8. [NONPUBLIC SCHOOLS.] Nonpublic schools may choose to participate in the school attendance requirement for driving privileges.

[EFFECTIVE DATE.] This section is effective September 1, 2005, and applies to all persons under 18 years of age possessing or applying for a motorized bicycle permit, driver's instruction permit, or provisional license on or after that date.

Sec. 4. Minnesota Statutes 2004, section 120B.02, is amended to read:

120B.02 [EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S STUDENTS.]

(a) The legislature is committed to establishing rigorous academic standards for Minnesota's public school students. To that end, the commissioner shall adopt in rule statewide academic standards. The commissioner shall not prescribe in rule or otherwise the delivery system, classroom assessments, or form of instruction that school sites must use. For purposes of this chapter, a school site is a separate facility, or a separate program within a facility that a local school board recognizes as a school site for funding purposes.

(b) All commissioner actions regarding the rule must be premised on the following:

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the Department of Education, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

(c) When fully implemented, the requirements for high school graduation in Minnesota must require students to ~~pass the~~

~~basic-skills-test-requirements-and~~ satisfactorily complete, as determined by the school district, the course credit requirements under section 120B.024 and:

(1) for students enrolled in grade 8 before the 2005-2006 school year, to pass the basic skills test requirements; or

(2) for students enrolled in grade 8 in the 2005-2006 school year and later, to pass the Minnesota Comprehensive Assessments Second Edition (MCA-IIs).

(d) The commissioner shall periodically review and report on the state's assessment process.

(e) School districts are not required to adopt specific provisions of ~~the-Goals-2000-and~~ the federal School-to-Work programs.

Sec. 5. [120B.128] [EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM (EPAS) PROGRAM.]

(a) School districts and charter schools may elect to participate in the Educational Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation. The EPAS achievement tests include English, reading, mathematics, science, and components on planning for high school and postsecondary education, interest inventory, needs assessments, and student education plans. These tests are linked to the ACT assessment for college admission and allow students, parents, teachers, and schools to determine the student's college readiness before grades 11 and 12.

(b) The commissioner of education shall provide ACT Explore tests for students in grade 8 and the ACT Plan test for students in grade 10 to assess individual student academic strengths and weaknesses, academic achievement and progress, higher order thinking skills, and college readiness. The state shall pay the test costs for school districts and charter schools that choose to participate in the EPAS program. The commissioner shall establish an application procedure and a process for state payment of costs.

Sec. 6. Minnesota Statutes 2004, section 120B.13, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM STRUCTURE; TRAINING PROGRAMS FOR TEACHERS.] (a) The advanced placement and international baccalaureate programs are well-established academic programs for mature, academically directed high school students. These programs, in addition to providing academic rigor, offer sound curricular design, accountability, comprehensive external assessment, feedback to students and teachers, and the opportunity for high school students to compete academically on a global level. Advanced placement and international baccalaureate programs allow students to leave high school with the academic skills and self-confidence to succeed in college and beyond. The advanced placement and international baccalaureate programs help provide Minnesota students with world-class educational opportunity.

(b) Critical to schools' educational success is ongoing advanced placement/international baccalaureate-approved teacher training. A secondary teacher assigned by a ~~district~~ public or nonpublic school to teach an advanced placement or international baccalaureate course or other interested educator may participate in a training program offered by The College Board or International Baccalaureate North America, Inc. The state may pay a portion of the tuition, room, ~~and~~ board, and out-of-state travel costs a teacher or other interested educator incurs in participating in a training program. The commissioner shall determine application procedures and deadlines, ~~and~~ select teachers and other interested educators to participate in the training program, and determine the payment process and amount of the subsidy. The procedures determined by the commissioner shall, to the extent possible, ensure that advanced placement and international baccalaureate courses become available in all parts of the state and that a variety of course offerings are available in school districts. This subdivision does not prevent teacher or other interested educator participation in training programs offered by The College Board or International

Baccalaureate North America, Inc., when tuition is paid by a source other than the state.

Sec. 7. Minnesota Statutes 2004, section 120B.13, subdivision 3, is amended to read:

Subd. 3. [SUBSIDY FOR EXAMINATION FEES.] The state may pay all or part of the fee for advanced placement or international baccalaureate examinations ~~for pupils of low-income families in public and nonpublic schools~~. The commissioner shall ~~adopt a schedule for fee subsidies that may allow payment of the entire fee for~~ pay all examination fees for all public and nonpublic students of low-income families, as defined by the commissioner, and to the limit of the available appropriation, shall also pay a portion or all of the examination fees for other public and nonpublic students sitting for an advanced placement examination, international baccalaureate examination, or both. The commissioner shall determine procedures for state payments of fees.

Sec. 8. Minnesota Statutes 2004, section 120B.13, is amended by adding a subdivision to read:

Subd. 3a. [TEACHER STIPENDS.] A teacher who teaches an advanced placement or international baccalaureate course shall receive a stipend for each student in the teacher's course who receives a three or higher on the advanced placement examination or the international baccalaureate examination that covers the subject matter of the course. The commissioner shall determine the payment process and the amount of teacher stipends.

Sec. 9. Minnesota Statutes 2004, section 120B.13, is amended by adding a subdivision to read:

Subd. 3b. [COLLEGE CREDIT.] The colleges and universities of the Minnesota State Colleges and Universities system must award, and the University of Minnesota and private postsecondary institutions are encouraged to award, college credit to high school students who receive a score of three or higher on an advanced placement or International Baccalaureate program examination.

Sec. 10. [120B.131] [COLLEGE-LEVEL EXAMINATION PROGRAM

(CLEP).]

