

Senators Skoe, Kelley and Stumpf introduced--
S.F. No. 786: Referred to the Committee on Finance.

1 A bill for an act

2 relating to education; appropriating money for the
3 Blackduck High School student retention program.

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

5 Section 1. [APPROPRIATION.]

6 Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums
7 indicated in this section are appropriated from the general fund
8 to the Department of Education for the fiscal years designated.

9 Subd. 2. [BLACKDUCK HIGH SCHOOL STUDENT RETENTION
10 PROGRAM.] For a grant to Independent School District No. 32,
11 Blackduck, for the high school student retention program:

12 \$....,.... 2006

13 \$....,.... 2007

14 By December 15, 2007, the department must report to the
15 education committees of the legislature on how the Blackduck
16 High School student retention program is reducing the drop-out
17 rate. The report must include disaggregated data on drop-out
18 rates, graduation rates, and postsecondary enrollment rates.

1 Senator moves to amend S.F. No. 1055 as
2 follows:

3 Delete everything after the enacting clause and insert:

4 "Section 1. [123B.042] [SCHOOL SITE GOVERNANCE PROGRAM.]

5 Subdivision 1. [ESTABLISHMENT.] A school site governance
6 program is established to provide *an educational site as defined in 123B.04*
7 and flexibility to teach and provide services to students at the *Subdiv 1.*
8 school site.

9 Subd. 2. [SITE DECISION-MAKING TEAM.] (a) To participate
10 in the program, a school must form a site decision-making team
11 that includes a school principal or other persons having general
12 control and supervision of the school, at least one teacher in
13 the school, one noninstructional staff person in the school, and
14 at least one parent of a student enrolled in the school or other
15 community member. By October 1 of the school year before
16 participating in the program, the school site decision-making
17 team must:

18 (1) be approved by a 60 percent vote of employees in the
19 school;

20 (2) adopt a policy describing how it will delegate
21 authority and responsibilities among its members; and

22 (3) notify the school board of its intent to participate in
23 the program.

24 (b) After notifying the school board under paragraph (a),
25 clause (3), the school site decision-making team shall publish a
26 notice in a newspaper of general circulation in the district of
27 its intent to participate in the program and the date it will
28 hold a public hearing about its intended participation. In
29 addition to holding the public hearing, the decision-making
30 team, for a period of 30 days, must also solicit parent and
31 community input regarding its intended participation.

32 (c) By January 15, the decision-making team shall
33 demonstrate to the school board how the team's plan responds to
34 public comment.

35 Subd. 3. [RESPONSIBILITIES; REVENUE.] (a) A school site
36 decision-making team participating in this program:

Staffing
Assignment

1 (1) has the control and responsibilities of the school
2 board, including such responsibilities as instructional
3 practices, personnel selection from within the district, and
4 staffing assignments for the school; and

5 (2) retains control of the revenue and determines its use
6 as necessary to operate the school for the school years it
7 participates in the program under this section.

8 (b) By January 15 of the school year before participating
9 in the program, the school site decision-making team must enter
10 into a written agreement with the local school board describing
11 the control and responsibilities of the decision-making team and
12 of the school board. Revenue for a fiscal year received or
13 receivable by the district and that the district would expend
14 for the particular school site participating in the program is
15 allocated to that school site. All other district revenue not
16 reserved for other purposes must be proportionately allocated to
17 the site based on the site's pupil count. The agreement must
18 include provisions describing how the decision-making team and
19 school board will resolve disputes over assigned authority and
20 responsibilities.

21 (c) The district must maintain an account for each school
22 site participating in the program.

23 (d) The school site decision-making team must comply with
24 section 13D.04, subdivision 1.

25 Subd. 4. [EMPLOYEES.] The employees of the school site
26 remain employees of the school district for salary, benefits,
27 seniority, retirement, and other personnel issues, consistent
28 with current law and the collective bargaining agreement in
29 effect. The school site decision-making team selects employees
30 from within the district into licensed and nonlicensed positions
31 at the school site, including the position of principal or other
32 person having general control and supervision of the school.
33 When negotiating a new contract under chapter 179A, an exclusive
34 representative and school board must provide for the employees
35 of a school site participating in the program under this section.

36 Subd. 5. [PERFORMANCE AGREEMENTS.] By March 15 of the

1 school year before participating in the program, the school site
 2 decision-making team shall enter into a performance agreement
 with the school board. The agreement shall include:

4 (1) the previous year's baseline information at the site
 5 regarding student achievement based on:

6 (i) aggregated and disaggregated statewide testing data;

7 (ii) other nationally normed standardized tests;

8 (iii) student attendance; and

9 (iv) dropout rates and graduation rates, where applicable;

10 (2) the expected levels of improvement in selected areas of
 11 student performance during the next year;

12 (3) how student performance will be measured, including
 13 assessment procedures required by law and rule;

14 (4) status of the school's revenues and expenditures; *Curriculum;*

15 (5) other performance expectations and measures agreed upon
 16 by the school site and school board;

17 (6) the frequency of reporting by the school site to the
 18 school board; and

19 (7) how the performance results will be made available to
 20 parents and the public.

21 The term of an agreement shall be for no more than three
 22 years.

23 The performance agreement must include provisions
 24 describing how the school board and school site decision-making
 25 team will resolve disputes over the school's compliance with
 26 provisions of the agreement.

27 If the school site decision-making team and school board
 28 cannot agree on the provisions of a performance agreement as
 29 required under this subdivision, either party may request
 30 assistance from the commissioner of education. The commissioner
 31 shall provide assistance to the parties to ensure they reach an
 32 agreement.

33 Subd. 6. [TERMINATION OF SITE-BASED PROGRAM AUTHORITY.] If
 34 a school site fails to meet the agreed upon expectations as
 35 specified in the performance agreement with the school board for
 36 three consecutive school years, its authority to participate in

1 the program is terminated.

2 School sites that have had their authority to participate
3 in this program terminated under this subdivision may not
4 participate in this program for three years after termination.

5 Subd. 7. [REPORTS.] A school site decision-making team
6 shall, and its respective school board may, make an annual
7 report to the commissioner of education by September 1. The
8 reports shall be consistent with the requirements of section
9 120B.11, subdivision 5, paragraph (a).

10 Subd. 8. [COMMISSIONER'S DUTY.] The commissioner of
11 education shall evaluate the effectiveness of the program by
12 January 1, 2010.

13 Sec. 2. [SCHOOL SITE GOVERNANCE PROGRAM GRANTS;
14 APPROPRIATION.]

10 sites

15 The sums indicated in this section are appropriated from
16 the general fund for the fiscal years designated to the
17 commissioner of education for grants to schools that have
18 entered into an agreement with their school boards for
19 participation in the school site governance program under
20 Minnesota Statutes, section 123B.042:

21 \$, , , , , 2006

22 \$, , , , , 2007

23 These appropriations must be used for the planning and
24 implementation of school site governance. The commissioner
25 shall establish the form and manner of school site application
26 for a grant."

27 Delete the title and insert:

28 "A bill for an act
29 relating to education; providing for a school site
30 governance program; appropriating money; proposing
31 coding for new law in Minnesota Statutes, chapter
32 123B."

S.F. 1055 – School Site Governance Opportunities
(As amended)
Required Steps to Participate

Below is a brief summary of the steps a school site decision-making team must complete to participate in the expanded governance opportunities created by S.F. 1055 (Scheid).

By October 1:

- a) A site team must organize and be approved by a vote of at least 60% of school employees.
- b) Adopt a policy for delegating roles and responsibilities among the team's members.

After October 1, before January 15:

- a) Conduct a public hearing and seek public input on the team's plan.

By January 15:

- a) Enter into an agreement with the school board describing which responsibilities the site wants to assume and which will revert back to the school board.
- b) After sites have entered into the above agreement, they may apply for a planning and implementation grant from MDE.

By March 15:

- a) The site and school board must enter into a performance agreement.

This agreement will detail the site's baseline performance data and where and how much the site will show improvement.

After implementation of the site's plan, the site must provide an annual report to MDE summarizing its performance.



S.F. 1055 Expanded School Site Governance Opportunities

The goal of S.F. 1055 is to give educators at the school site level the opportunity to have greater decision-making authority in deciding how best to meet their students' needs.

Numerous studies have examined schools that have been successful in educating their students, often despite challenging demographics. While no study has found a "silver bullet" for closing the achievement gap, a number of studies have identified common characteristics of "successful" schools. One of those common characteristics is the shift toward more school site governance.

The following is a summary of the primary differences between S.F. 1055 and current school site decision-making law. In addition, the *italicized* items represent changes made to the original version of the bill (as reflected in a delete-everything amendment).

1. **Program participation:** Under current law, only a school board can determine whether or not school site governance will occur.

S.F. 1055 allows *a properly established* school site team to choose to participate. However, before the school can implement its plan, two requirements must be met.

First, a school site team and its school board must enter into an agreement which describes the distribution of their respective responsibilities. Second, the school site team must enter into a performance agreement with its school board.

2. **Site team membership and authority:** While current law is vague regarding who must be represented on the school site team and how that team's authority is established, *S.F. 1055 specifies minimum team membership and requires the team to be approved by a vote of at least 60% of school employees.*

The team must also adopt a policy for how it will delegate responsibilities amongst its members.

3. **Public input:** *After the team is approved by school employees, it shall hold a public hearing and seek additional public input.*
4. **Performance agreements:** Before a school can implement its governance plan it must enter into a performance agreement with its school board.

These agreements identify a school's baseline performance data (e.g. student achievement and *fiscal status*) and where the school will improve, by how much and over what period of time.

S.F. 1055 (cont.)

Performance agreements (cont.): If a school fails to meet the conditions of its performance agreement, its authority to participate in this program is terminated.

- 5. Authority and revenue:** Under current law, decision-making authority over school operations and management is delegated from the school board to the school.

S.F. 1055 reverses this dynamic, giving the school the initial ability to determine how much decision-making authority it wants to retain.

Under current law, the amount of revenue a school has authority over is negotiated with the school board.

S.F. 1055 specifies the school has initial authority over all the revenues it would normally receive due to student enrollment and other allocations.

- 6. Employees:** Under both current law and S.F. 1055, school employees are employees of the district.

Should a participating school choose to make decisions over who is selected to work at the school, the board and its respective bargaining units must include language in their prospective contracts to accommodate these staffing decisions.

- 7. Planning and implementation grants:** *Grants will be provided to assist participating schools in planning and implementing school site governance.*

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
- ✓ Support to schools
- ✓ Regular assessment of student progress
- ✓ 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. Consistent with this, SF 1055 gives schools broader governance opportunities than is common under existing law. It’s not a cure-all, but another tool to customize instruction & help improve student achievement.

Common Characteristics of “Successful” Schools	
<p>Making Schools Work: Seven Keys to Success (www.williamouchi.com)</p> <ol style="list-style-type: none"> 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. There is a burning focus on student achievement. Families have real choices among a variety of unique schools. 	<p>What Makes School Systems Perform? (www.oecd.org)</p> <ol style="list-style-type: none"> 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.
<p>Report of the National Commission on Governing America’s Schools (www.ecs.org)</p> <ol style="list-style-type: none"> 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. Redefine labor/management relations. Focus accountability system on improving student achievement. 8. Strengthen local school boards. 	<p>Decentralization in Practice: Toward a System of Schools (www.rand.org)</p> <ol style="list-style-type: none"> 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.
<p>Inside the Black Box of High-Performing, High-Poverty Schools (www.prichardcommittee.org)</p> <ol style="list-style-type: none"> 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. 	<p>No Excuses: Lessons from 21 High-performing, High Poverty Schools (www.noexcuses.org)</p> <ol style="list-style-type: none"> 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.

Senators Scheid, Wergin, Pogemiller, Wiger and Johnson, D.J. introduced--
S.F. No. 1055: Referred to the Committee on Education.

1 A bill for an act

2 relating to education; providing for a school site
3 governance program; proposing coding for new law in
4 Minnesota Statutes, chapter 123B.

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

6 Section 1. [123B.042] [SCHOOL SITE GOVERNANCE PROGRAM.]

7 Subdivision 1. [ESTABLISHMENT.] A school site governance
8 program is established to provide schools with more authority
9 and flexibility in teaching and providing services to students
10 at the school site.

11 Subd. 2. [SITE DECISION-MAKING TEAM.] To participate in
12 the program, a school must form a site decision-making team
13 under section 123B.04, subdivision 2, paragraph (a). The team
14 shall also adopt a policy detailing how it will delegate
15 authority and responsibilities among its members.

16 By January 1, the school site decision-making team shall
17 notify the school board of its intent to participate in the
18 program for the school year beginning after September 1 of that
19 year.

20 Subd. 3. [DUTIES; REVENUE.] (a) A school site
21 decision-making team participating in this program has all the
22 powers and duties of the school board and retains control of the
23 revenue and determines its use as necessary to operate the
24 school. The school site decision-making team must enter into an
25 agreement with the local school board describing any powers,

1 duties, authority, and responsibilities that the decision-making
2 team delegates to the school board. Revenue for a fiscal year
3 received or receivable by the district and that the district
4 would expend for the particular school site participating in the
5 program is allocated to that school site. All other district
6 revenue not reserved for other purposes must be proportionately
7 allocated to the site based on the site's pupil count. Any
8 power, duty, authority, and responsibility not expressly
9 delegated by the decision-making team to the school board shall
10 remain with the school site decision-making team. The district
11 shall maintain an account for each school site participating in
12 the program.

13 (b) The school site decision-making team shall comply with
14 section 13D.04, subdivision 1.

15 (c) Notwithstanding any law to the contrary, a school site
16 participating in the program under this section may legally
17 enter into a contract and expend funds as if it were a school
18 district. Any contract entered into by the school site may not
19 exceed the duration of the school site's participation in the
20 program.

21 Subd. 4. [EMPLOYEES.] The employees of the school site
22 remain employees of the school district for salary, benefits,
23 seniority, retirement, and other personnel issues, except that,
24 notwithstanding any law or agreement to the contrary, the school
25 site decision-making team determines who is selected or
26 transferred within the district into licensed and nonlicensed
27 positions at the school site, including the position of
28 principal or other person having general control and supervision
29 of the school. When negotiating a new contract under chapter
30 179A, an exclusive representative and school board must provide
31 for the employees of a school site participating in the program
32 under this section.

33 Subd. 5. [PERFORMANCE AGREEMENTS.] Prior to implementing
34 the agreement with the school board under subdivision 2, the
35 school site decision-making team shall enter into a performance
36 agreement with the school board. The agreement shall include:

- 1 (1) the previous year's baseline information at the site
2 regarding student achievement based on:
- 3 (i) aggregated and disaggregated statewide testing data;
4 (ii) other nationally normed standardized tests;
5 (iii) student attendance; and
6 (iv) dropout rates and graduation rates, where applicable;
7 (2) the expected levels of improvement in selected areas of
8 student performance during the next year;
- 9 (3) how student performance will be measured, including
10 assessment procedures required by law and rule;
- 11 (4) other performance expectations and measures agreed upon
12 by the school site and school board;
- 13 (5) the frequency of reporting by the school site to the
14 school board; and
- 15 (6) how the performance results will be made available to
16 parents and the public.

17 The term of an agreement shall be for no more than two
18 years.

19 If the school site decision-making team and school board
20 cannot agree on the provisions of a performance agreement as
21 required under this subdivision, either party may request
22 assistance from the commissioner of education. The commissioner
23 shall provide assistance to the parties to ensure they reach an
24 agreement.

25 Subd. 6. [TERMINATION OF SITE-BASED PROGRAM AUTHORITY.] If
26 a school site fails to meet the agreed upon expectations as
27 specified in the performance agreement with the school board for
28 three consecutive school years, its authority to participate in
29 this program is terminated.

30 School sites that have had their authority to participate
31 in this program terminated under this subdivision may not
32 participate in this program for three years after termination.

33 Subd. 7. [REPORTS.] A school site decision-making team
34 shall, and its respective school board may, make an annual
35 report to the commissioner of education by September 1. The
36 reports shall be consistent with the requirements of section

1 120B.11, subdivision 5, paragraph (a).

2 Subd. 8. [COMMISSIONER'S DUTY.] The commissioner of
3 education shall evaluate the effectiveness of the program by
4 January 1, 2010.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

S.F. No. 1286 - Computer-Based Adaptive Assessments

Author: Senator Steve Kelley

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

Date: April 7, 2005



Section 1. [Testing based on a growth model.] instructs the Commissioner of Education to select computer-based adaptive assessments that measure student achievement over time and that can be used across multiple grades or ages. The assessment result data must be reported in a way that shows growth trends for groups of students who are performing above grade level, at grade level, approaching grade-level performance, and performing significantly below grade level.

If the federal Department of Education does not approve the use of the selected assessments, the commissioner must notify the federal Department of Education that Minnesota is opting out of the No Child Left Behind Act.

The Department of Education must help districts receiving Microsoft settlement vouchers to acquire equipment necessary to administer the selected assessments.

Section 2. [Student Portfolio Demonstration Project.]

Subdivision 1. [Assessment.] The commissioner will select up to three school districts to participate in a student portfolio demonstration project

Subdivision 2. [Application.] A school district must submit an application to participate in the demonstration project.

Subdivision 3. [Commissioner.] The commissioner will determine the technical soundness of the portfolio assessment used by a school district and compare that assessment to state-administered tests. The commissioner will make a request to the federal Department of Education to use student portfolios for the assessment portion of the No Child Left Behind Act.



NASSMC-NBS'

To:NBS@nassmc.net

cc:

02/03/2003 07:56
AM

bcc:

Subject:S. Dakota Drops Online 'Adaptive' Testing A/A NBS#1792

NATIONAL ALLIANCE OF STATE SCIENCE AND MATHEMATICS COALITIONS
News Brief #1792 Category: Assessment & Accountability
TITLE: "South Dakota Drops Online 'Adaptive' Testing"

South Dakota's switch to adaptive online testing was short-lived. The state has returned to paper-and-pencil testing in order to meet the requirements of the No Child Left Behind law.

The online test - the Dakota Assessment of Content Standards (DACs) - doesn't provide enough individual student data to meet the federal requirements. The adaptive program, which asks each student harder or easier questions based on earlier responses, doesn't provide a clear picture of how students compare with one another.

Nevertheless, South Dakota is not abandoning DACs. According to Wade Pogany, the education department's director of education services, schools will still be able to use it on a voluntary basis.

Many schools are not eager to retain DACs, however. Content problems and computer problems made it "a fiasco from day one," said Pam Homan, director of assessment for the Sioux Falls district. Because most elementary schools have only one computer lab, the online testing process for all of the 3rd through 5th graders took five weeks, whereas traditional testing takes five days, she said.

SOURCE: Education Week, 29 January 2003 (p. 01)

WEBSITE: <http://www.edweek.org/ew/ewstory.cfm?slug=20online.h22>

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A Question of Direction

By Andrew Trotter

Paid Spor

Computer adaptive testing is used to test recruits to the U.S. military, for licensing nurses and computer technicians, for entrance tests to graduate school, and for a popular placement test used by community colleges—but not for academic testing in all but a handful of K-12 schools.

Most notably, computer adaptive testing has been left out of nearly all the large-scale testing programs that states are ramping up to meet the requirements of the federal "No Child Left Behind Act" of 2001.

(Registration required.)

THE ISSUES	
○	A LAW'S EFFECT
•	State Initiative Table
•	Test-Taker's Perspective
○	'ADAPTIVE' TESTING
○	ONLINE TEST PREP
○	SPEC. ED. TOOLS
○	CLASSROOM EXAMS
○	A CHANGING MARKET
○	DIGITAL GRADING

A prime reason: The U.S. Department of Education interprets the law's test-driven accountability rules as excluding so-called "out-of-level" testing. Federal officials have said the adaptive tests are not "grade-level tests," a requirement of the law

"Psychometricians regard that decision as humorous," Robert Dolan, a testing expert at the nonprofit Center for Applied Special Technology in Wakefield, Mass., says of the department's stance.

Adaptive tests deliver harder or easier items, depending on how well the individual test-taker is doing. They are considered out-of-level because the difficulty range could include skills and content offered in higher and lower grades.

<p>'Adaptive' testing puts federal officials and experts at odds.</p>	<p>Dolan and other test experts concede states may have reason to say no to computer adaptive testing, because of cost, uneven technology levels in schools, and even educators' unfamiliarity with the method—but not because of grade-level testing.</p>
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"The span of [test item] difficulty from easiest to hardest is entirely under the control of the test developer," says Tim Davey, the senior research director of the Educational Testing Service, based in Princeton, N.J.

NCLB

cost infrastructure

Some experts say adaptive tests give schools a better return on the time and money devoted to testing—including more accurate measurement of the proficiency of students who are above and below average, and speedier access to the test results.

USDOE
But Education Department officials say their hands are tied. "The regulations are very clear in saying all students have to be held to the same standard as the foundation for school accountability," says Sue Rigney, an education specialist in the department. "The focus here is very explicitly on the grade level the state has defined."

Federal officials worry that out-of-level testing might lead to lower expectations for below-average students.

They also note that states are free to use computer-adaptive tests outside the accountability purposes of the No Child Left Behind law, which requires yearly assessments in reading and mathematics of students in grades 3-8.

But the upshot, for now, is that computer adaptive tests are left out of the federal law, along with the public attention and federal money for test development that come with it. And the developers of adaptive tests feel they are missing out on what may be the greatest precollegiate testing boom in history.

'Made Us a Pariah'

"[The Education Department's] decision made us a pariah," says Allan L. Olson, the president of the Northwest Evaluation Association, a nonprofit testing organization in Portland, Ore.

IDAHO--
not compliant
The group was developing a computer adaptive test for Idaho's assessment when the department ruled its method out just over a year ago.

Federal officials gave the same message to South Dakota and Oregon. South Dakota subsequently made voluntary its once-required computer adaptive test, and has adopted a conventional paper-and-pencil test for its statewide program. Oregon has postponed for a year the addition of a computer adaptive feature to its online test.

"I think the [department's] interpretation in the case of South Dakota was based on a sort of misunderstanding of what adaptive testing does," says Davey of the ETS. He says computer adaptive tests typically span more than a single grade level—a diagnostic benefit—but they don't have to, and in any case, grade-level information is recorded for each test item. Researchers express puzzlement because the federal government has been deeply involved in the development of computer adaptive testing, starting with seminal research at the U.S. Office of Naval Research in the 1970s and 1980s. A decade

later, Education Department grants paid for new computer adaptive reading tests in foreign languages, and department officials lauded the method's potential for school-based testing. David J. Weiss, one of the original leaders of the Navy research, says there is "no reason" why computer adaptive testing is not appropriate for K-12.

Now the director of the psychometric-methods program at the University of Minnesota, Twin Cities, Weiss notes that a study of children who took such tests in Oregon for several years produced "beautiful data" on improvements in math and reading.

Federal officials say they would consider the use of a computer adaptive test if it tested within the grade level.

May be ok later, but only within grade level

But other test experts say the federal government is right to be wary of computer adaptive testing.

"The technology is not ready for prime time," contends Robert A. Schaeffer, the public education director for the National Center for Fair & Opening Testing, or FairTest, a Cambridge, Mass.-based advocacy group that opposed the No Child Left Behind Act because of its testing mandates.

'The technology is not ready for prime time.'

Robert A. Schaeffer,
Public Education Director,
National Center for
Fair & Opening Testing

He says the computer adaptive version of the Graduate Record Examination launched at ETS testing centers in 1994 was initially flawed because it had a pool of test items that was too small, and there were insufficient facilities for the number of test-takers.

ETS spokesman Tom Ewing acknowledges those problems occurred but says they were quickly resolved through enlarging the pool of questions and improving test scheduling.

But Schaeffer warns that schools could face a rougher transition, considering their budget limitations and the high stakes involved in testing.

W. James Popham, a professor emeritus and educational testing authority at the University of California, Los Angeles, says the theoretical accuracy of computer adaptive testing does not necessarily translate into reality: "Even though [such testing] makes measurement types quite merry, they can play games with numbers and it doesn't help kids."

Popham, a former president of the American Educational Research Association, contends that the testing technology is "opaque" to the public and policymakers.

He says federal officials may believe the testing method could introduce loopholes into the education law.

"They fear educational con artists who have historically frustrated congressional attempts to safeguard disadvantaged youngsters," Popham says, referring to educators who wish to avoid accountability. "The fear is, they'll pull a fast one and downgrade expectations."

Zeroing In on Skills

But proponents of adaptive, computer-based testing fear that schools may wait decades for access to a major improvement over conventional, "linear" standardized tests, which present each student with the same set of test items.

The logic of the new tests is that of a coach pitching to a young batter: If the youngster is missing, the coach eases up a little; if not, he increases the challenge. Sooner or later, the coach zeroes in on the batter's skill level.

Some testing experts argue that the adjustment improves test accuracy.

"In paper-and-pencil tests, items tend to be grouped around average kids. Those in the tails of distribution—we don't get as much information about those kids," says Michael L. Nering, the senior psychometrician at Measured Progress, a testing company in Dover, N.H.

"The great thing about adaptive testing is that it has equal precision," meaning the results are accurate at all proficiency levels, says Nering, who helped design two state assessments and developed computer adaptive tests for ACT Inc. "No matter what your ability is, whether you're really smart or not, the test will stop administering items when equal precision is reached."

'The great thing about adaptive testing is that it has equal precision.'

Michael L. Nering,
Senior Psychometrician,
Measured Progress

By contrast, most of the items on conventional tests—on paper or computer—are aimed at the "average" student in the target population.

"If I'm a very low-performing student, there may be only two or three items on the [conventional] test that are appropriate to my level of performance," Davey of the ETS says, adding that the same is true for high-performing students.

Inside the IRT

Computer adaptive tests often use the same types of questions as conventional tests, though with adjustments for display on a screen. Other features are distinctive, such as the order of items being irreversible. Students are not allowed to recheck or change answers.

This one-way street is necessary because of the process that takes place after each answer: A central computer recalculates the test-taker's ability level, then selects the next item, based on the individual's success to that point.

As the student completes more items, the computer tracks the statistical accuracy of the score until a set accuracy level is reached. Then the test moves to another skill or content area. Reaching that level may require fewer items if the student answers with consistent proficiency—or many more items, if the student answers inconsistently.

"Adaptive testing doesn't waste the examinees' time by asking questions that we're already pretty sure we know how the

student is going to answer," says Davey.

**'Adaptive testing
doesn't waste the
examinees' time.'**

Tim Davey,
Senior Research Director,
Educational Testing Service

To make the crucial decisions about which items to present, the test is outfitted with an "item response theory" model—essentially its brains and the part of the system that some critics consider opaque.

The IRT model governs the interaction between the test-taker and the test items. It weighs the student's record of right and wrong answers against several known characteristics of the test items—such as difficulty, the ability to discriminate between higher- and lower-ability students, the degree to which guessing may succeed, and coverage of academic content.

By solving the complex algorithm written into the IRT model, the computer determines which test item should be presented to the student next.

Test developers concede that IRT models are unfathomable to lay people and even challenge the intellects of experts unfamiliar with a given test.

Schaeffer of FairTest calls the IRT model the "pig in a poke" that makes computer adaptive testing hard for policymakers to accept.

"Who knows what the algorithm is for test delivery?" he asks.

"You have to accept the test manufacturer's claims about whether the test is equivalent for each student."

Scott Elliot, the chief executive officer of Vantage Learning, a major maker of computer-based tests located in Yardley, Pa., says, "There are many technical nuances under the IRT; some differences [between IRTs] are sort of like religion."

Davey of the ETS agrees that the IRT resists attempts to explain it, but adds that the apparent simplicity of conventional testing is "based largely on oversimplification of how paper testing typically is done."

In fact, he says, virtually identical IRT models are used with some conventional state tests to ensure that the same score in different years represents approximately the same proficiency level on the test—a vital issue for accountability.

Breaking With the Past

Because of technology hurdles and spotty acceptance of computer adaptive testing, experts generally predict that the field will struggle for the next five or 10 years, but that schools will eventually turn to the approach.

Davey believes educators will be persuaded by the greater amount of diagnostic information the tests produce from fewer school days spent testing.

That's not to overlook other formidable problems that computer-based testing poses for schools—notably, the difficulty of providing technology that is reliable and consistent for all students, so the playing field is kept level. The tests must

infra-
structure

be delivered over a robust infrastructure to avoid processing and communications delays that would leave students waiting for their next test items.

Experts generally predict that the field of computer adaptive testing will struggle for the next five or 10 years.

Computer adaptive tests also require larger banks of test items than conventional tests do. Yet the adaptive method gives items a longer useful life because it's harder for test-takers to predict which items they will encounter.

Cost

Finally, adaptive tests are subject to some of the same well-documented problems as other standardized tests, such as cultural biases, says FairTest's Schaeffer. "Automating test items that are used inappropriately, in many ways makes matters worse—you add technical problems and dissemination-of-information problems," he says.

bias and other testing problems still exist

Referring to the ETS adaptive Graduate Record Examination, he adds, "The GRE, in spite of all the hoopla, is the same lame questions put out using a hidden algorithm, instead of linearly on a sheet of paper."

Ewing of the ETS counters that its test items are "what the graduate deans have said are the math and verbal skills that they want students to be able to handle."

Meanwhile, researchers are working on new kinds of adaptations that could be applied in computer adaptive tests—including presenting items using multimedia or computer simulations and catering to an individual's preferred learning style. Already, some tests present items in different languages. Those changes highlight another potential pitfall. Today, policymakers insist on having new tests demonstrate "comparability" with old tests, a task that Davey says becomes vastly more difficult as testing methods change.

Benefiting from many promising innovations will require letting go of comparability, Davey maintains.

"It's like when we moved away from strictly essays and constructed-response items 100 years ago and introduced multiple-choice items," he says. "For tests based on simulations, there's no paper-and-pencil equivalent anymore. You have to make a clean break with the past."

ON THE WEB

The [U.S. Department of Education](#) released [final regulations](#) on standards and assessment requirements under the No Child Left Behind Act on July 5, 2002. See also the [full text](#) of the law.

"[Universal Design for Learning: Implications for Large-Scale Assessment](#)," co-authored by Robert Dolan, "describes a way to make strides toward an education system that works for all students, including those with learning disabilities, by applying the concept of universal design to learning and assessment." Posted by the [Center for Applied Special Technology](#).

The [Educational Testing Service](#) provides samples of its current [psychometrics & statistics](#) projects.

The [Northwest Evaluation Association](#) contends its [online assessments](#) "provide the

information most important to educators—scores that measure growth in student achievement." See also a research update, "[A Little Bit About Adaptive Tests](#)," Sept. 26, 2001. (Requires Adobe's Acrobat Reader.)

The [National Center for Fair & Open Testing](#) details its [objections](#) to standardized tests. Includes resource links.

Read the transcript from an [interview with James Popham](#), professor emeritus and educational testing authority at the University of California, Los Angeles, on the uses and misuses of standardized tests. The piece is part of [Testing Our Schools](#), a report by PBS' "Frontline."

The [ERIC Clearinghouse on Assessment and Evaluation](#) provides a resource page on [Item Response Theory](#). (Use links in left-hand margin to navigate.) See also an [adaptive testing tutorial](#).

The [Graduate Record Exam](#)—part of the [Educational Testing Service Network](#)—posts research on [measurement issues](#) and the development of [new assessments](#). Of note: "[Comparability of Paper-and-Pencil and Computer-Adaptive Test Scores on the GRE General Test](#)." (Requires Adobe's Acrobat Reader.)

Senators Kelley and Marko introduced--

S.F. No. 1286: Referred to the Committee on Education.

1 A bill for an act
2 relating to education; providing for computer-based
3 adaptive assessments; establishing a student portfolio
4 demonstration project.

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

6 Section 1. [TESTING BASED ON A GROWTH MODEL.]

7 (a) For the purposes of the No Child Left Behind Act,
8 Public Law 107-110, and the statewide testing and reporting
9 system under Minnesota Statutes, section 120B.30, the
10 commissioner of education must select computer-based adaptive
11 assessments that accurately measure student achievement and
12 student growth across time. The selected assessments must be
13 aligned with Minnesota standards, use a common scale score over
14 multiple grades or ages, have been used by Minnesota school
15 districts educating at least five percent of Minnesota
16 kindergarten through grade 12 students, and be capable of being
17 used for source data for a growth or value-added model of school
18 evaluation. An assessment selected under this section
19 administered at the high school level must be aligned with
20 college entrance requirements. In addition to reporting
21 requirements in Minnesota Statutes, section 120B.30, the
22 commissioner must report assessment result data in a way that
23 shows the growth trends over time for students in four groups:

24 (1) performing above grade level;

25 (2) performing at grade level;

- 1 (3) approaching grade-level performance; and
- 2 (4) performing significantly below grade level.

3 If the federal Department of Education does not approve the use
 4 of the computer-adaptive assessments selected under this
 5 section, the commissioner must notify the federal Department of
 6 Education that Minnesota is opting out of the provisions of the
 7 No Child Left Behind Act.

8 (b) The Department of Education must assist ^{Schools} school
 9 districts that are eligible to receive Microsoft settlement cy
 10 pres program vouchers in using the vouchers to acquire equipment
 11 and software necessary to administer the assessment selected
 12 under this section.

13 Sec. 2. [STUDENT PORTFOLIO DEMONSTRATION PROJECT.]

14 Subdivision 1. [ASSESSMENT.] The commissioner of education

15 shall select up to three school districts to participate in a
 16 student portfolio demonstration project. Demonstration project
 17 participants must use a portfolio assessment that has
 18 demonstrated content validity with respect to the required
 19 academic standards under Minnesota Statutes, section 120B.021,
 20 and are aligned with appropriate benchmarks established under
 21 Minnesota Statutes, section 120B.023. Districts that are part
 22 of the demonstration project may use the student portfolio to
 23 comply with the assessment portion of the No Child Left Behind
 24 Act.

25 Subd. 2. [APPLICATION.] A school district must submit an

26 application in the form and manner prescribed by the
 27 commissioner in order to participate in the demonstration
 28 project. A school district's application must include a plan
 29 indicating the grade level and content area in which student
 30 portfolios will be used.

31 Subd. 3. [COMMISSIONER.] (a) The commissioner shall

32 determine the technical soundness of the portfolio assessment
 33 selected by a school district. In addition, the commissioner
 34 shall determine comparability of the chosen assessment to the
 35 state-administered tests used in other grade levels.

36 (b) The commissioner shall submit a request to the federal

02/11/05

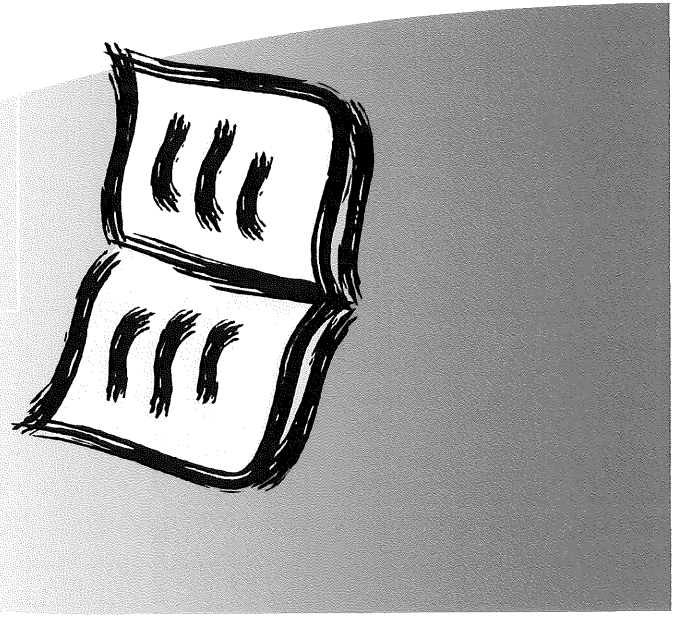
[REVISOR] XX/KJ 05-2620

- 1 Department of Education to use a local assessment model that
- 2 uses student portfolios for compliance with the assessment
- 3 portion of the No Child Left Behind Act.