Subdivision 1. [PROGRAM STRUCTURE.] The College-Level Examination Program (CLEP) offered by The College Board provides students with the opportunity to demonstrate college-level achievement and receive college credit or advanced standing through a program of examinations in undergraduate college courses. Schools must provide information about CLEP and the opportunity to receive college credit from a Minnesota postsecondary institution to students successfully completing a college-level course.

Subd. 2. [REIMBURSEMENT FOR EXAMINATION FEES.] The state may reimburse CLEP examination fees for a Minnesota public high school student who has successfully completed one or more college-level courses in high school and earned a satisfactory score on one or more CLEP examinations in the following subjects: composition and literature, mathematics and science, social sciences and history, foreign languages, and business and humanitites. The state may reimburse each successful student for up to six examination fees. The commissioner shall establish application procedures and a process and schedule for fee reimbursements. The commissioner must give priority to reimburse the CLEP examination fees of students of low-income families.

Subd. 3. [COLLEGE CREDIT.] The colleges and universities of the Minnesota State Colleges and Universities system must award, and the University of Minnesota and private postsecondary institutions are encouraged to award, college credit to high school students who receive a satisfactory score on a CLEP examination under this section. The commissioner, in consultation with the Minnesota State Colleges and Universities, shall set a passing score for college credits.

Sec. 11. Minnesota Statutes 2004, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with

subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed from and aligned with the state's required academic standards under section 120B.021 and administered annually to all students in grades 3 through 8 and at the high school level. A state-developed test in a subject other than writing, developed after the 2002-2003 school year, must include both multiple choice and constructed response questions. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. For students enrolled in grade 8 before the 2005-2006 school year, only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. The passing scores of the state tests in reading and mathematics are the equivalent of:

(1) 70 percent correct for students entering grade 9 in 1996; and

(2) 75 percent correct for students entering grade 9 in 1997 and thereafter, as based on the first uniform test administration of February 1998.

For students enrolled in grade 8 in the 2005-2006 school year and later, only the Minnesota Comprehensive Assessments Second Edition (MCA-IIs) in reading, mathematics, and writing shall fulfill students' academic standard requirements.

(b) The third through 8th grade and high school level test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must disseminate to the public the test results upon receiving those results.

(c) State tests must be constructed and aligned with state academic standards. The testing process and the order of administration shall be determined by the commissioner. The statewide results shall be aggregated at the site and district level, consistent with subdivision 1a.

(d) In addition to the testing and reporting requirements under this section, the commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide testing of all students in grades 3 through 8 and at the high school level that provides exemptions, only with parent or guardian approval, for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06, determines that the student is incapable of taking a statewide test, or for a limited English proficiency student under section 124D.59, subdivision 2, if the student has been in the United States for fewer than three years;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis, including average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level;

(3) students' scores on the American College Test; and

(4) state results from participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement.

(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner.

Sec. 12. Minnesota Statutes 2004, section 120B.30, subdivision 1a, is amended to read:

Subd. 1a. [STATEWIDE AND LOCAL ASSESSMENTS; RESULTS.] (a) The commissioner must develop ~~language arts~~ reading, mathematics, and science assessments aligned with state academic standards that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies and the arts. The commissioner must require:

(1) annual ~~language arts~~ reading and mathematics

assessments in grades 3 through 8 and at the high school level for the 2005-2006 school year and later; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 9 span, and a life sciences assessment in the grades 10 through 12 span for the 2007-2008 school year and later.

(b) The commissioner must ensure that all statewide tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

(c) Reporting of assessment results must:

(1) provide timely, useful, and understandable information on the performance of individual students, schools, school districts, and the state;

(2) include, by the 2006-2007 school year, a value-added component to measure student achievement growth over time; and

(3) for students enrolled in grade 8 before the 2005-2006 school year, determine whether students have met the state's basic skills requirements; or

(4) for students enrolled in grade 8 in the 2005-2006 school year and later, determine whether students have met the state's academic standards.

(d) Consistent with applicable federal law and subdivision 1, paragraph (d), clause (1), the commissioner must include alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for students with limited English proficiency.

(e) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress in achieving the academic standards. If a state assessment is not available, a school, school district, and charter school must determine locally if a student has met the required academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A

school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Sec. 13. [120B.362] [VALUE-ADDED ASSESSMENT PROGRAM.]

(a) The commissioner of education must implement a value-added assessment program to assist school districts, public schools, and charter schools in assessing and reporting students' growth in academic achievement under section 120B.30, subdivision 1a. The program must use assessments of students' academic achievement to make longitudinal comparisons of each student's academic growth over time. School districts, public schools, and charter schools may apply to the commissioner to participate in the initial trial program using a form and in the manner the commissioner prescribes. The commissioner must select program participants from urban, suburban, and rural areas throughout the state.

(b) The commissioner may issue a request for a proposal to contract with an organization that provides a value-added assessment model that reliably estimates school and school district effects on students' academic achievement over time. The model the commissioner selects must accommodate diverse data and must use each student's test data across grades.

(c) The contract under paragraph (b) must be consistent with the definition of "best value" under section 16C.02, subdivision 4.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 14. [122A.245] [TEACHER TRAINING PROGRAM FOR QUALIFIED PROFESSIONALS.]

Subdivision 1. [SCOPE AND REQUIREMENTS.] (a) As an alternative to postsecondary teacher preparation programs and alternative preparation licensing for teachers under section 122A.24, a teacher training program is established for qualified professionals to acquire an entrance license. Providers, approved by the commissioner under subdivision 3, may offer the

program in the instructional fields of science, mathematics, world languages, English as a second language, and special education.

(b) To participate in the teacher training program, the applicant must:

(1) have, at a minimum, a bachelor's degree from an accredited four-year postsecondary institution;

(2) have an undergraduate major or postbaccalaureate degree in the subject to be taught or in an equivalent or related subject area in which the applicant is seeking licensure;

(3) pass an examination of skills in reading, writing, and mathematics as required by section 122A.18;

(4) pass Praxis II Subject Assessment for each subject area to be taught;

(5) have a cumulative grade point average requirement of 2.75 or higher on a 4.0 scale for a bachelor's degree;

(6) have evidence of employment related to the subject to be taught; and

(7) have evidence of being hired as a teacher on condition of participating in an approved program described in subdivision 2.

Subd. 2. [PROGRAM.] A teacher training program provided under this section is one year in duration and must include:

(1) a nine-credit summer or preinduction preparation program that includes classroom management techniques and on-site classroom observation that must be completed before the candidate is employed in the classroom;

(2) 200 clock hours of instruction in essential skills and knowledge including curriculum, instruction, and classroom management presented after school, Saturdays, or both throughout the year. The completed 200 clock hours shall lead to a teaching license and may provide up to 15 graduate credits toward a master's degree in education;

(3) on-the-job mentoring, supervision, and evaluation arranged by the local district of employment. Mentoring must be provided by an experienced teacher with licensure in the subject

taught by applicant. Three evaluations, including at least three classroom observations, must be conducted by the evaluation team and a written report of each evaluation prepared. The third evaluation contains the team's recommendation for licensure. The evaluation team must include the mentor, the principal, and a member of the approved teacher training program; and

(4) a one-week intensive workshop that includes analysis and reflection of the first year of teaching at the completion of the school year. These hours may be counted as part of 200 clock hours required in clause (2).

Subd. 3. [PROGRAM APPROVAL.] Program proposals submitted to the commissioner of education for approval must be developed and submitted by a Minnesota public or private postsecondary institution. Notwithstanding any law to the contrary, the commissioner must approve teacher training programs under this section based on criteria developed by an advisory group appointed by the commissioner. The advisory group shall include, at a minimum, a representative of the Board of Teaching, school superintendents, principals, teachers, the Department of Education, and postsecondary institutions, including those offering degrees in teaching preparation.

Subd. 4. [ELIGIBILITY LICENSE.] Notwithstanding any law to the contrary, an applicant who successfully meets the criteria established under subdivision 1, paragraph (b), shall receive a one-year eligibility license to teach at the place of employment identified under subdivision 1, paragraph (b), clause (7). During the one-year eligibility period, a mentor must be assigned under subdivision 2, clause (3). The applicant teacher and teacher mentor must meet to confer on classroom and instructional issues a minimum of once every week throughout the full school year.

The hiring district may deduct the cost of providing the mentor for the teacher training program participant from the participant's salary for the year of training.

Subd. 5. [STANDARD ENTRANCE LICENSE.] Notwithstanding any

law to the contrary, the Board of Teaching must issue a standard entrance license to a training program licensee who successfully completes the program under subdivision 2, successfully teaches in a classroom for one complete school year, and receives a positive recommendation from the applicant's evaluation team.

Subd. 6. [QUALIFIED TEACHER.] A person with a valid eligibility license under subdivision 5 is a qualified teacher under section 122A.16.

Sec. 15. [122A.601] [STAFF DEVELOPMENT PROGRAM.]

Subdivision 1. [REQUIREMENT.] Each school district must implement a staff development program that improves the quality of teaching and increases the achievement of all students. Staff development must be a part of each district and site improvement plan and must be aligned with state and federal requirements. A school board must use the revenue authorized in section 122A.61 for staff development that addresses areas identified for improvement by the district advisory committee and site teams, or for violence prevention training authorized in section 120B.22, subdivision 2.

Subd. 2. [DISTRICT STAFF DEVELOPMENT ADVISORY COMMITTEE.] (a) The school board must appoint a district staff development advisory committee. A majority of the advisory committee must be teachers representing various grade levels, subject areas, and special education. The district committee must also include personnel who work with federal programs, nonteaching staff, parents, paraprofessionals, and administrators including the superintendent or superintendent's designee.

(b) The district staff development advisory committee shall:

(1) analyze student achievement and other kinds of district-related data;

(2) establish districtwide staff development goals and learning outcomes based on the analysis of data, including the goal of eliminating achievement gaps among students;

(3) review the site team staff development plans for alignment with district goals;

(4) review the site team staff development plans for alignment with applications for federal funding;

(5) approve the site team plans or consult with site teams as needed to align with district goals and applications for federal funding;

(6) forward the approved site team plans and district staff development goals and learning outcomes to the superintendent and to the school board for approval prior to implementation.

Subd. 3. [STAFF DEVELOPMENT SCHOOL SITE TEAM.] (a) Each school site in a district must establish a staff development school site team that must include the principal. A majority of the site team must be teachers representing various grade levels, subject areas, and special education. The site team may also include nonteaching staff, personnel who work with federal programs, parents, and paraprofessionals. Kindergarten through grade 12 sites may function with a single committee that serves as both the site team and the district advisory committee.

(b) The staff development site team shall create a staff development plan for the site that improves instruction and student achievement. The plan shall:

(1) analyze student achievement and other kinds of site-related data;

(2) establish staff development goals and learning outcomes for the site based on the analysis of data, including the goal of eliminating achievement gaps among groups of students;

(3) identify procedures at each site for annually assessing and evaluating progress toward meeting the goals and outcomes;

(4) specify the staff development activities needed to increase the content knowledge and instructional skills of staff; and

(5) specify the staff development activities needed to enhance the leadership skills of principals to support instruction.