SF786

THE VOCATIONAL LEARNING COMMUNITY

Creating the capacity to change
within the Blackduck School

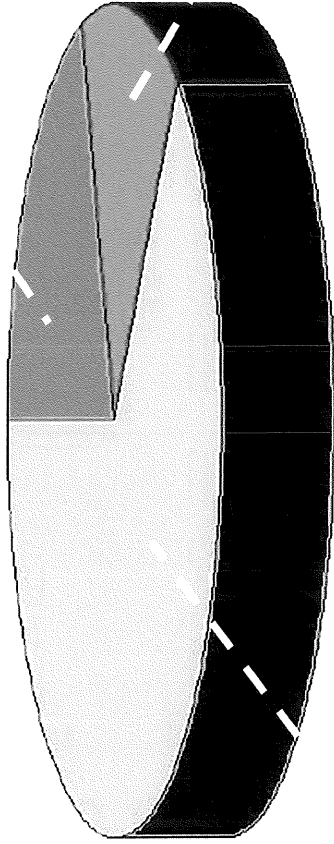


What is Happening in Rural Education:

- Public Education is in crisis:
 - In 2003, Minnesota was ranked 20th in the nation
 - Since 2003, state funding has declined
 - Statewide average enrollment is slightly declining (1%)
- Blackduck:
 - 31% of the 2001 9th grade students did not graduate in 2004
 - 20% of the 2000 9th grade students did not graduate in 2003
 - 20% of the 1999 9th grade students did not graduate in 2002

CAREER OUTLOOK

20% of all jobs are in professions

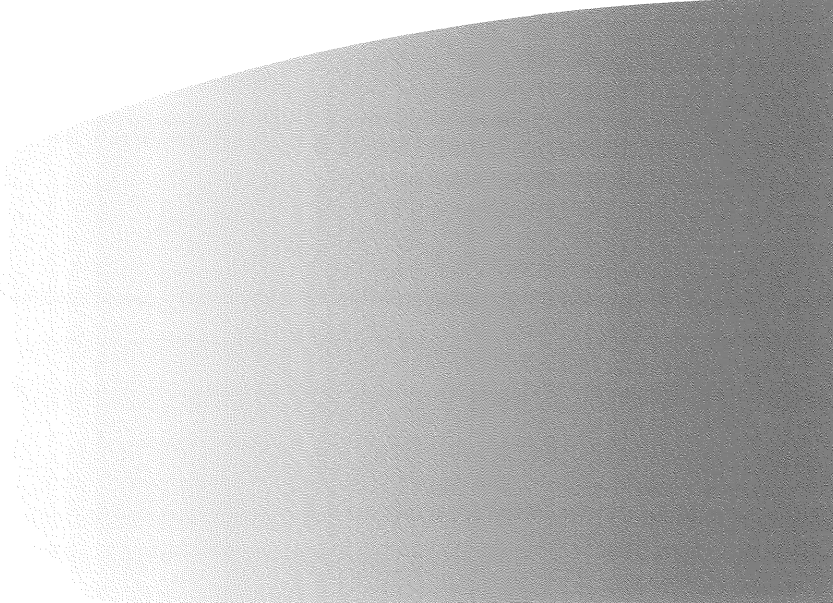


65% of all jobs are skilled occupations

15% are unskilled

Source: U.S. Dept. of Labor

MISSION STATEMENT

- **The purpose of the Blackduck Vocational Learning Community is to meet the educational needs of our at risk students by providing an alternative vocational learning environment that focuses on career and workplace skills.**
- 

GOALS

- Improved attendance
- Improved graduation rate
- Fewer disciplinary referrals
- Provide flexible scheduling
- Increase community/parent support
- Improve greater financial stability
- Improve existing
technology/vocational skills labs
- Increase workplace/technical college
entry level skills

HOW WE PLAN TO CHANGE

1. Curriculum Redesign

- Vocational English
- Vocational Math
- Vocational Science
- Vocational Technology
- Vocational Social
Studies/Geography
- Vocational History

2. Facility Redesign

- Hands-on application labs
- Non-traditional classroom spaces

HOW WE PLAN TO CHANGE

3. **Mentoring/Staffing**
 - Create skills database
 - Advising/supporting career track students from - 9th through 12th grade

4. **Professional Development**
 - Educating faculty/staff on learning opportunities and curriculum

5. **Community/Parent Involvement**
 - Educate parents and the community in the redesign to ensure that we are meeting our students needs and the need for long term growth
 - Provide support system for our at risk students

CURRICULUM

- **Foundation Skills* (workplace competencies)**
 - Resources; time, money, human resources
 - Interpersonal; team building, leadership, diversity
 - Information; acquire, evaluate, organize, communicate info
 - System
 - Technology
- **Fundamental Skills***
 - Basic skills; reading, writing, mathematics, listening, speaking
 - Thinking skills; knowing how to learn, problem solving
 - Personal qualities; self-esteem, integrity, responsibility

* defined by the U.S. Secretary of Labor (Scans Report)

EVALUATION

- **Improved Attendance**
- **Improved Graduation Rate**
- **Drop in discipline referrals**
- **Increased numbers of students attending post- secondary education**
- **Improved facilities**
- **Increased number of students who become gainfully employed**

LEGISLATIVE ROLE

**Create funding for a rural Minnesota model
through a pilot project at
Blackduck High School
(9th-12th grade)**

**Develop policy to support flexibility in
adapting to the
state academic standards.**

Blackduck's Vocational Learning Community

- Request for Funding**
 - \$455,000 over 3 years**
 - (1.75% of Current Budget)**
 - To sunset at the end of the 2008-2009 fiscal year**

1 Senator moves to amend S.F. No. 1148 as follows:

2 Delete everything after the enacting clause and insert:

3 "ARTICLE 1

4 EDUCATION EXCELLENCE

5 Section 1. Minnesota Statutes 2004, section 13.321, is
6 amended by adding a subdivision to read:

7 Subd. 10. [TEACHER DATA FROM VALUE-ADDED ASSESSMENT
8 MODEL.] Data on individual teachers generated from a value-added
9 assessment model are governed under section 120B.362.

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

12 Sec. 2. Minnesota Statutes 2004, section 120B.02, is
13 amended to read:

14 120B.02 [EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S
15 STUDENTS.]

16 (a) The legislature is committed to establishing rigorous
17 academic standards for Minnesota's public school students. To
18 that end, the commissioner shall adopt in rule statewide
19 academic standards. The commissioner shall not prescribe in
20 rule or otherwise the delivery system, classroom assessments, or
21 form of instruction that school sites must use. For purposes of
22 this chapter, a school site is a separate facility, or a
23 separate program within a facility that a local school board
24 recognizes as a school site for funding purposes.

25 (b) All commissioner actions regarding the rule must be
26 premised on the following:

27 (1) the rule is intended to raise academic expectations for
28 students, teachers, and schools;

29 (2) any state action regarding the rule must evidence
30 consideration of school district autonomy; and

31 (3) the Department of Education, with the assistance of
32 school districts, must make available information about all
33 state initiatives related to the rule to students and parents,
34 teachers, and the general public in a timely format that is
35 appropriate, comprehensive, and readily understandable.

36 (c) When fully implemented, the requirements for high

1 school graduation in Minnesota must require students to pass-the
2 basic-skills-test-requirements-and satisfactorily complete, as
3 determined by the school district, the course credit
4 requirements under section 120B.024 and:

5 (1) for students enrolled in grade 8 before the 2005-2006
6 school year, to pass the basic skills test requirements; or
7 (2) for students enrolled in grade 8 in the 2005-2006
8 school year and later, to pass the Minnesota Comprehensive
9 Assessments Second Edition (MCA-IIIs).

10 (d) The commissioner shall periodically review and report
11 on the state's assessment process.

12 (e) School districts are not required to adopt specific
13 provisions of the-Goals-2000-and the federal School-to-Work
14 programs.

15 Sec. 3. Minnesota Statutes 2004, section 120B.021,
16 subdivision 1, is amended to read:

17 Subdivision 1. [REQUIRED ACADEMIC STANDARDS.] The
18 following subject areas are required for statewide
19 accountability:

20 (1) language arts;

21 (2) mathematics;

22 (3) science;

23 (4) social studies, including history, geography,
24 economics, and government and citizenship;

25 (5) health and physical education, for which locally
26 developed academic standards apply; and

27 (6) the arts, for which statewide or locally developed
28 academic standards apply, as determined by the school district.

29 Public elementary and middle schools must offer at least three
30 and require at least two of the following four arts areas:

31 dance; music; theater; and visual arts. Public high schools
32 must offer at least three and require at least one of the

33 following five arts areas: media arts; dance; music; theater;
34 and visual arts.

35 The commissioner must submit proposed standards in science
36 and social studies to the legislature by February 1, 2004.

1 For purposes of applicable federal law, the academic standards
2 for language arts, mathematics, and science apply to all public
3 school students, except the very few students with extreme
4 cognitive or physical impairments for whom an individualized
5 education plan team has determined that the required academic
6 standards are inappropriate. An individualized education plan
7 team that makes this determination must establish alternative
8 standards.

9 A school district, no later than the 2007-2008 school year,
10 must adopt graduation requirements that meet or exceed state
11 graduation requirements established in law or rule. A school
12 district that incorporates these state graduation requirements
13 before the 2007-2008 school year must provide students who enter
14 the 9th grade in or before the 2003-2004 school year the
15 opportunity to earn a diploma based on existing locally
16 established graduation requirements in effect when the students
17 entered the 9th grade. District efforts to develop, implement,
18 or improve instruction or curriculum as a result of the
19 provisions of this section must be consistent with sections
20 120B.10, 120B.11, and 120B.20.

21 At a minimum, school districts must maintain the same
22 physical education and health education requirements for
23 kindergarten through 8th grade students adopted for the
24 2004-2005 school year through the 2007-2008 school year.
25 Beginning in the 2008-2009 school year, public elementary school
26 students must participate in physical education for at least 150
27 minutes during the school week and health education for at least
28 50 hours a school year. Beginning in the 2008-2009 school year,
29 public 7th and 8th grade students must participate in physical
30 education for at least 225 minutes per week and health education
31 for at least 50 hours a school year.

32 Sec. 4. Minnesota Statutes 2004, section 120B.024, is
33 amended to read:

34 120B.024 [GRADUATION REQUIREMENTS; COURSE CREDITS.]

35 Students beginning 9th grade in the 2004-2005 school year
36 and later must successfully complete the following high school

1 level course credits for graduation:

2 (1) four credits of language arts;

3 (2) three credits of mathematics, encompassing at least
4 algebra, geometry, statistics, and probability sufficient to
5 satisfy the academic standard;

6 (3) three credits of science, including at least one credit
7 in biology;

8 (4) three and one-half credits of social studies,
9 encompassing at least United States history, geography,
10 government and citizenship, world history, and economics or
11 three credits of social studies encompassing at least United
12 States history, geography, government and citizenship, and world
13 history, and one-half credit of economics taught in a school's
14 social studies or business department;

15 (5) one credit in the arts; and

16 (6) one credit in physical education and one credit in
17 health education; and

18 (7) a minimum of ~~seven~~ five elective course credits.

19 A course credit is equivalent to a student successfully
20 completing an academic year of study or a student mastering the
21 applicable subject matter, as determined by the local school
22 district.

23 Sec. 5. Minnesota Statutes 2004, section 120B.11,
24 subdivision 1, is amended to read:

25 Subdivision 1. [DEFINITIONS.] For the purposes of this
26 section and section 120B.10, the following terms have the
27 meanings given them.

28 (a) "Instruction" means methods of providing learning
29 experiences that ~~enables~~ enable a student to meet state and
30 district academic standards and graduation
31 standards requirements.

32 (b) "Curriculum" means district or school adopted programs
33 and written plans for providing students with learning
34 experiences that lead to expected knowledge, and skills, ~~and~~
35 ~~positive-attitudes.~~

36 Sec. 6. Minnesota Statutes 2004, section 120B.11,

1 subdivision 2, is amended to read:

2 Subd. 2. [ADOPTING POLICIES.] (a) A school board shall
3 ~~adopt-annually-a~~ have in place an adopted written policy that
4 includes the following:

5 (1) district goals for instruction ~~and~~ including the use of
6 best practices, district and school curriculum, and achievement
7 for all student subgroups;

8 (2) a process for evaluating each student's progress toward
9 meeting ~~graduation~~ academic standards and identifying the
10 strengths and weaknesses of instruction and curriculum affecting
11 students' progress;

12 (3) a system for periodically reviewing and evaluating all
13 instruction and curriculum;

14 (4) a plan for improving instruction ~~and~~, curriculum, and
15 student achievement; and

16 (5) an ~~instruction-plan-that-includes~~ education
17 ~~effectiveness processes-developed-under~~ plan aligned with
18 section 122A.625 ~~and~~ that integrates instruction, curriculum,
19 and technology.

20 Sec. 7. Minnesota Statutes 2004, section 120B.11,
21 subdivision 3, is amended to read:

22 Subd. 3. [~~INSTRUCTION-AND-CURRICULUM~~ DISTRICT ADVISORY
23 COMMITTEE.] Each school board shall establish an ~~instruction-and~~
24 ~~curriculum~~ advisory committee to ensure active community
25 participation in all phases of planning and improving the
26 instruction and curriculum affecting state ~~graduation~~ and
27 district academic standards. A district advisory committee, to
28 the extent possible, shall reflect the diversity of the district
29 and its learning sites, and shall include teachers, parents,
30 support staff, ~~pupils~~ students, and other community residents.
31 The district may establish building teams as subcommittees of
32 the district advisory committee under subdivision 4. The
33 district advisory committee shall recommend to the school
34 board ~~districtwide-education-standards~~ rigorous academic
35 standards, student achievement goals and measures, assessments,
36 and program evaluations. Learning sites may expand upon

1 district evaluations of instruction, curriculum, assessments, or
2 programs. Whenever possible, parents and other community
3 residents shall comprise at least two-thirds of advisory
4 committee members.

5 Sec. 8. Minnesota Statutes 2004, section 120B.11,
6 subdivision 4, is amended to read:

7 Subd. 4. [BUILDING TEAM.] A school may establish a
8 building team to develop and implement an education
9 effectiveness plan to improve instruction and, curriculum, and
10 student achievement. The team shall advise the board and the
11 advisory committee about developing an instruction and
12 curriculum improvement plan that aligns curriculum, assessment
13 of student progress in meeting state graduation and district
14 academic standards, and instruction.

15 Sec. 9. Minnesota Statutes 2004, section 120B.11,
16 subdivision 5, is amended to read:

17 Subd. 5. [REPORT.] (a) By October 1 of each year, the
18 school board shall use standard statewide reporting procedures
19 the commissioner develops and adopt a report that includes the
20 following:

21 (1) student ~~performanee~~ achievement goals for meeting state
22 ~~graduation~~ academic standards adopted-for-that-year;

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

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

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

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

31 (b) The school board shall publish the report in the local
32 newspaper with the largest circulation in the district ~~or~~, by
33 mail, or by electronic means such as the district Web site. If
34 electronic means are used, the public must be notified and
35 copies of the report made available on request. The board shall
36 make a copy of the report available to the public for

1 inspection. The board shall send a copy of the report to the
2 commissioner of education by October 15 of each year.

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

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

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

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

14 Sec. 10. Minnesota Statutes 2004, section 120B.11,
15 subdivision 8, is amended to read:

16 Subd. 8. [BIENNIAL EVALUATION; ASSESSMENT PROGRAM.] At
17 least once every two years, the district report shall include an
18 evaluation of the district testing programs, according to the
19 following:

20 (1) written objectives of the assessment program;

21 (2) names of tests and grade levels tested;

22 (3) use of test results; and

23 (4) ~~implementation-of-an-assurance-of-mastery-program~~
24 student achievement results compared to previous years.

25 Sec. 11. Minnesota Statutes 2004, section 120B.13,
26 subdivision 1, is amended to read:

27 Subdivision 1. [PROGRAM STRUCTURE; TRAINING PROGRAMS FOR
28 TEACHERS.] (a) The advanced placement and international
29 baccalaureate programs are well-established academic programs
30 for mature, academically directed high school students. These
31 programs, in addition to providing academic rigor, offer sound
32 curricular design, accountability, comprehensive external
33 assessment, feedback to students and teachers, and the
34 opportunity for high school students to compete academically on
35 a global level. Advanced placement and international
36 baccalaureate programs allow students to leave high school with

1 the academic skills and self-confidence to succeed in college
2 and beyond. The advanced placement and international
3 baccalaureate programs help provide Minnesota students with
4 world-class educational opportunity.

5 (b) Critical to schools' educational success is ongoing
6 advanced placement/international baccalaureate-approved teacher
7 training. A secondary teacher assigned by a ~~district~~ public or
8 nonpublic school to teach an advanced placement or international
9 baccalaureate course or other interested educator may
10 participate in a training program offered by The College Board
11 or International Baccalaureate North America, Inc. The state
12 may pay a portion of the tuition, room, and board, and
13 out-of-state travel costs a teacher or other interested educator
14 incurs in participating in a training program. The commissioner
15 shall determine application procedures and deadlines, and select
16 teachers and other interested educators to participate in the
17 training program, and determine the payment process and amount
18 of the subsidy. The procedures determined by the commissioner
19 shall, to the extent possible, ensure that advanced placement
20 and international baccalaureate courses become available in all
21 parts of the state and that a variety of course offerings are
22 available in school districts. This subdivision does not
23 prevent teacher or other interested educator participation in
24 training programs offered by The College Board or International
25 Baccalaureate North America, Inc., when tuition is paid by a
26 source other than the state.

27 Sec. 12. Minnesota Statutes 2004, section 120B.13,
28 subdivision 3, is amended to read:

29 Subd. 3. [SUBSIDY FOR EXAMINATION FEES.] The state may pay
30 all or part of the fee for advanced placement or international
31 baccalaureate examinations ~~for pupils of low-income families in~~
32 ~~public and nonpublic schools.~~ The commissioner shall ~~adopt a~~
33 ~~schedule for fee subsidies that may allow payment of the entire~~
34 ~~fee for~~ pay all examination fees for all public and nonpublic
35 students of low-income families, as defined by the commissioner,
36 and to the limit of the available appropriation, shall also pay

1 a portion or all of the examination fees for other public and
2 nonpublic students sitting for an advanced placement
3 examination, international baccalaureate examination, or both.
4 The commissioner shall determine procedures for state payments
5 of fees.

6 Sec. 13. [120B.15] [GIFTED AND TALENTED STUDENTS
7 PROGRAMS.]

8 Subdivision 1. [IDENTIFYING AND SERVING GIFTED AND
9 TALENTED STUDENTS.] School districts must use the following
10 guidelines to identify students, design programs, provide staff
11 development, and evaluate programs in order to better and
12 appropriately serve gifted and talented students.

13 Subd. 2. [GIFTED AND TALENTED STUDENTS.] In order to
14 provide gifted and talented students with appropriate
15 educational programs, school districts must assess and identify
16 students by:

17 (1) reviewing multiple and objective criteria that include
18 student performances and student test results;

19 (2) informing instruction and services using a continuous
20 and comprehensive district assessment system;

21 (3) identifying gifted and talented students using
22 instruments and procedures that are valid and reliable,
23 culturally fair, and based on current theory and research;

24 (4) making fair, consistent, valid, and reliable decisions;

25 (5) establishing processes for parents to give informed
26 consent for their students' participation in a gifted and
27 talented program, for retaining and reassessing students, for
28 students exiting a program, and for appealing a decision about
29 whether a student may participate in a gifted and talented
30 program;

31 (6) implementing an open identification process available
32 to all students; and

33 (7) consistent with data practices law, sharing information
34 from the student identification process with parents and
35 guardians, school staff, and students.

36 Subd. 3. [STUDENT ACCESS; PROGRAM CONTENT AND

1 DEVELOPMENT.] (a) At the request of a student, parent or
2 guardian, or school staff member, a district must provide gifted
3 and talented students identified under subdivision 2 with
4 appropriate education programs under paragraph (b).