Subd. 4. [EFFECTIVE STAFF DEVELOPMENT ACTIVITIES.] Staff development activities must:

(1) focus on the school classroom and research-based

strategies that improve student learning;

(2) provide opportunities for teachers to practice and improve their skills over time;

(3) provide opportunities for teachers to use data to increase student achievement as part of their daily work;

(4) enhance teacher content knowledge and instructional skills;

(5) align with state and local academic standards; and

(6) provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring.

Staff development activities may include curriculum development and curriculum training programs, and activities that provide teachers and other members of site-based teams training to enhance team performance. In addition, the school district may implement other staff development activities as required by law and those associated with alternative teacher compensation models. Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under section 122A.61.

Subd. 5. [STAFF DEVELOPMENT REPORT.] (a) By October 15 of each year, the district and site staff development committees shall write and submit a report of staff development activities and expenditures for the previous year, in the form and manner determined by the commissioner. The report must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers participating in effective staff development activities under subdivision 4.

(b) The report must provide a breakdown of expenditures for:

(1) curriculum development and curriculum training programs; and

(2) staff development training models, workshops, and conferences, and the cost of releasing teachers or providing substitute teachers for staff development purposes.

The report must also include whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the Uniform Financial and Accounting and Reporting Standards.

(c) The commissioner shall report the staff development progress and expenditure data to the house of representatives and senate committees having jurisdiction over education by February 15 each year.

Sec. 16. Minnesota Statutes 2004, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT REVENUE.] A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for ~~in-service~~ staff development education for programs under section 120B.22, subdivision 2, for district and site staff development ~~plans,-including-plans-for-challenging-instructional activities-and-experiences-under~~ planning and implementation of staff development activities consistent with section ~~122A.60~~ 122A.601, ~~and-for-curriculum-development-and-programs, other-in-service-education,-teachers'-workshops,-teacher conferences,~~ the cost of substitute teachers for staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, other staff in the district plan, and other related costs for staff development efforts as specified in the district plan. The school district must use staff development revenue for activities under section 122A.601. A district may reduce the amount reserved for the current year by the amount expended for

these purposes in the current fiscal year from its reserved for staff development fund balance. Prior to the end of the reporting school year, a district may ~~annually~~ waive the annual requirement to reserve ~~their~~ two percent of its basic revenue or some portion for the next school year, under this section ~~if~~ by a majority vote of the licensed teachers in the district and a majority vote of the school board ~~agree to a resolution to waive the requirement~~. A district in statutory operating debt is exempt from reserving basic revenue according to this section, but must develop district plans, site plans, and the annual report under section 122A.601. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to ~~each~~ school ~~site~~ sites in the district ~~on a per teacher basis, which must be retained by the school site until used~~ with a proportionate amount per site based on the number of teachers. The board may retain ~~25~~ up to 50 percent to be used for district wide staff development efforts, for grants to sites for staff development, or both. ~~The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, or for the costs of curriculum development and programs, other in service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program.~~ The board may withhold a portion of initial allocation of revenue if the staff development goals are not being addressed or if the learning outcomes are not being met.

Sec. 17. Minnesota Statutes 2004, section 123B.09, subdivision 8, is amended to read:

Subd. 8. [DUTIES.] The board must superintend and manage the schools of the district; adopt rules for their organization, government, and instruction; keep registers; and prescribe textbooks and courses of study. The board may enter into an agreement with a postsecondary institution for secondary or postsecondary nonsectarian courses to be taught at a secondary school, nonsectarian postsecondary institution, or another location. The board must not enter into an agreement which limits a district superintendent's duty to assign and reassign teachers or administrators to the schools in which the teachers will teach or the administrators will administer.

[EFFECTIVE DATE.] This section is effective for agreements entered into on or after July 1, 2005.

Sec. 18. Minnesota Statutes 2004, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. [CONTRACT; DUTIES.] All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date

specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(2) recommend to the board employment and dismissal of teachers;

(3) before the start of the school year, and at other times as needed, superintend the assignment of teachers or administrators to schools to best meet student and school needs as determined by the superintendent;

(4) superintend school grading practices and examinations for promotions;

~~(4)~~ (5) make reports required by the commissioner;

~~(5)~~ (6) by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the expenditures that the district requires to ensure an 80 percent student passage rate on the basic standards test taken in the eighth grade, identifying the highest student passage rate the district

expects it will be able to attain on the basic standards test by grade 12, the amount of expenditures that the district requires to attain the targeted student passage rate, and how much the district is cross-subsidizing programs with special education, basic skills, and general education revenue; and

~~(6)~~ (7) perform other duties prescribed by the board.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 19. [124D.4531] [CAREER AND TECHNICAL LEVY.]

Subdivision 1. [CAREER AND TECHNICAL LEVY.] (a) A district with a career and technical program approved under this section for the fiscal year in which the levy is certified may levy an amount equal to the lesser of:

(1) $80 times the district's average daily membership in grades 10 through 12 for the fiscal year in which the levy is certified; or

(2) 25 percent of approved expenditures in the fiscal year in which the levy is certified for the following:

(i) salaries paid to essential, licensed personnel providing direct instructional services to students in that fiscal year for services rendered in the district's approved career and technical education programs;

(ii) contracted services provided by a public or private agency other than a Minnesota school district or cooperative center under subdivision 7;

(iii) necessary travel between instructional sites by licensed career and technical education personnel;

(iv) necessary travel by licensed career and technical education personnel for vocational student organization activities held within the state for instructional purposes;

(v) curriculum development activities that are part of a five-year plan for improvement based on program assessment;

(vi) necessary travel by licensed career and technical education personnel for noncollegiate credit-bearing professional development; and

(vii) specialized vocational instructional supplies.