5 (b) Gifted and talented programs include:

6 (1) curriculum aligned with the cognitive, affective,
7 developmental, physical, and ethical needs of gifted and
8 talented students;

9 (2) articulated prekindergarten through grade 12 learning
10 experiences;

11 (3) flexible instructional pacing and subject and
12 grade-based opportunities to accelerate instruction;

13 (4) rigorous content consistent with students' abilities
14 and social and emotional development;

15 (5) challenging learning experiences focused on problem
16 solving and advanced reasoning; and

17 (6) differentiated guidance services to nurture students'
18 social and emotional development.

19 (c) School districts, in collaboration with interested
20 community members and with technical assistance from the state
21 education department, must develop gifted and talented programs
22 consistent with this section.

23 Subd. 4. [STAFF DEVELOPMENT.] Licensed teachers
24 instructing students in gifted and talented programs must
25 complete:

26 (1) postgraduate educational coursework that provides a
27 foundation for teaching gifted and talented students;

28 (2) ongoing staff development that prepares teachers to
29 best meet the unique needs of gifted and talented students; and

30 (3) a core of academic courses leading to certification as
31 a teacher of gifted and talented students.

32 Subd. 5. [ACCOUNTABILITY; EVALUATION.] School districts
33 annually by June 30 must determine whether gifted and talented
34 programs meet the needs of participating students and submit a
35 written program evaluation to the commissioner for review in
36 collaboration with the gifted and talented council. The

1 evaluation must indicate how well students participating in the
2 gifted and talented program were served. The evaluation must
3 show:

4 (1) community involvement in developing and evaluating the
5 program;

6 (2) the qualifications of teachers providing instruction in
7 gifted and talented programs;

8 (3) the process for identifying gifted and talented
9 students incorporates research-based best practices;

10 (4) students participating in a gifted and talented program
11 progressed in and were satisfied with the program; and

12 (5) an increase of underrepresented students participating
13 in gifted and talented and similar academically challenging
14 programs.

15 The commissioner may recommend improving the process for
16 identifying gifted and talented students or developing the
17 program.

18 [EFFECTIVE DATE.] This section is effective for the
19 2005-2006 school year and later.

20 Sec. 14. Minnesota Statutes 2004, section 120B.30,
21 subdivision 1, is amended to read:

22 Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner,
23 with advice from experts with appropriate technical
24 qualifications and experience and stakeholders, consistent with
25 subdivision 1a, shall include in the comprehensive assessment
26 system, for each grade level to be tested, state-constructed
27 tests developed from and aligned with the state's required
28 academic standards under section 120B.021 and administered
29 annually to all students in grades 3 through 8 and at the high
30 school level. A state-developed test in a subject other than
31 writing, developed after the 2002-2003 school year, must include
32 both multiple choice and constructed response questions. The
33 commissioner shall establish one or more months during which
34 schools shall administer the tests to students each school
35 year. For students enrolled in grade 8 before the 2005-2006
36 school year, only Minnesota basic skills tests in reading,

1 mathematics, and writing shall fulfill students' basic skills
2 testing requirements for a passing state notation. The passing
3 scores of the state tests in reading and mathematics are the
4 equivalent of:

5 (1) 70 percent correct for students entering grade 9 in
6 1996; and

7 (2) 75 percent correct for students entering grade 9 in
8 1997 and thereafter, as based on the first uniform test
9 administration of February 1998.

10 For students enrolled in grade 8 in the 2005-2006 school
11 year and later, only the Minnesota Comprehensive Assessments
12 Second Edition (MCA-IIIs) in reading, mathematics, and writing
13 shall fulfill students' academic standard requirements.

14 (b) The third through 8th grade and high school level test
15 results shall be available to districts for diagnostic purposes
16 affecting student learning and district instruction and
17 curriculum, and for establishing educational accountability.
18 The commissioner must disseminate to the public the test results
19 upon receiving those results.

20 (c) State tests must be constructed and aligned with state
21 academic standards. The testing process and the order of
22 administration shall be determined by the commissioner. The
23 statewide results shall be aggregated at the site and district
24 level, consistent with subdivision 1a.

25 (d) In addition to the testing and reporting requirements
26 under this section, the commissioner shall include the following
27 components in the statewide public reporting system:

28 (1) uniform statewide testing of all students in grades 3
29 through 8 and at the high school level that provides exemptions,
30 only with parent or guardian approval, for those very few
31 students for whom the student's individual education plan team
32 under sections 125A.05 and 125A.06, determines that the student
33 is incapable of taking a statewide test, or for a limited
34 English proficiency student under section 124D.59, subdivision
35 2, if the student has been in the United States for fewer than
36 three years;

1 (2) educational indicators that can be aggregated and
2 compared across school districts and across time on a statewide
3 basis, including average daily attendance, high school
4 graduation rates, and high school drop-out rates by age and
5 grade level;

6 (3) students' scores on the American College Test; and

7 (4) state results from participation in the National
8 Assessment of Educational Progress so that the state can
9 benchmark its performance against the nation and other states,
10 and, where possible, against other countries, and contribute to
11 the national effort to monitor achievement.

12 (e) Districts must report exemptions under paragraph (d),
13 clause (1), to the commissioner consistent with a format
14 provided by the commissioner.

15 Sec. 15. Minnesota Statutes 2004, section 120B.30,
16 subdivision 1a, is amended to read:

17 Subd. 1a. [STATEWIDE AND LOCAL ASSESSMENTS; RESULTS.] (a)
18 The commissioner must develop ~~language-arts~~ reading,
19 mathematics, and science assessments aligned with state academic
20 standards that districts and sites must use to monitor student
21 growth toward achieving those standards. The commissioner must
22 not develop statewide assessments for academic standards in
23 social studies and the arts. The commissioner must require:

24 (1) annual ~~language-arts~~ reading and mathematics
25 assessments in grades 3 through 8 and at the high school level
26 for the 2005-2006 school year and later; and

27 (2) annual science assessments in one grade in the grades 3
28 through 5 span, the grades 6 through 9 span, and a life sciences
29 assessment in the grades 10 through 12 span for the 2007-2008
30 school year and later.

31 (b) The commissioner must ensure that all statewide tests
32 administered to elementary and secondary students measure
33 students' academic knowledge and skills and not students'
34 values, attitudes, and beliefs.

35 (c) Reporting of assessment results must:

36 (1) provide timely, useful, and understandable information

1 on the performance of individual students, schools, school
2 districts, and the state;

3 (2) include, by the 2006-2007 school year, a value-added
4 component to measure student achievement growth over time; and

5 (3) for students enrolled in grade 8 before the 2005-2006
6 school year, determine whether students have met the state's
7 basic skills requirements; or

8 (4) for students enrolled in grade 8 in the 2005-2006
9 school year and later, determine whether students have met the
10 state's academic standards.

11 (d) Consistent with applicable federal law and subdivision
12 1, paragraph (d), clause (1), the commissioner must include
13 alternative assessments for the very few students with
14 disabilities for whom statewide assessments are inappropriate
15 and for students with limited English proficiency.

16 (e) A school, school district, and charter school must
17 administer statewide assessments under this section, as the
18 assessments become available, to evaluate student progress in
19 achieving the academic standards. If a state assessment is not
20 available, a school, school district, and charter school must
21 determine locally if a student has met the required academic
22 standards. A school, school district, or charter school may use
23 a student's performance on a statewide assessment as one of
24 multiple criteria to determine grade promotion or retention. A
25 school, school district, or charter school may use a high school
26 student's performance on a statewide assessment as a percentage
27 of the student's final grade in a course, or place a student's
28 assessment score on the student's transcript.

29 Sec. 16. [120B.361] [VALUE-ADDED ASSESSMENT PROGRAM.]

30 (a) The commissioner of education must implement a
31 value-added assessment program to assist school districts,
32 public schools, and charter schools in assessing and reporting
33 students' growth in academic achievement under section 120B.30,
34 subdivision 1a. The program must use assessments of students'
35 academic achievement to make longitudinal comparisons of each
36 student's academic growth over time. School districts, public

1 schools, and charter schools may apply to the commissioner to
2 participate in the initial trial program using a form and in the
3 manner the commissioner prescribes. The commissioner must
4 select program participants from urban, suburban, and rural
5 areas throughout the state.

6 (b) The commissioner may issue a request for a proposal to
7 contract with an organization that provides a value-added
8 assessment model that reliably estimates school and school
9 district effects on students' academic achievement over time.
10 The model the commissioner selects must accommodate diverse data
11 and must use each student's test data across grades.

12 (c) The contract under paragraph (b) must be consistent
13 with the definition of "best value" under section 16C.02,
14 subdivision 4.

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

17 Sec. 17. [120B.362] [GRANTS FOR SITE-BASED ACHIEVEMENT
18 CONTRACTS.]

19 Subdivision 1. [ELIGIBLE SCHOOLS.] (a) The commissioner of
20 education shall award grants to public school sites to increase
21 student achievement and eliminate the achievement gap at the
22 school site.

23 (b) The commissioner shall select sites that meet the
24 following criteria:

25 (1) have at least 75 percent of enrollment eligible for
26 free or reduced-price lunch;

27 (2) have an enrollment where at least 75 percent of the
28 students are students of color; and

29 (3) have failed to meet adequate yearly progress for at
30 least two consecutive years.

31 (c) In order to be eligible for a grant under this section,
32 a public school site shall have an approved site decision-making
33 agreement under section 123B.04, including an achievement
34 contract under section 123B.04, subdivision 4. The site
35 decision-making team shall include the principal of the school
36 site.

1 (d) The site team shall have a plan approved by the school
2 board and shall also have an agreement with the exclusive
3 bargaining unit of the district to participate in this grant
4 program.

5 Subd. 2. [APPLICATION.] (a) The applicant shall submit a
6 plan that will result in at least 80 percent of the students at
7 the site testing at a proficient level for their grade by the
8 end of the grant period of six years, with at least 60 percent
9 of the students testing at a proficient level for their grade at
10 the midpoint of the grant period.

11 (b) The site team shall include in its application a
12 detailed plan for using multiple objective and measurable
13 methods for tracking student achievement during the duration of
14 the grant and shall also include curriculum and academic
15 requirements that are rigorous and challenging for all
16 students. The site shall have the ability to return timely test
17 data to teachers and have a plan that demonstrates that the
18 teachers at the site can use the data to help improve curriculum
19 as well as monitor student achievement.

20 (c) The applicant shall have in its site-based plan an
21 agreement between the district and the exclusive bargaining unit
22 of the district that would give the site-based team increased
23 stability in the placement of teachers at the site. The
24 applicant shall include other innovative site-based personnel
25 decision-making items in its agreement that may include, but are
26 not limited to: hiring bonuses, additional ongoing
27 collaborative preparation time, on-site staff development,
28 hiring additional staff, and performance-based incentives.

29 (d) The site team shall also include in its application a
30 plan for a greater involvement of parents and the community in
31 the school, a plan for ensuring that each student at the site
32 can develop a meaningful relationship with at least one teacher
33 at the school site, and a clear approach to school safety,
34 including promoting respect for students and teachers.

35 Subd. 3. [GRANT AWARDS.] (a) The commissioner shall award
36 grants to a school site in three parts:

1 (1) one-third of the total grant amount is awarded at the
2 beginning of the grant agreement;

3 (2) one-third is awarded at the midpoint of the grant
4 agreement if the site has met the achievement goals established
5 in subdivision 2, paragraph (a); and

6 (3) one-third is awarded upon the completion of the grant
7 agreement if the site has met the achievement goals established
8 in subdivision 2, paragraph (a).

9 (b) The total grant award for a school site shall be at
10 least \$150,000 and shall not exceed \$500,000. The commissioner
11 shall determine the grant amount based on the number of students
12 enrolled at the site.

13 (c) The commissioner shall determine all other aspects of
14 the application and grant award process consistent with this
15 section.

16 Subd. 4. [REPORT.] The commissioner shall report annually
17 by March 1 during the program, with a final report due by
18 January 15, 2011, to the house of representatives and senate
19 committees having jurisdiction over education on the progress of
20 the program, including at least improvement in student
21 achievement, the effect of innovative personnel decision making
22 on closing the achievement gap, and the characteristics of
23 highly effective teachers.

24 [EFFECTIVE DATE.] This section is effective the day
25 following final enactment and applies to the 2005-2006 through
26 2011-2012 school years.

27 ' Sec. 18. Minnesota Statutes 2004, section 121A.06,
28 subdivision 2, is amended to read:

29 Subd. 2. [REPORTS; CONTENT.] By-January-17-19947-the
30 commissioner7--in-consultation-with-the-eriminal-and-juvenile
31 information-policy-group7--shall-develop-a-standardized-form-to
32 be-used-by-schools-to-report-incidents-involving-the-use-or
33 possessien-of-a-dangerous-weapon-in-school-zones. School
34 districts must electronically report to the commissioner of
35 education incidents involving the use or possession of a
36 dangerous weapon in school zones. The form sha11 must include

1 the following information:

2 (1) a description of each incident, including a description
3 of the dangerous weapon involved in the incident;

4 (2) where, at what time, and under what circumstances the
5 incident occurred;

6 (3) information about the offender, other than the
7 offender's name, including the offender's age; whether the
8 offender was a student and, if so, where the offender attended
9 school; and whether the offender was under school expulsion or
10 suspension at the time of the incident;

11 (4) information about the victim other than the victim's
12 name, if any, including the victim's age; whether the victim was
13 a student and, if so, where the victim attended school; and if
14 the victim was not a student, whether the victim was employed at
15 the school;

16 (5) the cost of the incident to the school and to the
17 victim; and

18 (6) the action taken by the school administration to
19 respond to the incident.

20 The commissioner ~~also shall develop~~ provide an alternative
21 electronic reporting format that allows school districts to
22 provide aggregate data, ~~with an option to use computer~~
23 ~~technology to report the data.~~

24 Sec. 19. Minnesota Statutes 2004, section 121A.06,
25 subdivision 3, is amended to read:

26 Subd. 3. [REPORTS; FILING REQUIREMENTS.] By ~~February 1 and~~
27 July ~~±~~ 31 of each year, each public school shall report
28 incidents involving the use or possession of a dangerous weapon
29 in school zones to the commissioner. The reports must be made
30 ~~on the standardized forms or using the alternative~~
31 ~~format~~ submitted using the electronic reporting system developed
32 by the commissioner under subdivision 2. The commissioner shall
33 compile the information it receives from the schools and report
34 it annually to the commissioner of public safety, ~~the criminal~~
35 ~~and juvenile information policy group,~~ and the legislature.

36 Sec. 20. [121A.222] [POSSESSION AND USE OF NONPRESCRIPTION

1 PAIN RELIEVERS BY SECONDARY STUDENTS.]

2 A secondary student may possess and use nonprescription
3 pain relief in a manner consistent with the labeling, if the
4 district has received a written authorization from the student's
5 parent permitting the student to self-administer the
6 medication. The parent must submit written authorization for
7 the student to self-administer the medication each school year.
8 The district may revoke a student's privilege to possess and use
9 nonprescription pain relievers if the district determines that
10 the student is abusing the privilege.

11 Sec. 21. Minnesota Statutes 2004, section 121A.53, is
12 amended to read:

13 121A.53 [REPORT TO COMMISSIONER OF EDUCATION.]

14 Subdivision 1. [EXCLUSIONS AND EXPULSIONS.] The school
15 board ~~shall~~ must report through the department electronic
16 reporting system each exclusion or expulsion within 30 days of
17 the effective date of the action to the commissioner of
18 education. This report ~~shall~~ must include a statement of
19 alternative educational services given the pupil and the reason
20 for, the effective date, and the duration of the exclusion or
21 expulsion. The report must also include the student's age,
22 grade, gender, race, and special education status.

23 Subd. 2. [REPORT.] The school board must include state
24 student identification numbers of affected pupils on all
25 dismissal reports required by the department. The department
26 must report annually to the commissioner summary data on the
27 number of dismissals by age, grade, gender, race, and special
28 education status of the affected pupils. All dismissal reports
29 must be submitted through the department electronic reporting
30 system.

31 Sec. 22. Minnesota Statutes 2004, section 122A.06,
32 subdivision 4, is amended to read:

33 Subd. 4. [COMPREHENSIVE, SCIENTIFICALLY BASED READING
34 INSTRUCTION.] ~~"Comprehensive, scientifically-based-reading~~
35 ~~instruction"-includes-instruction-and-practice-in-phonemic~~
36 ~~awareness,-phonics-and-other-word-recognition-skills,-and-guided~~

1 oral-reading-for-beginning-readers,-as-well-as-extensive-silent
2 reading,-vocabulary-instruction,-instruction-in-comprehension,
3 and-instruction-that-fosters-understanding-and-higher-order
4 thinking-for-readers-of-all-ages-and-proficiency
5 levels. "Comprehensive, scientifically based reading
6 instruction" includes a program or collection of instructional
7 practices with demonstrated success in instructing learners and
8 reliable and valid evidence to support the conclusion that when
9 these methods are used with learners, they can be expected to
10 achieve, at a minimum, satisfactory progress in reading
11 achievement. The program or collection of practices must
12 include, at a minimum, instruction in five areas of reading:
13 phonemic awareness, phonics, fluency, vocabulary, and text
14 comprehension.

15 Comprehensive, scientifically based reading instruction
16 also includes and integrates instructional strategies for
17 continuously assessing and evaluating the learner's reading
18 progress and needs in order to design and implement ongoing
19 interventions so that learners of all ages and proficiency
20 levels can read and comprehend text and apply higher level
21 thinking skills.

22 Sec. 23. Minnesota Statutes 2004, section 122A.09,
23 subdivision 4, is amended to read:

24 Subd. 4. [LICENSE AND RULES.] (a) The board must adopt
25 rules to license public school teachers and interns subject to
26 chapter 14.

27 (b) The board must adopt rules requiring a person to
28 successfully complete a skills examination in reading, writing,
29 and mathematics as a requirement for initial teacher licensure.
30 Such rules must require college and universities offering a
31 board-approved teacher preparation program to provide remedial
32 assistance to persons who did not achieve a qualifying score on
33 the skills examination, including those for whom English is a
34 second language.

35 (c) The board must adopt rules to approve teacher
36 preparation programs. The board, upon the request of a

1 postsecondary student preparing for teacher licensure or a
2 licensed graduate of a teacher preparation program, shall assist
3 in resolving a dispute between the person and a postsecondary
4 institution providing a teacher preparation program when the
5 dispute involves an institution's recommendation for licensure
6 affecting the person or the person's credentials. At the
7 board's discretion, assistance may include the application of
8 chapter 14.