(b) Up to ten percent of a district's career and technical

levy may be spent on equipment purchases. Districts using the career and technical levy for equipment purchases must report to the department on the improved learning opportunities for students that result from the investment in equipment.

(c) The district must recognize the full amount of this levy as revenue for the fiscal year in which it is certified.

Subd. 2. [ALLOCATION FROM COOPERATIVE CENTERS AND INTERMEDIATE DISTRICTS.] For purposes of this section, a cooperative center or an intermediate district must allocate its approved expenditures for career and technical education programs among participating districts.

Subd. 3. [LEVY GUARANTEE.] Notwithstanding subdivision 1, the career and technical education levy for a district is not less than the lesser of:

(1) the district's career and technical education levy authority for the previous fiscal year; or

(2) 100 percent of the approved expenditures for career and technical programs included in subdivision 1, paragraph (b), for the fiscal year in which the levy is certified.

Subd. 4. [COMPLIANCE WITH RULES.] (a) Levy authority must be granted under this section only for services rendered or for costs incurred in career and technical education programs approved by the commissioner and operated in accordance with rules adopted by the commissioner. The rules must not require any minimum number of administrative staff, any minimum period of coordination time or extended employment for career and technical education personnel, or the availability of vocational student activities or organizations for a career and technical education program to qualify for this levy. Levy authority shall be granted only for services rendered and for costs incurred by essential, licensed personnel, or approved paraprofessionals who meet the requirements for licensure pursuant to the rules of the Minnesota Board of Teaching.

For the purposes of this paragraph, "licensed personnel" means persons holding a valid career and technical license issued by the commissioner. If an average of five or fewer

secondary full-time equivalent students are enrolled per teacher in an approved postsecondary program at Intermediate District No. 287, 916, or 917, "licensed personnel" means persons holding a valid vocational license issued by the commissioner or the Board of Trustees of the Minnesota State Colleges and Universities.

(b) Notwithstanding section 127A.42, the commissioner may modify or withdraw the program or levy authority under this section without proceeding under section 127A.42, at any time. To do so, the commissioner must determine that the program does not comply with rules of the Department of Education or that any facts concerning the program or its budget differ from the facts in the district's approved application.

Subd. 5. [LIMIT.] The commissioner may reduce the levy under this section for a career and technical education program that receives funds from any other source. A district or center must not receive a total amount of levy authority pursuant to this section which, when added to funds from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Subd. 6. [LEVY FOR CONTRACTED SERVICES.] In addition to the provisions of subdivisions 4 and 5, a school district or cooperative center may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of career and technical education services. The commissioner must adopt rules relating to program approval procedures and criteria for these contracts and levy authority must be granted only for contracts approved by the commissioner. The district or cooperative center contracting for these services must be construed to be providing the services.

Subd. 7. [DISTRICT REPORTS.] Each district or cooperative center must report data to the department for all career and technical education programs as required by the department to implement the career and technical levy formula.

[EFFECTIVE DATE.] This section is effective for taxes payable in 2008.

Sec. 20. Minnesota Statutes 2004, section 124D.66, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE SERVICES.] (a) Assurance of mastery programs may provide direct instructional services to an eligible pupil, or a group of eligible pupils, under the following conditions in paragraphs (b) to (d).

(b) Instruction may be provided at one or more grade levels from kindergarten to grade 8 and for students in grades 9 through 12 who were enrolled in grade 8 before the 2005-2006 school year and have failed the basic skills tests, or were enrolled in grade 8 in the 2005-2006 school year and later and who have failed the Minnesota Comprehensive Assessments (MCA-IIs) in reading, mathematics, or writing as required for high school graduation under section 120B.02. If an assessment of pupils' needs within a district demonstrates that the eligible pupils in grades kindergarten to grade 8 are being appropriately served, a district may serve eligible pupils in grades 9 to 12.

(c) Instruction must be provided under the supervision of the eligible pupil's regular classroom teacher. Instruction may be provided by the eligible pupil's classroom teacher, by another teacher, by a team of teachers, or by an education assistant or aide. A special education teacher may provide instruction, but instruction that is provided under this section is not eligible for aid under section 125A.76.

(d) The instruction that is provided must differ from the initial instruction the pupil received in the regular classroom setting. The instruction may differ by presenting different curriculum than was initially presented in the regular classroom or by presenting the same curriculum:

(1) at a different rate or in a different sequence than it was initially presented;

(2) using different teaching methods or techniques than were used initially; or

(3) using different instructional materials than were used initially.

Sec. 21. Minnesota Statutes 2004, section 126C.457, is amended to read:

126C.457 [CAREER AND TECHNICAL LEVY.]

For taxes payable in 2006 and 2007, a school district may levy an amount equal to the greater of (1) $10,000, or (2) the district's fiscal year 2001 entitlement for career and technical aid under Minnesota Statutes 2000, section 124D.453. The district must recognize the full amount of this levy as revenue for the fiscal year in which it is certified. Revenue received under this section must be reserved and used only for career and technical programs.

Sec. 22. Minnesota Statutes 2004, section 171.04, subdivision 1, is amended to read:

Subdivision 1. [PERSONS NOT ELIGIBLE.] The department shall not issue a driver's license:

(1) to any person under 18 years unless:

(i) the applicant is 16 or 17 years of age and has a previously issued valid license from another state or country or the applicant has, for the 12 consecutive months preceding application, held a provisional license and during that time has incurred (A) no conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (B) no conviction for a crash-related moving violation, and (C) not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic regulation but does not include a parking violation, vehicle equipment violation, or warning citation;

(ii) the application for a license is approved by (A) either parent when both reside in the same household as the minor applicant or, if otherwise, then (B) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (C) the parent or spouse of the parent with whom the minor is living or, if subitems (A) to (C) do not apply, then (D) the guardian having custody of the minor or, in

the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (E) the minor's adult spouse, adult close family member, or adult employer; provided, that the approval required by this item contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; ~~and~~

(iii) the applicant presents a certification by the person who approves the application under item (ii), stating that the applicant has driven a motor vehicle accompanied by and under supervision of a licensed driver at least 21 years of age for at least ten hours during the period of provisional licensure; and

(iv) the applicant presents a certificate of school attendance under section 171.056, or the school board, SAAP board, or charter school board has submitted a certificate that it has waived the attendance requirement for the driving privilege for its students in accordance with section 120A.23;

(2) to any person who is 18 years of age or younger, unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months, and, with respect to a person under 18 years of age, a provisional license for a minimum of 12 months;

(3) to any person who is 19 years of age or older, unless that person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of three months;

(4) to any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act;

(5) to any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act and if otherwise qualified;

(6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

(7) to any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that the person is competent to operate a motor vehicle with safety to persons or property;

(8) to any person who is required by this chapter to take a vision, knowledge, or road examination, unless the person has successfully passed the examination. An applicant who fails four road tests must complete a minimum of six hours of behind-the-wheel instruction with an approved instructor before taking the road test again;

(9) to any person who is required under the Minnesota No-Fault Automobile Insurance Act to deposit proof of financial responsibility and who has not deposited the proof;

(10) to any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare;

(11) to any person when, in the opinion of the commissioner, the person is afflicted with or suffering from a physical or mental disability or disease that will affect the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways;

(12) to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(13) to a child for whom a court has ordered denial of driving privileges under section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is completed; or

(14) to any person whose license has been canceled, during the period of cancellation.

[EFFECTIVE DATE.] This section is effective October 1, 2005, and applies to all students under 18 years of age possessing or applying for a driver's instruction permit or provisional license on or after that date.

Sec. 23. Minnesota Statutes 2004, section 171.05,

subdivision 2, is amended to read:

Subd. 2. [PERSON LESS THAN 18 YEARS OF AGE.] (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in either:

(i) a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or

(ii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, the student's status as a homeschool student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;

(2) has completed the classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a department-administered test of the applicant's knowledge of traffic laws;

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided,

that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; ~~and~~

(6) presents a certificate of school attendance under section 171.056, or the school board, SAAP board, or charter school board has submitted a certificate that it has waived the attendance requirement for the driving privilege for its students in accordance with section 120A.23; and

(7) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for one year from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

[EFFECTIVE DATE.] This section is effective October 1, 2005, and applies to all students under 18 years of age possessing or applying for a driver's instruction permit on or after that date.

Sec. 24. Minnesota Statutes 2004, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.] (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of $25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the

driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.

(d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

(e) The permit holder must comply with the school attendance requirement under section 171.056, except when the attendance requirement is waived under section 120A.23. If the permit holder does not attend school as required, the commissioner shall cancel the permit according to section 171.056.

[EFFECTIVE DATE.] This section is effective October 1, 2005, and applies to all students under 18 years of age possessing or applying for a driver's instruction permit on or after that date.

Sec. 25. Minnesota Statutes 2004, section 171.05, subdivision 3, is amended to read:

Subd. 3. [MOTORIZED BICYCLE.] Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 171.02, subdivision 3, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age and who has successfully completed the written portion of the examination prescribed by the commissioner. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner, and who presents a school attendance certificate under section 171.056, or the school board, SAAP

board, or charter school board has submitted a certificate that it has waived the attendance requirement for the driving privilege for its students in accordance with section 120A.23.

[EFFECTIVE DATE.] This section is effective October 1, 2005, and applies to all students under 18 years of age possessing or applying for a motorized bicycle instruction permit on or after that date.

Sec. 26. [171.056] [SCHOOL ATTENDANCE REQUIREMENT FOR DRIVER'S INSTRUCTION PERMIT, MOTORIZED BICYCLE PERMIT, AND PROVISIONAL LICENSE.]

Subdivision 1. [ISSUANCE OR RENEWAL OF DRIVER'S INSTRUCTION PERMIT, MOTORIZED BICYCLE PERMIT, OR PROVISIONAL LICENSE.] (a) Notwithstanding any law to the contrary, except when the attendance requirement is waived under section 120A.23, school attendance is a requirement for the issuance of a new driver's instruction permit, motorized bicycle permit, or provisional license or the renewal of a permit to a student under 18 years of age. The student meets the school attendance requirement when the student:

(1) has a high school diploma or general education development certificate (GED);

(2) has withdrawn from school under section 120A.22, subdivision 8; or

(3)(i) is enrolled and attending a public school, SAAP, or charter school; is not truant under section 260C.007, subdivision 19; or is receiving alternative educational services during the pendency of a school expulsion, or is homeschooled or attending a nonpublic school; and

(ii) has conformed to attendance laws, rules, and policies of the student's school, school district, and the state.

(b) A student under 18 years of age who applies for a motorized bicycle permit, instruction permit, or provisional license must submit information in the manner and format prescribed by the Department of Public Safety certifying that the student has met the requirement for the permit or license under paragraph (a).