9 (d) The board must provide the leadership and shall adopt
10 rules for the redesign of teacher education programs to
11 implement a research based, results-oriented curriculum that
12 focuses on the skills teachers need in order to be effective.
13 The board shall implement new systems of teacher preparation
14 program evaluation to assure program effectiveness based on
15 proficiency of graduates in demonstrating attainment of program
16 outcomes.

17 (e) The board must adopt rules requiring successful
18 completion of an examination of general pedagogical knowledge
19 and examinations of licensure-specific teaching skills. The
20 rules shall be effective on the dates determined by the board
21 but not later than September 1, 2001.

22 (f) The board must adopt rules requiring teacher educators
23 to work directly with elementary or secondary school teachers in
24 elementary or secondary schools to obtain periodic exposure to
25 the elementary or secondary teaching environment.

26 (g) The board must grant licenses to interns and to
27 candidates for initial licenses.

28 (h) The board must design and implement an assessment
29 system which requires a candidate for an initial license and
30 first continuing license to demonstrate the abilities necessary
31 to perform selected, representative teaching tasks at
32 appropriate levels.

33 (i) The board must receive recommendations from local
34 committees as established by the board for the renewal of
35 teaching licenses.

36 (j) The board must grant life licenses to those who qualify

1 according to requirements established by the board, and suspend
2 or revoke licenses pursuant to sections 122A.20 and 214.10. The
3 board must not establish any expiration date for application for
4 life licenses.

5 (k) The board must adopt rules that require all licensed
6 teachers who are renewing their continuing license to include in
7 their renewal requirements further preparation in the areas of
8 using positive behavior interventions and in accommodating,
9 modifying, and adapting curricula, materials, and strategies to
10 appropriately meet the needs of individual students and ensure
11 adequate progress toward the state's graduation rule.

12 (l) In adopting rules to license public school teachers who
13 provide health-related services for disabled children, the board
14 shall adopt rules consistent with license or registration
15 requirements of the commissioner of health and the
16 health-related boards who license personnel who perform similar
17 services outside of the school.

18 (m) The board must adopt rules that require all licensed
19 teachers who are renewing their continuing license to include in
20 their renewal requirements further reading preparation,
21 consistent with section 122A.06, subdivision 4. The rules do
22 not take effect until they are approved by law. Teachers who do
23 not provide direct instruction including, at least, counselors,
24 school psychologists, school nurses, school social workers,
25 audiovisual directors and coordinators, and recreation personnel
26 are exempt from this section.

27 (n) The board must adopt rules that require all licensed
28 teachers who are renewing their continuing license to include in
29 their renewal requirements further preparation in understanding
30 the key warning signs of early-onset mental illness in children
31 and adolescents.

32 (o) The board must:

33 (1) adopt rules to license qualified candidates to teach
34 chemistry, physics, biology, and earth and space science; and

35 (2) license a science teacher to teach in a new science
36 content area or level if the teacher holds a continuing license

1 to teach science and receives a qualifying score on an
2 appropriate Praxis II test in a science subject other than the
3 teacher's currently licensed science field or level. A
4 qualifying score is the same test score used for initial
5 licenses to teach science. A science teacher who seeks
6 licensure in a different science content area or level under
7 this paragraph is responsible for the actual costs of the
8 required testing.

9 Sec. 24. Minnesota Statutes 2004, section 122A.18,
10 subdivision 2a, is amended to read:

11 Subd. 2a. [READING STRATEGIES.] (a) All colleges and
12 universities approved by the Board of Teaching to prepare
13 persons for classroom teacher licensure must include in their
14 teacher preparation programs ~~reading-best-practices-that-enable~~
15 ~~classroom-teacher-licensure-candidates-to-know-how-to-teach~~
16 ~~reading,-such-as-phonics-or-other~~ research-based best practices
17 in reading, consistent with section 122A.06, subdivision 4, that
18 enable the licensure candidate to know how to teach reading in
19 the candidate's content areas.

20 (b) Board-approved teacher preparation programs for
21 teachers of elementary education must require instruction in the
22 application of comprehensive, scientifically based, and balanced
23 reading instruction programs that:

24 (1) teach students to read using foundational knowledge,
25 practices, and strategies consistent with section 122A.06,
26 subdivision 4, so that all students will achieve continuous
27 progress in reading; and

28 (2) teach specialized instruction in reading strategies,
29 interventions, and remediations that enable students of all ages
30 and proficiency levels to become proficient readers.

31 Sec. 25. Minnesota Statutes 2004, section 122A.41,
32 subdivision 14, is amended to read:

33 Subd. 14. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK
34 OF PUPILS; PREFERENCE GIVEN.] (a) A teacher whose services are
35 terminated on account of discontinuance of position or lack of
36 pupils must receive first consideration for other positions in

1 the district for which that teacher is qualified. In the event
2 it becomes necessary to discontinue one or more positions, in
3 making such discontinuance, teachers must be discontinued in any
4 department in the inverse order in which they were employed,
5 unless a board and the exclusive representative of teachers in
6 the district negotiate a plan providing otherwise.

7 (b) Notwithstanding the provisions of clause (a), a teacher
8 is not entitled to exercise any seniority when that exercise
9 results in that teacher being retained by the district in a
10 field for which the teacher holds only a provisional license, as
11 defined by the Board of Teaching, unless that exercise of
12 seniority results in the termination of services, on account of
13 discontinuance of position or lack of pupils, of another teacher
14 who also holds a provisional license in the same field. The
15 provisions of this clause do not apply to vocational education
16 licenses.

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

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

24 Sec. 26. Minnesota Statutes 2004, section 122A.413, is
25 amended to read:

26 122A.413 [EDUCATIONAL IMPROVEMENT PLAN.]

27 Subdivision 1. [QUALIFYING PLAN.] A district may develop
28 an educational improvement plan for the purpose of qualifying
29 for ~~alternative-teacher-compensation~~ principled pay practices
30 aid under ~~sections-122A-414-and-122A-415~~ section 122A.4142. The
31 plan must include measures for improving school district, school
32 site, teacher, and individual student performance.

33 Subd. 2. [PLAN COMPONENTS.] The educational improvement
34 plan must be approved by the school board and have at least
35 these elements:

36 (1) assessment and evaluation tools to measure student

1 performance and progress;

2 (2) performance goals and benchmarks for improvement;

3 (3) measures of student attendance and completion rates;

4 (4) a rigorous professional development system, consistent

5 with section 122A.60, that is aligned with educational

6 improvement, designed to achieve teaching quality improvement,

7 and consistent with clearly defined research-based standards;

8 (5) measures of student, family, and community involvement

9 and satisfaction;

10 (6) a data system about students and their academic

11 progress that provides parents and the public with

12 understandable information; and

13 (7) a teacher induction and mentoring program for

14 probationary teachers that provides continuous learning and

15 sustained teacher support:---~~The process for developing the plan~~

16 ~~must involve district teachers~~; and

17 (8) substantial teacher participation in developing the

18 plan, including teachers selected by the exclusive

19 representative of the teachers.

20 Subd. 3. [SCHOOL SITE ACCOUNTABILITY.] A district that

21 develops a plan under subdivisions 1 and 2 must ensure that each

22 school site develops a board-approved educational improvement

23 plan that is aligned with the district educational improvement.

24 plan under subdivision 2 and developed with teacher

25 participation consistent with subdivision 2, clause (8). While

26 a site plan must be consistent with the district educational

27 improvement plan, it may establish performance goals and

28 benchmarks that meet or exceed those of the district. ~~The~~

29 ~~process for developing the plan must involve site teachers.~~

30 Sec. 27. [122A.4142] [PRINCIPLED PAY PRACTICES FOR

31 TEACHERS.]

32 Subdivision 1. [PRINCIPLED PAY PRACTICES SYSTEM.] A school

33 district and the exclusive representative of the teachers may

34 adopt, by agreement, principled pay practices under subdivision

35 2 to provide incentives to attract and retain high-quality

36 teachers, encourage high-quality teachers to accept difficult

1 assignments, encourage teachers to improve their knowledge and
2 skills, and support teachers' roles in improving students'
3 educational achievement.

4 Subd. 2. [ELIGIBILITY FOR PRINCIPLED PAY PRACTICES
5 AID.] (a) To be eligible for principled pay practices aid, a
6 school district must submit to the department:

7 (1) a districtwide or site-based educational improvement
8 plan as described in section 122A.413;

9 (2) an executed collective bargaining agreement that
10 contains at least the following elements:

11 (i) a description of the conditions or actions necessary
12 for career advancement and additional compensation;

13 (ii) compensation provisions that base at least 60 percent
14 of any increase in compensation on performance and not on years
15 of service or the attainment of additional education or
16 training;

17 (iii) career advancement options for teachers retaining
18 primary roles in student instruction and for other members of
19 the bargaining unit;

20 (iv) incentives for teachers' continuous improvement in
21 content knowledge, pedagogy, and use of best practices;

22 (v) an objective evaluation program, including classroom or
23 performance observation, that is aligned with the district's or
24 site's educational improvement plan, and is a component of
25 determining performance;

26 (vi) provisions preventing any teacher's compensation from
27 being reduced as a result of implementing principled pay
28 practices;

29 (vii) provisions enabling any teacher in the district if
30 the principled pay practices are applied districtwide, or at a
31 site, if the practices apply only to a site, to participate in
32 the principled pay practices without limitations by quota or
33 other restrictions;

34 (viii) provisions encouraging collaboration among teachers
35 rather than competition; and

36 (ix) provisions for participation by all teachers in a

1 district, all teachers at a site, or at least 25 percent of the
2 teachers in a district.

3 (b) An agreement may contain different compensation
4 provisions for separate classifications of employees.

5 Subd. 3. [COMMISSIONER APPROVAL.] (a) Before concluding a
6 collective bargaining agreement, a district may submit a
7 proposed agreement and educational improvement plan for review,
8 comment, and preliminary approval by the commissioner. If the
9 plan and agreement are executed in the same form as
10 preliminarily approved by the commissioner, the plan and
11 agreement must be approved without further review.

12 (b) The application to the commissioner must contain a
13 formally adopted collective bargaining agreement, memorandum of
14 understanding, or other binding agreement that implements
15 principled pay practices consistent with this section.

16 (c) The commissioner's approval must be based on the
17 requirements established in subdivision 2. If the commissioner
18 does not approve an application, the notice to the school
19 district must provide details regarding the commissioner's
20 reason for rejecting the application.

21 (d) A school district that intends to apply for principled
22 pay practices aid for the first time must notify the
23 commissioner in writing by November 1 prior to the academic year
24 for which they intend to seek aid. The commissioner must
25 approve initial applications for school districts qualifying
26 under subdivision 4, paragraph (b), clause (1), by January 15 of
27 each year.

28 Subd. 4. [AID AMOUNT.] (a) A school district that meets
29 the conditions of this section, as approved by the commissioner,
30 is eligible for principled pay practices aid.

31 (b) Principled pay practices aid for a qualifying school
32 district, site, or portion of a district or school site is as
33 follows:

34 (1) for a school district in which the school board and the
35 exclusive representative of the teachers agree to place all
36 teachers in the district or at the site in the principled pay

1 practices system, aid equals \$150 times the district's or the
2 site's number of pupils enrolled on October 1 of the previous
3 fiscal year; or

4 (2) for a district in which the school board and the
5 exclusive representative of the teachers agree that at least 25
6 percent of the district's licensed teachers will be paid under
7 the principled pay practices system, aid equals \$150 times the
8 percentage of participating teachers times the district's number
9 of pupils enrolled as of October 1 of the previous fiscal year.

10 Subd. 5. [PERCENTAGE OF TEACHERS.] For purposes of
11 subdivision 4, the percentage of teachers participating in the
12 principled pay practices system equals the ratio of the number
13 of licensed teachers who are working at least 60 percent of a
14 full-time teacher's hours and agree to participate in the
15 principled pay practices system to the total number of licensed
16 teachers who are working at least 60 percent of a full-time
17 teacher's hours.

18 Subd. 6. [AID TIMING.] Districts or sites with approved
19 applications must receive principled pay practices aid for each
20 school year that the district or site participates in the
21 program.

22 Subd. 7. [ANNUAL AID APPROPRIATION.] The amount necessary
23 for this purpose is appropriated annually from the general fund
24 to the commissioner of education for principled pay practices
25 aid under this section.

26 [EFFECTIVE DATE.] This section is effective for fiscal year
27 2006 and thereafter.

28 Sec. 28. [122A.4143] [CLOSED CONTRACT.]

29 A district and the exclusive representative of the teachers
30 may agree jointly to reopen a collective bargaining agreement in
31 order to enter into a principled pay practices system consistent
32 with section 122A.4142 and an educational improvement plan under
33 section 122A.413.

34 Sec. 29. [122A.628] [SCHOOLS MENTORING SCHOOLS REGIONAL
35 SITES.]

36 The commissioner of education shall select up to four

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

12 The sites shall provide high quality mentoring assistance
13 programs and services to other nearby school districts for the
14 development of effective systems of support for new teachers.
15 The sites shall offer coaching/mentor training, in-class
16 observation training, and train-the-teacher opportunities for
17 teams of participating teachers. The sites shall use their
18 recognized experience and methods to equip schools to work with
19 their own new and beginning teachers. The commissioner shall
20 review and report annually to the legislature on the operation
21 of each training center.

22 Sec. 30. [124D.091] [COLLEGE IN THE SCHOOLS PROGRAM AID.]

23 Subdivision 1. [ELIGIBILITY.] A district that offers a
24 National Alliance of Concurrent Enrollment Partnership certified
25 course according to an agreement under section 124D.09,
26 subdivision 10, is eligible to receive aid to support the costs
27 associated with providing postsecondary courses at the high
28 school.

29 Subd. 2. [AID.] An eligible district shall receive \$150
30 per pupil enrolled in a National Alliance of Concurrent
31 Enrollment Partnership certified course. The money must be used
32 to defray the cost of delivering the course at the high school.
33 The commissioner shall establish application procedures and
34 deadlines for receipt of aid payments.

35 Sec. 31. Minnesota Statutes 2004, section 124D.095,
36 subdivision 8, is amended to read:

1 Subd. 8. [FINANCIAL ARRANGEMENTS.] (a) For a student
2 enrolled in an on-line learning course, the department must
3 calculate average daily membership and make payments according
4 to this subdivision.

5 (b) The initial on-line learning average daily membership
6 equals 1/12 for each semester course or a proportionate amount
7 for courses of different lengths. The adjusted on-line learning
8 average daily membership equals the initial on-line learning
9 average daily membership times .88.

10 (c) No on-line learning average daily membership shall be
11 generated if: (1) the student does not complete the on-line
12 learning course, or (2) the student is enrolled in on-line
13 learning provided by the enrolling district and the student
14 was either enrolled in a Minnesota public school for the school
15 year before the school year in which the student first enrolled
16 in on-line learning, or the student is enrolled in an
17 instructional program in which at least 40 percent of the total
18 instructional time takes place in the school's facilities. For
19 students enrolled in on-line learning according to clause (2),
20 the department shall calculate average daily membership
21 according to section 126C.05, subdivision 8.

22 (d) On-line learning average daily membership under this
23 subdivision for a student currently enrolled in a Minnesota
24 public school and who was enrolled in a Minnesota public school
25 for the school year before the school year in which the student
26 first enrolled in on-line learning shall be used only for
27 computing average daily membership according to section 126C.05,
28 subdivision 19, paragraph (a), clause ~~{##}~~ (2), and for
29 computing on-line learning aid according to section 126C.24.

30 (e) On-line learning average daily membership under this
31 subdivision for students not included in paragraph (c) or (d)
32 shall be used only for computing average daily membership
33 according to section 126C.05, subdivision 19, paragraph (a),
34 clause ~~{##}~~ (2), and for computing payments under paragraphs (f)
35 and (g).

36 (f) Subject to the limitations in this subdivision, the

1 department must pay an on-line learning provider an amount equal
2 to the product of the adjusted on-line learning average daily
3 membership for students under paragraph (e) times the student
4 grade level weighting under section 126C.05, subdivision 1,
5 times the formula allowance.

6 (g) The department must pay each on-line learning provider
7 100 percent of the amount in paragraph (f) within 45 days of
8 receiving final enrollment and course completion information
9 each quarter or semester.

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

12 Sec. 32. Minnesota Statutes 2004, section 124D.10,
13 subdivision 3, is amended to read:

14 Subd. 3. [SPONSOR.] (a) A school board; intermediate
15 school district school board; education district organized under
16 sections 123A.15 to 123A.19; charitable organization under
17 section 501(c)(3) of the Internal Revenue Code of 1986 that is a
18 member of the Minnesota Council of Nonprofits or the Minnesota
19 Council on Foundations, registered with the attorney general's
20 office, and reports an end-of-year fund balance of at least
21 \$2,000,000; Minnesota private college that grants two- or
22 four-year degrees and is registered with the Higher Education
23 Services Office under chapter 136A; community college, state
24 university, or technical college, governed by the Board of
25 Trustees of the Minnesota State Colleges and Universities; the
26 Board of the Perpich Center for Arts Education under chapter
27 129C; or the University of Minnesota may sponsor one or more
28 charter schools.

29 (b) A nonprofit corporation subject to chapter 317A,
30 described in section 317A.905, and exempt from federal income
31 tax under section 501(c)(6) of the Internal Revenue Code of
32 1986, may sponsor one or more charter schools if the charter
33 school has operated for at least three years under a different
34 sponsor and if the nonprofit corporation has existed for at
35 least 25 years.

36 Sec. 33. Minnesota Statutes 2004, section 124D.11,

1 subdivision 1, is amended to read:

2 Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) General
3 education revenue must be paid to a charter school as though it
4 were a district. The general education revenue for each
5 adjusted marginal cost pupil unit is the state average general
6 education revenue per pupil unit, plus the referendum
7 equalization aid allowance in the pupil's district of residence,
8 minus an amount equal to the product of the formula allowance
9 according to section 126C.10, subdivision 2, times .0485,
10 calculated without basic skills revenue, extended time revenue,
11 transition revenue, and transportation sparsity revenue, plus
12 basic skills revenue, extended time revenue, and transition
13 revenue as though the school were a school district. The
14 general education revenue for each extended time marginal cost
15 pupil unit equals \$4,378.

16 (b) Notwithstanding paragraph (a), for charter schools in
17 the first year of operation, general education revenue shall be
18 computed using the number of adjusted pupil units in the current
19 fiscal year.

20 Sec. 34. Minnesota Statutes 2004, section 124D.11,
21 subdivision 6, is amended to read:

22 Subd. 6. [OTHER AID, GRANTS, REVENUE.] (a) A charter
23 school is eligible to receive other aids, grants, and revenue
24 according to chapters 120A to 129C, as though it were a district.