(c) As set forth in section 120A.23, a school principal or other administrator at the student's school must sign a written certificate form that verifies the student does not meet the definition of a habitual truant as defined in section 260C.007, subdivision 19, for the last grading period and the student's current grading period. The Department of Public Safety shall develop a certificate form for the school administrator to complete that includes the student's name, date of birth, and address. For any data not included in the school district, SAAP, or charter school definition of directory information, the school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release data to the Department of Public Safety. The school district, SAAP, or charter school must include in the student attendance policy it distributes to the parent or guardian and student that it will request a parent or guardian to sign an informed consent form to transfer directory information about the student to the department. The Department of Public Safety shall develop a certificate form for the school administrator to complete if that school district has opted out of the attendance requirement for driving privileges.

Subd. 2. [CANCELLATION OF PERMIT OR LICENSE.] (a) Notwithstanding any law to the contrary, the Department of Public Safety shall cancel the motorized bicycle permit, instruction permit, or provisional license of a student under 18 years of age when a school administrator notifies the department in writing that the student:

(1) meets the definition of a habitual truant under section 260C.007, subdivision 19, has not withdrawn from school under section 120A.22, subdivision 8, is not being homeschooled or attending a nonpublic school, and has not obtained a high school diploma or general education development certificate (GED); or

(2) has been expelled from a public or charter school, is not enrolled and attending school at another public or nonpublic school, including being homeschooled, and has refused to participate in the alternative educational services offered by

the district, as required by section 121A.55, during the pendency of the expulsion. The school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release this data to the department.

(b) Notwithstanding section 171.14, or other law to the contrary, the Department of Public Safety shall cancel the permit or license of a student under 18 years of age until the earliest of:

(1) the student becomes 18 years of age;

(2) the student withdraws from school under section 120A.22;

(3) the student obtained a high school diploma or general education development certificate (GED);

(4) the student has withdrawn from the student's prior public school and is now being homeschooled or attending a nonpublic school; or

(5) a school administrator notifies the department to reinstate the student's permit or license because the student attended school or participated in alternative educational services for 30 consecutive school days without an unexcused absence immediately following the date the department issued its cancellation notice.

(c) If a school district, SAAP, or charter school chooses to send truancy data to the Department of Public Safety each grading period, it shall notify:

(1) the Department of Public Safety electronically in a manner and format prescribed by the department that includes the student's name, date of birth, and address. For any data not included in the school district, SAAP, or charter school definition of directory information, the school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release the data to the department; and

(2) the student and the student's parent or legal guardian, by first class mail or other reasonable means, that the student's motorized bicycle permit, instruction permit, or provisional license may be canceled and the student may request

a hardship waiver from the Department of Public Safety. The Department of Public Safety may consult with the student's school to obtain relevant information prior to issuing its hardship waiver determination, based upon the provisions in section 171.30.

The Department of Public Safety shall notify the student and the student's parent or guardian in writing that the student's permit or license has been canceled under section 171.14, except that the cancellation shall begin ten calendar days from the date the written notice is issued. The notice shall provide notification to the student and the student's parent or guardian of the student's right to seek a hardship waiver and the procedure and timelines involved for that proceeding.

(d) When a student satisfies a requirement for reinstating driving privileges under paragraph (b), a school administrator must electronically certify to the department, in the manner and format the department prescribes, that the student has satisfied a requirement under paragraph (b). The school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release this data to the department.

Subd. 3. [EXPUNGEMENT OF DRIVER'S LICENSE RECORD.] Once the student turns 18 years of age, the student may submit a request to have the student's truancy data and any record of a refusal to issue or cancellation of a provisional or driver's license based upon a student's truancy expunged from the Department of Public Safety motor vehicle records. Upon proof of the student's age, the department must expunge the student's record.

Sec. 27. Minnesota Statutes 2004, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS OF ISSUANCE.] (a) In any case where a person's license has been suspended under section 171.056, 171.18, 171.173, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, or 171.172, the commissioner may issue a limited license to the driver including

under the following conditions:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; ~~or~~

(3) if attendance at a postsecondary institution of education, or attendance at a public school by an enrolled student of that institution or public school depends upon the use of the driver's license; or

(4) if the use of a driver's license by a minor is necessary for the employment of the minor or the minor's family, or to prevent the substantial disruption of the educational, nutritional, or medical needs of the minor or the minor's family.

(b) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(c) For purposes of this subdivision~~,~~:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "minor" refers to a student under the age of 18 who has not withdrawn from public school.

(d) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver

operating under the limited license shall have the license in possession at all times when operating as a driver.

(e) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(f) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(g) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

[EFFECTIVE DATE.] This section is effective October 1, 2005.

Sec. 28. Minnesota Statutes 2004, section 260A.03, is amended to read:

260A.03 [NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A CONTINUING TRUANT.]

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official shall notify the child's parent or legal guardian, by first-class mail or other reasonable means, of the following:

(1) that the child is truant;

(2) that the parent or guardian should notify the school if there is a valid excuse for the child's absences;

(3) that the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120A.22

and parents or guardians who fail to meet this obligation may be subject to prosecution under section 120A.34;

(4) that this notification serves as the notification required by section 120A.34;

(5) that alternative educational programs and services may be available in the district;

(6) that the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;

(7) that if a student meets the habitual truant definition under section 260C.007, subdivision 19, the student may not be able to obtain a driver's license or permit, or an existing license or permit, may be canceled, unless the school waived the attendance requirement under section 120A.23. The school district, SAAP, or charter school must obtain the informed consent of the parent or guardian to release this data to the Department of Public Safety;

(8) that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260C;

~~(8)~~ (9) that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to section 260C.201; and

~~(9)~~ (10) that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

[EFFECTIVE DATE.] This section is effective September 1, 2005.

Sec. 29. [CAREER AND TECHNICAL EDUCATION PROGRAM RULES.]

By January 1, 2007, the commissioner of education must adopt rules for approval of career and technical education programs consistent with Minnesota Statutes, section 124D.4531, subdivisions 4 and 6, that emphasize emerging workforce skills. Program approval for fiscal year 2008 and later must be based on the rules.

Sec. 30. [MINNESOTA COMPREHENSIVE ASSESSMENTS; RULES.]

The commissioner of education shall adopt rules on or before January 1, 2005, to implement the Minnesota Comprehensive Assessments Second Edition (MCA-IIs) in reading, mathematics, and writing.

Sec. 31. [REPEALER.]

Minnesota Statutes 2004, section 122A.60, is repealed.

ARTICLE 6

OTHER TECHNOLOGY POLICY

Section 1. [125B.26] [TELECOMMUNICATIONS/INTERNET ACCESS EQUITY AID.]

Subdivision 1. [COSTS TO BE SUBMITTED.] (a) A district or charter school shall submit its actual telecommunications/Internet access costs for the previous fiscal year, adjusted for any e-rate revenue received, to the department by August 15 of each year as prescribed by the commissioner. Costs eligible for reimbursement under this program are limited to the following:

(1) ongoing or recurring telecommunications/Internet access costs associated with Internet access, data lines, and video links providing:

(i) the equivalent of one data line, video link, or integrated data/video link that relies on a transport medium that operates at a minimum speed of 1.544 megabytes per second (T1) for each elementary school, middle school, or high school under section 120A.05, subdivisions 9, 11, and 13, including the recurring telecommunications line lease costs and ongoing Internet access service fees; or

(ii) the equivalent of one data line or video circuit, or integrated data/video link that relies on a transport medium that operates at a minimum speed of 1.544 megabytes per second (T1) for each district, including recurring telecommunications line lease costs and ongoing Internet access service fees;

(2) recurring costs of contractual or vendor-provided maintenance on the school district's wide area network to the point of presence at the school building up to the router,

codec, or other service delivery equipment located at the point of presence termination at the school or school district;

(3) recurring costs of cooperative, shared arrangements for regional delivery of telecommunications/Internet access between school districts, postsecondary institutions, and public libraries including network gateways, peering points, regional network infrastructure, Internet2 access, and network support, maintenance, and coordination; and

(4) service provider installation fees for installation of new telecommunications lines or increased bandwidth.

(b) Costs not eligible for reimbursement under this program include:

(1) recurring costs of school district staff providing network infrastructure support;

(2) recurring costs associated with voice and standard telephone service;

(3) costs associated with purchase of network hardware, telephones, computers, or other peripheral equipment needed to deliver telecommunications access to the school or school district;

(4) costs associated with laying fiber for telecommunications access;

(5) costs associated with wiring school or school district buildings;

(6) costs associated with purchase, installation, or purchase and installation of Internet filtering; and

(7) costs associated with digital content, including on-line learning or distance learning programming, and information databases.

Subd. 2. [E-RATES.] To be eligible for aid under this section, a district or charter school is required to file an e-rate application either separately or through its telecommunications access cluster and have a current technology plan on file with the department. Discounts received on telecommunications expenditures shall be reflected in the costs submitted to the department for aid under this section.

Subd. 3. [REIMBURSEMENT CRITERIA.] The commissioner shall develop criteria for approving costs submitted by school districts and charter schools under subdivision 1.

Subd. 4. [DISTRICT AID.] For fiscal year 2006, a district or charter school's Internet access equity aid equals 90 percent of the district or charter school's approved cost for the previous fiscal year according to subdivision 1 exceeding $15 times the district's adjusted marginal cost pupil units for the previous fiscal year. For fiscal year 2007 and later, a district or charter school's Internet access equity aid equals 90 percent of the district or charter school's approved cost for the previous fiscal year according to subdivision 1 exceeding $18 times the district's adjusted pupil units for the previous fiscal year, as adjusted under section 126C.05, subdivision 14.

Subd. 5. [TELECOMMUNICATIONS/INTERNET ACCESS SERVICES FOR NONPUBLIC SCHOOLS.] (a) Districts shall provide each year upon formal request by or on behalf of a nonpublic school, not including home schools, located in that district or area, ongoing or recurring telecommunications access services to the nonpublic school either through existing district providers or through separate providers.

(b) The amount of district aid for telecommunications access services for each nonpublic school under this subdivision equals the lesser of:

(1) 90 percent of the nonpublic school's approved cost for the previous fiscal year according to subdivision 1 exceeding $10 for fiscal year 2006 and $13 for fiscal year 2007 and later times the number of weighted pupils enrolled at the nonpublic school as of October 1 of the previous school year; or

(2) the product of the district's aid per pupil unit according to subdivision 4 times the number of weighted pupils enrolled at the nonpublic school as of October 1 of the previous school year.

(c) For purposes of this subdivision, nonpublic school pupils shall be weighted by grade level using the weighting factors defined in section 126C.05, subdivision 1.

(d) Each year, a district providing services under paragraph (a) may claim up to five percent of the aid determined in paragraph (b) for costs of administering this subdivision. No district may expend an amount for these telecommunications access services which exceeds the amount allocated under this subdivision. The nonpublic school is responsible for the Internet access costs not covered by this section.

(e) At the request of a nonpublic school, districts may allocate the amount determined in paragraph (b) directly to the nonpublic school to pay for or offset the nonpublic school's costs for telecommunications access services, however, the amount allocated directly to the nonpublic school may not exceed the actual amount of the school's ongoing or recurring telecommunications access costs.

Subd. 6. [SEVERABILITY.] If any portion of this section is found by a court to be unconstitutional, the remaining portions of the section shall remain in effect.

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2006.