25 (b) Notwithstanding paragraph (a), a charter school may not
26 receive aid, a grant, or revenue if a levy is required to obtain
27 the money, or if the aid, grant, or revenue is a replacement of
28 levy revenue, except as otherwise provided in this section.

29 (c) Federal aid received by the state must be paid to the
30 school, if it qualifies for the aid as though it were a school
31 district.

32 (d) A charter school may receive money from any source for
33 capital facilities needs. In the year-end report to the
34 commissioner of education, the charter school shall report the
35 total amount of funds received from grants and other outside
36 sources.

1 Sec. 35. Minnesota Statutes 2004, section 124D.66,
2 subdivision 3, is amended to read:

3 Subd. 3. [ELIGIBLE SERVICES.] (a) Assurance of mastery
4 programs may provide direct instructional services to an
5 eligible pupil, or a group of eligible pupils, under the
6 following conditions in paragraphs (b) to (d).

7 (b) Instruction may be provided at one or more grade levels
8 from kindergarten to grade 8 and for students in grades 9
9 through 12 who were enrolled in grade 8 before the 2005-2006
10 school year and have failed the basic skills tests, or were
11 enrolled in grade 8 in the 2005-2006 school year and later and
12 who have failed the Minnesota Comprehensive Assessments
13 (MCA-IIIs) in reading, mathematics, or writing as required for
14 high school graduation under section 120B.02. If an assessment
15 of pupils' needs within a district demonstrates that the
16 eligible pupils in grades kindergarten to grade 8 are being
17 appropriately served, a district may serve eligible pupils in
18 grades 9 to 12.

19 (c) Instruction must be provided under the supervision of
20 the eligible pupil's regular classroom teacher. Instruction may
21 be provided by the eligible pupil's classroom teacher, by
22 another teacher, by a team of teachers, or by an education
23 assistant or aide. A special education teacher may provide
24 instruction, but instruction that is provided under this section
25 is not eligible for aid under section 125A.76.

26 (d) The instruction that is provided must differ from the
27 initial instruction the pupil received in the regular classroom
28 setting. The instruction may differ by presenting different
29 curriculum than was initially presented in the regular classroom
30 or by presenting the same curriculum:

31 (1) at a different rate or in a different sequence than it
32 was initially presented;

33 (2) using different teaching methods or techniques than
34 were used initially; or

35 (3) using different instructional materials than were used
36 initially.

1 Sec. 36. Minnesota Statutes 2004, section 124D.74,
2 subdivision 1, is amended to read:

3 Subdivision 1. [PROGRAM DESCRIBED.] American Indian
4 education programs are programs in public elementary and
5 secondary schools, nonsectarian nonpublic, community,
6 tribal, charter, or alternative schools enrolling American
7 Indian children designed to:

8 (1) support postsecondary preparation for pupils;

9 (2) support the academic achievement of American Indian
10 students with identified focus to improve reading and mathematic
11 skills;

12 (3) make the curriculum more relevant to the needs,
13 interests, and cultural heritage of American Indian pupils;

14 (4) provide positive reinforcement of the self-image of
15 American Indian pupils;

16 (5) develop intercultural awareness among pupils, parents,
17 and staff; and

18 (6) supplement, not supplant, state and federal educational
19 and cocurricular programs.

20 Program components may include: development of support
21 components for students in the areas of academic achievement,
22 retention, and attendance; development of support components for
23 staff, including in-service training and technical assistance in
24 methods of teaching American Indian pupils; research projects,
25 including experimentation with and evaluation of methods of
26 relating to American Indian pupils; provision of personal and
27 vocational counseling to American Indian pupils; modification of
28 curriculum, instructional methods, and administrative procedures
29 to meet the needs of American Indian pupils; and supplemental
30 instruction in American Indian language, literature, history,
31 and culture. Districts offering programs may make contracts for
32 the provision of program components by establishing cooperative
33 liaisons with tribal programs and American Indian social service
34 agencies. These programs may also be provided as components of
35 early childhood and family education programs.

36 Sec. 37. Minnesota Statutes 2004, section 124D.81,

1 subdivision 1, is amended to read:

2 Subdivision 1. [GRANTS; PROCEDURES.] Each fiscal year the
3 commissioner of education must make grants to no fewer than six
4 American Indian education programs. At least three programs
5 must be in urban areas and at least three must be on or near
6 reservations. The board of a local district, a participating
7 school or a group of boards may develop a proposal for grants in
8 support of American Indian education programs. Proposals may
9 provide for contracts for the provision of program components by
10 nonsectarian nonpublic, community, tribal, charter, or
11 alternative schools. The commissioner shall prescribe the form
12 and manner of application for grants, and no grant shall be made
13 for a proposal not complying with the requirements of sections
14 124D.71 to 124D.82. ~~The commissioner must submit all proposals~~
15 ~~to the state Advisory Committee on American Indian Education~~
16 ~~Programs for its recommendations concerning approval,~~
17 ~~modification, or disapproval and the amounts of grants to~~
18 ~~approved programs.~~

19 Sec. 38. Minnesota Statutes 2004, section 124D.84,
20 subdivision 1, is amended to read:

21 Subdivision 1. [AWARDS.] The commissioner, ~~with the advice~~
22 ~~and counsel of the Minnesota Indian Education Committee,~~ may
23 award scholarships to any Minnesota resident student who is of
24 one-fourth or more Indian ancestry, who has applied for other
25 existing state and federal scholarship and grant programs, and
26 who, in the opinion of the commissioner, has the capabilities to
27 benefit from further education. Scholarships must be for
28 accredited degree programs in accredited Minnesota colleges or
29 universities or for courses in accredited Minnesota business,
30 technical, or vocational schools. Scholarships may also be
31 given to students attending Minnesota colleges that are in
32 candidacy status for obtaining full accreditation, and are
33 eligible for and receiving federal financial aid programs.
34 Students are also eligible for scholarships when enrolled as
35 students in Minnesota higher education institutions that have
36 joint programs with other accredited higher education

1 institutions. Scholarships shall be used to defray the total
2 cost of education including tuition, incidental fees, books,
3 supplies, transportation, other related school costs and the
4 cost of board and room and shall be paid directly to the college
5 or school concerned where the student receives federal financial
6 aid. The total cost of education includes all tuition and fees
7 for each student enrolling in a public institution and the
8 portion of tuition and fees for each student enrolling in a
9 private institution that does not exceed the tuition and fees at
10 a comparable public institution. Each student shall be awarded
11 a scholarship based on the total cost of the student's education
12 and a federal standardized need analysis. Applicants are
13 encouraged to apply for all other sources of financial aid. The
14 ~~amount-and-type-of-each-scholarship-shall-be-determined-through~~
15 ~~the-advice-and-counsel-of-the-Minnesota-Indian-education~~
16 ~~committee.~~

17 When an Indian student satisfactorily completes the work
18 required by a certain college or school in a school year the
19 student is eligible for additional scholarships, if additional
20 training is necessary to reach the student's educational and
21 vocational objective. Scholarships may not be given to any
22 Indian student for more than five years of study ~~without-special~~
23 ~~recommendation-of-the-Minnesota-Indian-Education-Committee.~~

24 Sec. 39. Minnesota Statutes 2004, section 126C.10,
25 subdivision 1, is amended to read:

26 Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) For fiscal
27 year 2003, the general education revenue for each district
28 equals the sum of the district's basic revenue, basic skills
29 revenue, training and experience revenue, secondary sparsity
30 revenue, elementary sparsity revenue, transportation sparsity
31 revenue, total operating capital revenue, and equity revenue.

32 (b) For fiscal year 2004 and later, the general education
33 revenue for each district equals the sum of the district's basic
34 revenue, extended time revenue, basic skills revenue, gifted and
35 talented revenue, training and experience revenue, secondary
36 sparsity revenue, elementary sparsity revenue, transportation

1 sparsity revenue, total operating capital revenue, equity
2 revenue, and transition revenue.

3 [EFFECTIVE DATE.] This section is effective for revenue for
4 fiscal year 2006 and later.

5 Sec. 40. Minnesota Statutes 2004, section 126C.10, is
6 amended by adding a subdivision to read:

7 Subd. 2b. [GIFTED AND TALENTED REVENUE.] Gifted and
8 talented revenue for each district equals \$10 times the
9 district's adjusted marginal cost pupil units. A school
10 district must reserve gifted and talented revenue and,
11 consistent with section 120B.15, must spend the revenue only to:

- 12 (1) identify gifted and talented students;
- 13 (2) provide education programs for gifted and talented
- 14 students; or
- 15 (3) provide staff development to prepare teachers to best
- 16 meet the unique needs of gifted and talented students.

17 [EFFECTIVE DATE.] This section is effective for revenue for
18 fiscal year 2006 and later.

19 Sec. 41. [129C.105] [BOARD MEETINGS BY TELEPHONE OR OTHER
20 ELECTRONIC MEANS.]

21 (a) Notwithstanding section 13D.01 and if complying with
22 section 13D.02 is impractical, the board for the Perpich Center
23 for Arts Education may conduct a meeting of its members by
24 telephone or other electronic means so long as the following
25 conditions are met:

- 26 (1) all members of the board participating in the meeting,
- 27 wherever their physical location, can hear one another and all
- 28 discussion and testimony;
- 29 (2) members of the public present at the regular meeting
- 30 location of the board can hear all discussion and testimony and
- 31 all votes of members of the board;
- 32 (3) at least one member of the board is physically present
- 33 at the regular meeting location; and
- 34 (4) all votes are conducted by roll call, so each member's
- 35 vote on each issue can be identified and recorded.

36 (b) Each member of the board participating in a meeting by

1 telephone or other electronic means is considered present at the
2 meeting for purposes of determining a quorum and participating
3 in all proceedings.

4 (c) If telephone or other electronic means is used to
5 conduct a meeting, the board, to the extent practical, shall
6 allow a person to monitor the meeting electronically from a
7 remote location. The board may require the person making such a
8 connection to pay for documented marginal costs that the board
9 incurs as a result of the additional connection.

10 (d) If telephone or other electronic means is used to
11 conduct a regular, special, or emergency meeting, the board
12 shall provide notice of the regular meeting location, of the
13 fact that some members may participate by telephone or other
14 electronic means, and of the provisions of paragraph (c). The
15 timing and method of providing notice is governed by section
16 13D.04.

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

19 Sec. 42. Minnesota Statutes 2004, section 136A.101,
20 subdivision 4, is amended to read:

21 Subd. 4. [ELIGIBLE INSTITUTION.] "Eligible institution"
22 means a postsecondary educational institution located in this
23 state or in a state with which the office has entered into a
24 higher education reciprocity agreement on state student aid
25 programs that either (1) is operated by this state, or (2) is
26 operated publicly or privately and, as determined by the office,
27 maintains academic standards substantially equivalent to those
28 of comparable institutions operated in this state. The Board of
29 Regents of the University of Minnesota and the Board of Trustees
30 of the Minnesota State Colleges and Universities must accept the
31 credits students who enroll at an institution in their system
32 received for National Alliance of Concurrent Enrollment
33 Partnership certified courses taken by the student while the
34 student was in high school as a condition of eligibility.
35 Private, nonprofit, and career schools are encouraged to accept
36 credits students who enroll at their institutions received for

1 National Alliance of Concurrent Enrollment Partnership certified
2 courses taken by the student while the student was in high
3 school.

4 Sec. 43. [COLLEGE IN THE SCHOOLS MATHEMATICS AND SCIENCE
5 PARTNERSHIP PROGRAM.]

6 Subdivision 1. [GRANTS.] The commissioner of education
7 shall award grants to partnerships between one or more
8 postsecondary institutions and one or more school districts to
9 expand mathematics and science courses offered in the high
10 school and enhance staff development. The courses must be
11 offered at the high school under an agreement between the
12 governing board of an eligible public postsecondary system or an
13 eligible private institution and a public school board, as
14 described in Minnesota Statutes, section 124D.09, subdivision
15 10. Each partnership must include at least one postsecondary
16 institution and one school district. The grants must be awarded
17 to collaborative efforts that:

18 (1) increase the number of postsecondary-level mathematics
19 and science courses provided to high school students at the
20 student's high school; and

21 (2) develop or enhance the staff training and ongoing
22 support services provided by postsecondary faculty to high
23 school teachers teaching college in the school's agreement
24 courses in the high school.

25 Subd. 2. [ACCREDITATION.] To establish a uniform standard
26 by which courses and professional development activities may be
27 measured, postsecondary institutions applying for a grant under
28 this section are encouraged to apply for accreditation by the
29 National Alliance of Concurrent Enrollment Partnerships.

30 Subd. 3. [APPLICATION PROCESS.] The commissioner of
31 education shall develop the process by which a partnership must
32 apply for a grant. The P-16 Education Partnership shall review
33 and comment on the grant applications and make recommendations
34 to the commissioner regarding the partnerships that should be
35 funded. In selecting projects for funding, the commissioner
36 must ensure that there is a balance in the number of mathematics

1 and science courses offered as part of this initiative.

2 Subd. 4. [CRITERIA.] The application for grant money under
3 this section must include, at a minimum, the following
4 information:

5 (1) specification of the goals to be achieved through the
6 delivery of courses and faculty staff development and support
7 activities;

8 (2) a description of the courses to be offered at the high
9 schools and the initial and ongoing training and support that
10 will be provided to high school faculty teaching courses under
11 this program;

12 (3) a description of the eligibility requirements for
13 students participating in the program and the number of students
14 that will be served;

15 (4) a description of the curriculum enhancements and
16 efficiencies to be achieved in the delivery of instruction
17 through the partnership;

18 (5) a description of how the goals established for the
19 course delivery and faculty staff development and support
20 activities will be evaluated to determine if the goals of the
21 partnership were met; and

22 (6) other information as identified by the commissioner.

23 Sec. 44. [MINNESOTA COMPREHENSIVE ASSESSMENTS; RULES.]

24 The commissioner of education shall adopt rules on or
25 before January 1, 2005, to implement the Minnesota Comprehensive
26 Assessments Second Edition (MCA-II) in reading, mathematics,
27 and writing.

28 Sec. 45. [HEALTH AND PHYSICAL EDUCATION MODEL CURRICULUM.]

29 By July 1, 2006, the commissioner of education must develop
30 and transmit to school districts a model kindergarten through
31 grade 12 health and physical education curriculum.

32 Sec. 46. [RULES FOR SUPPLEMENTAL SERVICE PROVIDERS.]

33 The commissioner of education must amend Minnesota Rules,
34 part 3512.5400, relating to supplemental service providers to
35 include outcome standards. The commissioner must include in the
36 amended rules criteria to remove an education service provider

1 from the listing of approved service providers if they fail to
2 meet the outcome standards.

3 Sec. 47. [APPROPRIATIONS.]

4 Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums
5 indicated in this section are appropriated from the general fund
6 to the Department of Education for the fiscal years designated.

7 Subd. 2. [COLLEGE IN THE SCHOOLS PROGRAM.] For college in
8 the schools program aid:

9 \$,.,.,.,. 2006

10 \$,.,.,.,. 2007

11 Subd. 3. [COLLEGE IN THE SCHOOLS MATHEMATICS AND SCIENCE
12 PARTNERSHIP.] For college in the schools mathematics and science
13 partnership program grants:

14 \$,.,.,.,. 2006

15 \$,.,.,.,. 2007

16 Subd. 4. [NATIONAL ALLIANCE OF CONCURRENT ENROLLMENT
17 PARTNERSHIP; UNIVERSITY OF MINNESOTA.] For transfer to the Board
18 of Regents of the University of Minnesota for institutions
19 receiving partnership grants to become provisional members of
20 the National Alliance of Concurrent Enrollment Partnership:

21 \$,.,.,.,. 2006

22 \$,.,.,.,. 2007

23 Subd. 5. [NATIONAL ALLIANCE OF CONCURRENT ENROLLMENT
24 PARTNERSHIP; MNSCU.] For transfer to the Board of Trustees of
25 the Minnesota State Colleges and Universities for institutions
26 receiving partnership grants to become provisional members of
27 the National Alliance of Concurrent Enrollment Partnership:

28 \$,.,.,.,. 2006

29 \$,.,.,.,. 2007

30 Subd. 6. [SCHOOLS MENTORING SCHOOLS REGIONAL SITES.] For
31 schools mentoring schools regional sites:

32 \$,.,.,.,. 2006

33 \$,.,.,.,. 2007

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

36 Subd. 7. [PRINCIPLED PRACTICES AID.] For principled pay

1 reinforcing activity and not participate for a period of time
2 but to observe the activity and listen to the discussion from a
3 time-out area within the same setting;

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

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

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

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

18 121A.67 [AVERSIVE AND DEPRIVATION PROCEDURES.]

19 The commissioner, in consultation with interested parent
20 organizations and advocacy groups, the Minnesota Administrators
21 for Special Education, the Minnesota Association of School
22 Administrators, Ed Minnesota, the Minnesota School Boards
23 Association, the Minnesota Police Officers Association, and the
24 Elementary School Principals Association and the Secondary
25 School Principals Association, must ~~adopt~~ amend rules governing
26 the use of aversive and deprivation procedures by school
27 district employees or persons under contract with a school
28 district. The rules must:

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

32 (2) require that planned application of aversive and
33 deprivation procedures only be a-part-of-an instituted after
34 completing a functional behavior assessment and developing a
35 behavior intervention plan that is included in the individual
36 education plan;

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

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

13 (5) contain a list of prohibited procedures;

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

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

20 (8) place a student in locked time-out only if the
21 intervention is (i) part of the comprehensive behavior
22 intervention plan that is included in the student's
23 individualized education plan and the plan uses positive
24 behavioral interventions and supports and data support its
25 continued use, or (ii) used in an emergency for the duration of
26 the emergency only; and

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

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

33 Sec. 6. [123A.10] [EDUCATION ADMINISTRATIVE DISTRICTS.]

34 Subdivision 1. [PURPOSE.] The purpose of an education
35 administrative district is to increase the efficiency of
36 administrative services for elementary and secondary education

1 by combining administrative functions for multiple school
2 districts, while maintaining independent school district control
3 of individual student attendance sites.

4 Subd. 2. [AGREEMENT TO ESTABLISH AN EDUCATION
5 ADMINISTRATIVE DISTRICT.] Boards meeting the requirements of
6 subdivision 3 may enter into a written agreement to establish an
7 education administrative district. The agreement must address
8 methods to improve the efficiency of delivering administrative
9 services. The agreement and subsequent amendments must be
10 adopted by majority vote of the full membership of each board.

11 Subd. 3. [REQUIREMENTS FOR FORMATION.] (a) An education
12 administrative district must have one of the following at the
13 time of formation:

14 (1) at least five districts;

15 (2) at least three districts with a total of at least 5,000
16 pupils in average daily membership; or

17 (3) at least three districts with a total of at least 2,000
18 square miles.

19 (b) Members of an education administrative district must be
20 contiguous. Districts with a cooperation agreement according to
21 section 123A.32 may belong to an education administrative
22 district only as a unit.

23 (c) Notwithstanding paragraph (b), a noncontiguous district
24 may be a member of an education administrative district if the
25 commissioner of education determines that:

26 (1) a district between the education administrative
27 district and the noncontiguous district has considered and is
28 unwilling to become a member; or

29 (2) a noncontiguous configuration of member districts has
30 sufficient technological or other resources to offer effective
31 levels of administrative services.

32 Subd. 4. [COMMISSIONER REVIEW AND COMMENT.] Before
33 entering into an agreement, the school boards of the proposed
34 member districts must jointly submit the proposed agreement to
35 the commissioner for review and comment. The commissioner shall
36 submit a review and comment on the educational and economic

1 advisability of the proposed agreement to the school boards
2 within 60 days of receiving the proposal. If the commissioner
3 submits a negative review and comment, the districts do not
4 qualify for levy authority according to section 123A.12,
5 subdivision 5.

6 Subd. 5. [NOTICE AND PUBLIC HEARING ON PROPOSED
7 AGREEMENT.] Before entering into an agreement, the board of each
8 member district must publish the commissioner's review and
9 comment and a summary of the proposed agreement and its effect
10 upon the district at least once in a newspaper of general
11 circulation in the district. The board must conduct a public
12 hearing on the proposed agreement not more than ten days after
13 the notice and at least 30 days before entering into an
14 agreement.

15 Sec. 7. [123A.11] [EDUCATION ADMINISTRATIVE DISTRICT
16 BOARD.]

17 Subdivision 1. [SCHOOL DISTRICT REPRESENTATION.] The
18 education administrative district board shall be composed of at
19 least one representative appointed by the school board of each
20 member district. Each representative must be a member of the
21 appointing school board. Each representative shall serve at the
22 pleasure of the appointing board and may be recalled by a
23 majority vote of the appointing board. Each representative
24 shall serve for the term that is specified in the agreement.
25 The board shall select its officers from among its members and
26 shall determine the terms of the officers. The board shall
27 adopt bylaws for the conduct of its business. The board may
28 conduct public meetings via interactive television if the board
29 complies with chapter 13D in each location where board members
30 are present.

31 Subd. 2. [PROVISION OF ADMINISTRATIVE SERVICES.] An
32 education administrative district board shall implement the
33 agreement for delivering administrative services, defined in
34 section 123A.12, needed in the education administrative district.

35 Subd. 3. [PERSONNEL.] The board may employ personnel as
36 necessary to provide administrative services for the education

1 administrative district. Education administrative district
2 staff shall participate in retirement programs. Notwithstanding
3 section 123B.143, subdivision 1, a member district of an
4 education administrative district must contract with the
5 education administrative district to obtain the services of a
6 superintendent. The person to provide the services need not be
7 employed by the education administrative district or a member
8 district at the time the contract is entered into.

9 Subd. 4. [CONTRACTS.] The board may enter into contracts
10 with districts and other public and private agencies to provide
11 administrative services needed in the education administrative
12 district.

13 Subd. 5. [GENERAL LAW.] The board shall be governed,
14 unless specifically provided otherwise, by section 471.59.

15 Subd. 6. [ANNUAL REPORT.] After each of its first five
16 years of operation, the board shall submit an annual report to
17 the member districts and the commissioner regarding the
18 activities of the education administrative district, including
19 analysis of the impact of the arrangement on administrative
20 costs and efficiency.

21 Sec. 8. [123A.12] [EDUCATION ADMINISTRATIVE DISTRICT
22 AGREEMENT.]

23 Subdivision 1. [IMPLEMENTATION; REVIEW.] An education
24 administrative district board shall implement the agreement for
25 provision of administrative services to the member school
26 districts adopted by the member districts according to section
27 123A.10, subdivision 2. The education administrative district
28 board shall review the agreement annually and propose necessary
29 amendments to the member districts.

30 Subd. 2. [ADMINISTRATIVE SERVICES.] (a) The agreement must
31 provide for the selection of one superintendent for the
32 administrative district at a specified time, according to
33 section 123B.143, subdivision 1, by the administrative district
34 board.

35 (b) The agreement must specify which other noninstructional
36 services are to be provided by the education administrative

1 district. These services may include, but are not limited to,
2 business management, human resources, payroll, food service,
3 buildings and grounds maintenance, pupil transportation,
4 technology coordination, curriculum coordination, community
5 education, nursing services, student records, district policy,
6 student administrative services, and school building
7 administration.

8 Subd. 3. [TIMING AND DURATION.] (a) The initial agreement
9 must specify a time schedule for implementation.

10 (b) The initial agreement must be for a period of at least
11 three years. After completing the first two years, the
12 agreement may be extended by majority vote of the full
13 membership of each board.

14 Subd. 4. [FINANCES.] The initial agreement must:

15 (1) include a three-year budget projection comparing
16 existing administrative services and their costs with the
17 proposed services and their costs for each year;

18 (2) specify what retirement and severance incentives may be
19 offered to licensed and nonlicensed staff, and how these costs
20 will be apportioned among the member districts. The incentives
21 must conform with section 123A.48, subdivision 23;

22 (3) specify any other start-up costs for the education
23 administrative district and how these costs will be apportioned
24 among the member districts;

25 (4) specify the estimated amounts that each member district
26 will levy under subdivision 5 for the costs specified in clauses
27 (2)' and (3); and

28 (5) specify an equitable distribution formula for the
29 education administrative district board to assess and certify to
30 each member school district its proportionate share of
31 expenses. Each member district must remit its assessment to the
32 education administrative district board within 30 days after
33 receipt.

34 Subd. 5. [LEVY.] A school district that is a member of an
35 education administrative district may levy an amount equal to
36 the district's share of costs approved by the commissioner for

1 retirement and severance incentives and other start-up costs
2 included in the initial agreement under subdivision 4, clauses
3 (2) and (3), over a period of time not to exceed three years.

4 Subd. 6. [REPORTS TO DEPARTMENT OF EDUCATION.] Member
5 districts may submit joint reports and jointly provide
6 information required by the department. The joint reports must
7 allow information, including expenditures for the education
8 administrative district, to be attributed to each member
9 district.

10 Subd. 7. [ADDITION AND WITHDRAWAL OF DISTRICTS.] (a) Upon
11 approval by majority vote of a district school board and of the
12 education administrative district board, an adjoining district
13 may become a member of the education administrative district and
14 be governed by the provisions of this section and the agreement
15 in effect. A noncontiguous district may become a member with
16 the approval of the commissioner according to the criteria
17 specified in section 123A.10, subdivision 3, paragraph (c). A
18 new member added to an existing education administrative
19 district may levy for approved costs of retirement and severance
20 incentives according to subdivision 5.

21 (b) After its first three years of membership, a district
22 may withdraw from the education administrative district and from
23 the agreement in effect by a majority vote of the full board
24 membership of the member district desiring withdrawal and upon
25 compliance with provisions in the agreement establishing the
26 education administrative district. The withdrawal shall become
27 effective at the end of the next following fiscal year.

28 Subd. 8. [DISSOLUTION.] After the first three years of the
29 education administrative district, the boards of each member
30 district may agree to dissolve the education administrative
31 district effective at the end of any fiscal year or at an
32 earlier time as they may mutually agree. A dissolution must be
33 accomplished in accordance with any applicable provisions of the
34 agreement establishing the education administrative district.
35 The dissolution must not affect the continuing liability of the
36 previous member districts for continuing obligations, including

1 unemployment benefits.

2 Sec. 9. Minnesota Statutes 2004, section 123A.24,
3 subdivision 2, is amended to read:

4 Subd. 2. [COOPERATIVE UNIT DEFINED.] For the purposes of
5 this section, a cooperative unit is:

6 (1) an education district organized under sections 123A.15
7 to 123A.19;

8 (2) a cooperative vocational center organized under section
9 123A.22;

10 (3) an intermediate district organized under chapter 136D;

11 (4) an education administrative district organized under
12 sections 123A.10 to 123A.12;

13 (5) a service cooperative organized under section 123A.21;
14 or

15 ~~(5)~~ (6) a regional management information center organized
16 under section 123A.23 or as a joint powers district according to
17 section 471.59.

18 Sec. 10. Minnesota Statutes 2004, section 123B.92,
19 subdivision 1, is amended to read:

20 Subdivision 1. [DEFINITIONS.] For purposes of this section
21 and section 125A.76, the terms defined in this subdivision have
22 the meanings given to them.

23 (a) "Actual expenditure per pupil transported in the
24 regular and excess transportation categories" means the quotient
25 obtained by dividing:

26 (1) the sum of:

27 (i) all expenditures for transportation in the regular
28 category, as defined in paragraph (b), clause (1), and the
29 excess category, as defined in paragraph (b), clause (2), plus

30 (ii) an amount equal to one year's depreciation on the
31 district's school bus fleet and mobile units computed on a
32 straight line basis at the rate of 15 percent per year for
33 districts operating a program under section 124D.128 for grades
34 1 to 12 for all students in the district and 12-1/2 percent per
35 year for other districts of the cost of the fleet, plus

36 (iii) an amount equal to one year's depreciation on the

1 district's type three school buses, as defined in section
2 169.01, subdivision 6, clause (5), which must be used a majority
3 of the time for pupil transportation purposes, computed on a
4 straight line basis at the rate of 20 percent per year of the
5 cost of the type three school buses by:

6 (2) the number of pupils eligible for transportation in the
7 regular category, as defined in paragraph (b), clause (1), and
8 the excess category, as defined in paragraph (b), clause (2).

9 (b) "Transportation category" means a category of
10 transportation service provided to pupils as follows:

11 (1) Regular transportation is:

12 (i) transportation to and from school during the regular
13 school year for resident elementary pupils residing one mile or
14 more from the public or nonpublic school they attend, and
15 resident secondary pupils residing two miles or more from the
16 public or nonpublic school they attend, excluding desegregation
17 transportation and noon kindergarten transportation; but with
18 respect to transportation of pupils to and from nonpublic
19 schools, only to the extent permitted by sections 123B.84 to
20 123B.87;

21 (ii) transportation of resident pupils to and from language
22 immersion programs;

23 (iii) transportation of a pupil who is a custodial parent
24 and that pupil's child between the pupil's home and the child
25 care provider and between the provider and the school, if the
26 home and provider are within the attendance area of the school;

27 (iv) transportation to and from or board and lodging in
28 another district, of resident pupils of a district without a
29 secondary school; and

30 (v) transportation to and from school during the regular
31 school year required under subdivision 3 for nonresident
32 elementary pupils when the distance from the attendance area
33 border to the public school is one mile or more, and for
34 nonresident secondary pupils when the distance from the
35 attendance area border to the public school is two miles or
36 more, excluding desegregation transportation and noon

1 kindergarten transportation.

2 For the purposes of this paragraph, a district may
3 designate a licensed day care facility, respite care facility,
4 the residence of a relative, or the residence of a person chosen
5 by the pupil's parent or guardian as the home of a pupil for
6 part or all of the day, if requested by the pupil's parent or
7 guardian, and if that facility or residence is within the
8 attendance area of the school the pupil attends.

9 (2) Excess transportation is:

10 (i) transportation to and from school during the regular
11 school year for resident secondary pupils residing at least one
12 mile but less than two miles from the public or nonpublic school
13 they attend, and transportation to and from school for resident
14 pupils residing less than one mile from school who are
15 transported because of extraordinary traffic, drug, or crime
16 hazards; and

17 (ii) transportation to and from school during the regular
18 school year required under subdivision 3 for nonresident
19 secondary pupils when the distance from the attendance area
20 border to the school is at least one mile but less than two
21 miles from the public school they attend, and for nonresident
22 pupils when the distance from the attendance area border to the
23 school is less than one mile from the school and who are
24 transported because of extraordinary traffic, drug, or crime
25 hazards.

26 (3) Desegregation transportation is transportation within
27 and outside of the district during the regular school year of
28 pupils to and from schools located outside their normal
29 attendance areas under a plan for desegregation mandated by the
30 commissioner or under court order.

31 (4) "Transportation services for pupils with disabilities"
32 is:

33 (i) transportation of pupils with disabilities who cannot
34 be transported on a regular school bus between home or a respite
35 care facility and school;

36 (ii) necessary transportation of pupils with disabilities

1 from home or from school to other buildings, including centers
2 such as developmental achievement centers, hospitals, and
3 treatment centers where special instruction or services required
4 by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65
5 are provided, within or outside the district where services are
6 provided;

7 (iii) necessary transportation for resident pupils with
8 disabilities required by sections 125A.12, and 125A.26 to
9 125A.48;

10 (iv) board and lodging for pupils with disabilities in a
11 district maintaining special classes;

12 (v) transportation from one educational facility to another
13 within the district for resident pupils enrolled on a
14 shared-time basis in educational programs, and necessary
15 transportation required by sections 125A.18, and 125A.26 to
16 125A.48, for resident pupils with disabilities who are provided
17 special instruction and services on a shared-time basis or if
18 resident pupils are not transported, the costs of necessary
19 travel between public and private schools or neutral
20 instructional sites by essential personnel employed by the
21 district's program for children with a disability;

22 (vi) transportation for resident pupils with disabilities
23 to and from board and lodging facilities when the pupil is
24 boarded and lodged for educational purposes; and

25 (vii) services described in clauses (i) to (vi), when
26 provided for pupils with disabilities in conjunction with a
27 summer instructional program that relates to the pupil's
28 individual education plan or in conjunction with a learning year
29 program established under section 124D.128.

30 For purposes of computing special education base revenue
31 under section 125A.76, subdivision 2, the cost of providing
32 transportation for children with disabilities includes (A) the
33 additional cost of transporting a homeless student from a
34 temporary nonshelter home in another district to the school of
35 origin, or a formerly homeless student from a permanent home in
36 another district to the school of origin but only through the

1 end of the academic year; and (B) depreciation on district-owned
2 school buses purchased after July 1, 2005, and used primarily
3 for transportation of pupils with disabilities, calculated
4 according to paragraph (a), clauses (ii) and (iii).

5 Depreciation costs included in the disabled transportation
6 category must be excluded in calculating the actual expenditure
7 per pupil transported in the regular and excess transportation
8 categories according to paragraph (a).

9 (5) "Nonpublic nonregular transportation" is:

10 (i) transportation from one educational facility to another
11 within the district for resident pupils enrolled on a
12 shared-time basis in educational programs, excluding
13 transportation for nonpublic pupils with disabilities under
14 clause (4);

15 (ii) transportation within district boundaries between a
16 nonpublic school and a public school or a neutral site for
17 nonpublic school pupils who are provided pupil support services
18 pursuant to section 123B.44; and

19 (iii) late transportation home from school or between
20 schools within a district for nonpublic school pupils involved
21 in after-school activities.

22 (c) "Mobile unit" means a vehicle or trailer designed to
23 provide facilities for educational programs and services,
24 including diagnostic testing, guidance and counseling services,
25 and health services. A mobile unit located off nonpublic school
26 premises is a neutral site as defined in section 123B.41,
27 subdivision 13.

28 Sec. 11. [124D.4531] [CAREER AND TECHNICAL LEVY.]

29 Subdivision 1. [CAREER AND TECHNICAL LEVY.] (a) A district
30 with a career and technical program approved under this section
31 for the fiscal year in which the levy is certified may levy an
32 amount equal to the lesser of:

33 (1) \$80 times the district's average daily membership in
34 grades 10 through 12 for the fiscal year in which the levy is
35 certified; or

36 (2) 25 percent of approved expenditures in the fiscal year

1 in which the levy is certified for the following:

2 (i) salaries paid to essential, licensed personnel
3 providing direct instructional services to students in that
4 fiscal year for services rendered in the district's approved
5 career and technical education programs;

6 (ii) contracted services provided by a public or private
7 agency other than a Minnesota school district or cooperative
8 center under subdivision 7;

9 (iii) necessary travel between instructional sites by
10 licensed career and technical education personnel;

11 (iv) necessary travel by licensed career and technical
12 education personnel for vocational student organization
13 activities held within the state for instructional purposes;

14 (v) curriculum development activities that are part of a
15 five-year plan for improvement based on program assessment;

16 (vi) necessary travel by licensed career and technical
17 education personnel for noncollegiate credit-bearing
18 professional development; and

19 (vii) specialized vocational instructional supplies.

20 (b) Up to ten percent of a district's career and technical
21 levy may be spent on equipment purchases. Districts using the
22 career and technical levy for equipment purchases must report to
23 the department on the improved learning opportunities for
24 students that result from the investment in equipment.

25 (c) The district must recognize the full amount of this
26 levy as revenue for the fiscal year in which it is certified.

27 Subd. 2. [ALLOCATION FROM COOPERATIVE CENTERS AND
28 INTERMEDIATE DISTRICTS.] For purposes of this section, a
29 cooperative center or an intermediate district must allocate its
30 approved expenditures for career and technical education
31 programs among participating districts.

32 Subd. 3. [LEVY GUARANTEE.] Notwithstanding subdivision 1,
33 the career and technical education levy for a district is not
34 less than the lesser of:

35 (1) the district's career and technical education levy
36 authority for the previous fiscal year; or

1 (2) 100 percent of the approved expenditures for career and
2 technical programs included in subdivision 1, paragraph (b), for
3 the fiscal year in which the levy is certified.

4 Subd. 4. [COMPLIANCE WITH RULES.] (a) Levy authority must
5 be granted under this section only for services rendered or for
6 costs incurred in career and technical education programs
7 approved by the commissioner and operated in accordance with
8 rules adopted by the commissioner. The rules must not require
9 any minimum number of administrative staff, any minimum period
10 of coordination time or extended employment for career and
11 technical education personnel, or the availability of vocational
12 student activities or organizations for a career and technical
13 education program to qualify for this levy. Levy authority
14 shall be granted only for services rendered and for costs
15 incurred by essential, licensed personnel, or approved
16 paraprofessionals who meet the requirements for licensure
17 pursuant to the rules of the Minnesota Board of Teaching.

18 For the purposes of this paragraph, "licensed personnel"
19 means persons holding a valid career and technical license
20 issued by the commissioner. If an average of five or fewer
21 secondary full-time equivalent students are enrolled per teacher
22 in an approved postsecondary program at Intermediate District
23 No. 287, 916, or 917, "licensed personnel" means persons holding
24 a valid vocational license issued by the commissioner or the
25 Board of Trustees of the Minnesota State Colleges and
26 Universities.

27 (b) Notwithstanding section 127A.42, the commissioner may
28 modify or withdraw the program or levy authority under this
29 section without proceeding under section 127A.42, at any time.
30 To do so, the commissioner must determine that the program does
31 not comply with rules of the Department of Education or that any
32 facts concerning the program or its budget differ from the facts
33 in the district's approved application.

34 Subd. 5. [LIMIT.] The commissioner may reduce the levy
35 under this section for a career and technical education program
36 that receives funds from any other source. A district or center

1 must not receive a total amount of levy authority pursuant to
2 this section which, when added to funds from other sources, will
3 provide the program an amount for salaries and travel which
4 exceeds 100 percent of the amount of its expenditures for
5 salaries and travel in the program.

6 Subd. 6. [LEVY FOR CONTRACTED SERVICES.] In addition to
7 the provisions of subdivisions 4 and 5, a school district or
8 cooperative center may contract with a public or private agency
9 other than a Minnesota school district or cooperative center for
10 the provision of career and technical education services. The
11 commissioner must adopt rules relating to program approval
12 procedures and criteria for these contracts and levy authority
13 must be granted only for contracts approved by the
14 commissioner. The district or cooperative center contracting
15 for these services must be construed to be providing the
16 services.

17 Subd. 7. [DISTRICT REPORTS.] Each district or cooperative
18 center must report data to the department for all career and
19 technical education programs as required by the department to
20 implement the career and technical levy formula.

21 [EFFECTIVE DATE.] This section is effective for taxes
22 payable in 2008.

23 Sec. 12. Minnesota Statutes 2004, section 125A.05, is
24 amended to read:

25 125A.05 [METHOD OF SPECIAL INSTRUCTION.]

26 (a) As defined in this section, to the extent required by
27 federal law as of July 1, 1999, special instruction and services
28 for children with a disability must be based on the assessment
29 and individual education plan. The instruction and services may
30 be provided by one or more of the following methods:

31 (1) in connection with attending regular elementary and
32 secondary school classes;

33 (2) establishment of special classes;

34 (3) at the home or bedside of the child;

35 (4) in other districts;

36 (5) instruction and services by special education

1 cooperative centers established under this section, or in
2 another member district of the cooperative center to which the
3 resident district of the child with a disability belongs;

4 (6) in a state residential school or a school department of
5 a state institution approved by the commissioner;

6 (7) in other states;

7 (8) by contracting with public, private or voluntary
8 agencies;

9 (9) for children under age five and their families,
10 programs and services established through collaborative efforts
11 with other agencies;

12 (10) for children under age five and their families,
13 programs in which children with a disability are served with
14 children without a disability; and

15 (11) any other method approved by the commissioner.

16 (b) Preference shall be given to providing special
17 instruction and services to children under age three and their
18 families in the residence of the child with the parent or
19 primary caregiver, or both, present.

20 (c) The primary responsibility for the education of a child
21 with a disability must remain with the district of the child's
22 residence regardless of which method of providing special
23 instruction and services is used. If a district other than a
24 child's district of residence provides special instruction and
25 services to the child, then the district providing the special
26 instruction and services must notify and invite the child's
27 district of residence before the child's individual education
28 plan is developed and must provide the district of residence an
29 opportunity to participate in the plan's development. The
30 district providing the special instruction and services may not
31 bill special education tuition costs to the resident district
32 unless the resident district has participated or has declined to
33 participate in the development of the student's individual
34 education plan. The district of residence must inform the
35 parents of the child about the methods of instruction that are
36 available.

1 Sec. 13. Minnesota Statutes 2004, section 125A.24, is
2 amended to read:

3 125A.24 [PARENT ADVISORY COUNCILS.]

4 In order to increase the involvement of parents of children
5 with disabilities in district policy making and decision making,
6 school districts must have a special education advisory council
7 that is incorporated into the district's special education
8 system plan.

9 (1) This advisory council may be established either for
10 individual districts or in cooperation with other districts who
11 are members of the same special education cooperative.

12 (2) A district may set up this council as a subgroup of an
13 existing board, council, or committee.

14 (3) At least half of the designated council members must be
15 parents of students with a disability. At least one of the
16 members must be a parent of a nonpublic school student with a
17 disability or an employee of a nonpublic school. Each local
18 council must meet no less than once each year. The number of
19 members, frequency of meetings, and operational procedures are
20 to be locally determined.

21 Sec. 14. Minnesota Statutes 2004, section 125A.28, is
22 amended to read:

23 125A.28 [STATE INTERAGENCY COORDINATING COUNCIL.]

24 An Interagency Coordinating Council of at least 17, but not
25 more than 25 members is established, in compliance with Public
26 Law 102-119, section 682. The members must be appointed by the
27 governor. Council members must elect the council chair. The
28 representative of the commissioner may not serve as the chair.
29 The council must be composed of at least five parents, including
30 persons of color, of children with disabilities under age 12,
31 including at least three parents of a child with a disability
32 under age seven, five representatives of public or private
33 providers of services for children with disabilities under age
34 five, including a special education director, county social
35 service director, local Head Start director, and a community
36 health services or public health nursing administrator, one

1 member of the senate, one member of the house of
2 representatives, one representative of teacher preparation
3 programs in early childhood-special education or other
4 preparation programs in early childhood intervention, at least
5 one representative of advocacy organizations for children with
6 disabilities under age five, one physician who cares for young
7 children with special health care needs, one representative each
8 from the commissioners of commerce, education, health, human
9 services, a representative from the state agency responsible for
10 child care, and a representative from Indian health services or
11 a tribal council. Section 15.059, subdivisions 2 to 5, apply to
12 the council. The council must meet at least quarterly.

13 The council must address methods of implementing the state
14 policy of developing and implementing comprehensive,
15 coordinated, multidisciplinary interagency programs of early
16 intervention services for children with disabilities and their
17 families.

18 The duties of the council include recommending policies to
19 ensure a comprehensive and coordinated system of all state and
20 local agency services for children under age five with
21 disabilities and their families. The policies must address how
22 to incorporate each agency's services into a unified state and
23 local system of multidisciplinary assessment practices,
24 individual intervention plans, comprehensive systems to find
25 children in need of services, methods to improve public
26 awareness, and assistance in determining the role of interagency
27 early intervention committees.

28 ~~By-September-1~~ On the date that Minnesota Part C Annual
29 Performance Report is submitted to the federal Office of Special
30 Education, the council must recommend to the governor and the
31 commissioners of education, health, human services, commerce,
32 and employment and economic development policies for a
33 comprehensive and coordinated system.

34 Notwithstanding any other law to the contrary, the State
35 Interagency Coordinating Council expires on June 30, ~~2005~~ 2009.

36 Sec. 15. Minnesota Statutes 2004, section 125A.51, is

1 amended to read:

2 125A.51 [PLACEMENT OF CHILDREN WITHOUT DISABILITIES;
3 EDUCATION AND TRANSPORTATION.]

4 The responsibility for providing instruction and
5 transportation for a pupil without a disability who has a
6 short-term or temporary physical or emotional illness or
7 disability, as determined by the standards of the commissioner,
8 and who is temporarily placed for care and treatment for that
9 illness or disability, must be determined as provided in this
10 section.

11 (a) The school district of residence of the pupil is the
12 district in which the pupil's parent or guardian resides.

13 (b) When parental rights have been terminated by court
14 order, the legal residence of a child placed in a residential or
15 foster facility for care and treatment is the district in which
16 the child resides.

17 (c) Before the placement of a pupil for care and treatment,
18 the district of residence must be notified and provided an
19 opportunity to participate in the placement decision. When an
20 immediate emergency placement is necessary and time does not
21 permit resident district participation in the placement
22 decision, the district in which the pupil is temporarily placed,
23 if different from the district of residence, must notify the
24 district of residence of the emergency placement within 15 days
25 of the placement.

26 (d) When a pupil without a disability is temporarily placed
27 for care and treatment in a day program and the pupil continues
28 to live within the district of residence during the care and
29 treatment, the district of residence must provide instruction
30 and necessary transportation to and from the treatment facility
31 for the pupil. Transportation shall only be provided by the
32 district during regular operating hours of the district. The
33 district may provide the instruction at a school within the
34 district of residence, at the pupil's residence, or in the case
35 of a placement outside of the resident district, in the district
36 in which the day treatment program is located by paying tuition

1 to that district. The district of placement may contract with a
2 facility to provide instruction by teachers licensed by the
3 state Board of Teaching.

4 (e) When a pupil without a disability is temporarily placed
5 in a residential program for care and treatment, the district in
6 which the pupil is placed must provide instruction for the pupil
7 and necessary transportation while the pupil is receiving
8 instruction, and in the case of a placement outside of the
9 district of residence, the nonresident district must bill the
10 district of residence for the actual cost of providing the
11 instruction for the regular school year and for summer school,
12 excluding transportation costs.

13 (f) Notwithstanding paragraph (e), if the pupil is homeless
14 and placed in a public or private homeless shelter, then the
15 district that enrolls the pupil under section 127A.47,
16 subdivision 2, shall provide the transportation, unless the
17 district that enrolls the pupil and the district in which the
18 pupil is temporarily placed agree that the district in which the
19 pupil is temporarily placed shall provide transportation. When
20 a pupil without a disability is temporarily placed in a
21 residential program outside the district of residence, the
22 administrator of the court placing the pupil must send timely
23 written notice of the placement to the district of residence.
24 The district of placement may contract with a residential
25 facility to provide instruction by teachers licensed by the
26 state Board of Teaching. For purposes of this section, the state
27 correctional facilities operated on a fee-for-service basis are
28 considered to be residential programs for care and treatment.

29 ~~(f)~~ (g) The district of residence must include the pupil in
30 its residence count of pupil units and pay tuition as provided
31 in section 123A.488 to the district providing the instruction.
32 Transportation costs must be paid by the district providing the
33 transportation and the state must pay transportation aid to that
34 district. For purposes of computing state transportation aid,
35 pupils governed by this subdivision must be included in the
36 disabled transportation category if the pupils cannot be

1 transported on a regular school bus route without special
2 accommodations.

3 Sec. 16. Minnesota Statutes 2004, section 126C.457, is
4 amended to read:

5 126C.457 [CAREER AND TECHNICAL LEVY.]

6 For taxes payable in 2006 and 2007, a school district may
7 levy an amount equal to the greater of (1) \$10,000, or (2) the
8 district's fiscal year 2001 entitlement for career and technical
9 aid under Minnesota Statutes 2000, section 124D.453. The
10 district must recognize the full amount of this levy as revenue
11 for the fiscal year in which it is certified. Revenue received
12 under this section must be reserved and used only for career and
13 technical programs.

14 Sec. 17. [127A.21] [STATE COORDINATOR FOR WORLD
15 LANGUAGES.]

16 (a) The commissioner of education shall designate a
17 full-time state coordinator for world languages education within
18 the Department of Education by July 1, 2005. The commissioner
19 shall seek input from the Quality Teaching Network before
20 designating or hiring the coordinator who must have classroom
21 experience teaching world languages. The coordinator, at a
22 minimum, shall:

23 (1) survey school districts in the state to:

24 (i) identify the types of existing world language programs
25 and exemplary model extended world languages programs; and

26 (ii) in consultation with Minnesota postsecondary
27 institutions, identify and address staff development needs of
28 current world language teachers and preservice teachers;

29 (2) identify successful extended world language programs
30 from other states;

31 (3) award grants for model extended world languages
32 programs;

33 (4) establish guidelines for a variety of model extended
34 world languages programs;

35 (5) research and recommend the funding necessary to
36 implement various models of extended world languages programs in

1 different languages; and

2 (6) support and monitor, using the most recent information
3 available, current world language programs.

4 (b) For the purposes of this section, "extended world
5 languages program" means a world languages program with a
6 sequence of consecutive years in any of kindergarten through
7 grade 12, including for example sequences of kindergarten
8 through grade 12, grades 5 through 12, and grades 7 through 12.

9 Sec. 18. Minnesota Statutes 2004, section 134.31, is
10 amended by adding a subdivision to read:

11 Subd. 5a. [ADVISORY COMMITTEE.] The commissioner shall
12 appoint an advisory committee of five members to advise the
13 staff of the Minnesota Library for the Blind and Physically
14 Handicapped on long-range plans and library services. Members
15 shall be people who use the library. Section 15.059 governs
16 this committee except that the committee shall not expire.

17 Sec. 19. [CAREER AND TECHNICAL EDUCATION PROGRAM RULES.]

18 By January 1, 2007, the commissioner of education must
19 adopt rules for approval of career and technical education
20 programs consistent with Minnesota Statutes, section 124D.4531,
21 subdivisions 4 and 6, that emphasize emerging workforce skills.
22 Program approval for fiscal year 2008 and later must be based on
23 the rules.

24 Sec. 20. [EMINENCE CREDENTIALING.]

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

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

33 (1) four members representing public schools with large
34 Native American populations appointed by the commissioner of
35 education;

36 (2) one member appointed by each federally recognized

1 Indian tribe in the state;

2 (3) one member appointed by each institution of higher
3 education that trains credentialed Dakota and Anishinaabe
4 language teachers;

5 (4) one member representing the Minnesota Historical
6 Society;

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

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

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

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

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

23 (1) whether a rating system should be developed that
24 includes separate ratings for fluency of the spoken language,
25 writing and reading skills in language, and specifying which
26 dialect of the Anishinaabe and Dakota languages is being spoken;

27 (2) whether a strategy for determining the level of fluency
28 should be developed;

29 (3) consistency of evaluation of language fluency;

30 (4) identifying issues between tribal authority and state
31 law around strategies of language revitalization; and

32 (5) a strategy to provide affordable and accessible
33 language and culture credentials throughout Minnesota.

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

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

3 Sec. 21. [MODEL EXTENDED WORLD LANGUAGE PROGRAM GRANTS.]

4 (a) The commissioner of education shall award six
5 three-year grants to school districts and charter schools to
6 develop model extended world languages programs including at
7 least model plans for implementing world languages to close the
8 achievement gap between groups of students. The commissioner
9 shall award grants only for the 2006-2007 through 2008-2009
10 school years. The commissioner should award grants for a
11 variety of language programs, if possible.

12 (b) The commissioner shall award grants to four school
13 districts or charter schools in the seven-county metropolitan,
14 Rochester, and Duluth areas, including two urban and two
15 suburban school districts or charter schools, and two school
16 districts or charter schools outside the seven-county
17 metropolitan, Rochester, and Duluth areas, to:

- 18 (1) develop a model extended world languages program; or
- 19 (2) extend an existing world language program to a model
20 extended program.

21 (c) A school district and charter school shall apply for a
22 grant in a form and manner prescribed by the commissioner. A
23 school district and charter school must use the grant money to
24 develop and implement or to extend existing world languages
25 programs according to the terms of the grant application and the
26 criteria under paragraph (a).

27 (d) For the purposes of this section, "extended world
28 languages program" means a world languages program with a
29 sequence of consecutive years in any of kindergarten through
30 grade 12, including for example sequences of kindergarten
31 through grade 12, grades 5 through 12, and grades 7 through 12.

32 Sec. 22. [APPROPRIATION.]

33 Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums
34 indicated in this section are appropriated from the general fund
35 to the Department of Education for the fiscal years designated.

36 Subd. 2. [WORLD LANGUAGES.] For grants for model extended

1 footage allocations for classrooms, laboratories, and support
2 spaces; estimated expenditures for the major portions of the
3 project; and the dates the project will begin and be completed;

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

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

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

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

22 (11) as required under section 123B.72, for buildings
23 coming into service after July 1, 2002, a certification that the
24 plans and designs for the extensively renovated or new
25 facility's heating, ventilation, and air conditioning systems
26 will meet or exceed code standards; will provide for the
27 monitoring of outdoor airflow and total airflow of ventilation
28 systems; and will provide an indoor air quality filtration
29 system that meets ASHRAE standard 52.1;

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

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

35 (14) a description of how the architects and engineers have
36 considered the American National Standards Institute Acoustical

1 Performance Criteria, Design Requirements and Guidelines for
2 Schools on maximum background noise levels and reverberation
3 times.

4 Sec. 2. Minnesota Statutes 2004, section 124D.095,
5 subdivision 2, is amended to read:

6 Subd. 2. [DEFINITIONS.] For purposes of this section, the
7 following terms have the meanings given them.

8 (a) "Online learning" is an interactive course or program
9 that delivers instruction to a student by computer; is combined
10 with other traditional delivery methods that include frequent
11 student assessment and may include actual teacher contact time;
12 and meets or exceeds state academic standards.

13 (b) "Online learning provider" is a school district, an
14 intermediate school district, an organization of two or more
15 school districts operating under a joint powers agreement, or a
16 charter school located in Minnesota that provides online
17 learning to students.

18 (c) "Student" is a Minnesota resident enrolled in a school
19 under section 120A.22, subdivision 4, in kindergarten through
20 grade 12.

21 (d) "Online learning student" is a student enrolled in an
22 online learning course or program delivered by an online
23 provider under paragraph (b).

24 (e) "Enrolling district" means the school district or
25 charter school in which a student is enrolled under section
26 120A.22, subdivision 4, for purposes of compulsory attendance.

27 Sec. 3. Minnesota Statutes 2004, section 124D.095,
28 subdivision 8, is amended to read:

29 Subd. 8. [FINANCIAL ARRANGEMENTS.] (a) For a student
30 enrolled in an on-line learning course, the department must
31 calculate average daily membership and make payments according
32 to this subdivision.

33 (b) The initial on-line learning average daily membership
34 equals 1/12 for each semester course or a proportionate amount
35 for courses of different lengths. The adjusted on-line learning
36 average daily membership equals the initial on-line learning

1 average daily membership times .88.

2 (c) No on-line learning average daily membership shall be
 3 generated if: (1) the student does not complete the on-line
 4 learning course, or (2) the student is enrolled in on-line
 5 learning provided by the enrolling district ~~and-the-student-was~~
 6 ~~enrolled-in-a-Minnesota-public-school-for-the-school-year-before~~
 7 ~~the-school-year-in-which-the-student-first-enrolled-in-on-line~~
 8 learning, or (3) the student is enrolled in online learning and
 9 the student was enrolled in and received funding for online
 10 learning for the school year before the school year in which the
 11 student is currently enrolled.

12 (d) On-line learning average daily membership under this
 13 subdivision for a student currently enrolled in a Minnesota
 14 public school ~~and-who-was-enrolled-in-a-Minnesota-public-school~~
 15 ~~for-the-school-year-before-the-school-year-in-which-the-student~~
 16 ~~first-enrolled-in-on-line-learning~~ shall be used only for
 17 computing average daily membership according to section 126C.05,
 18 subdivision 19, paragraph (a), clause (ii), and for computing
 19 on-line learning aid according to section ~~126C.24~~ 124D.096.

20 ~~(e)-On-line-learning-average-daily-membership-under-this~~
 21 ~~subdivision-for-students-not-included-in-paragraph-(c)-or-(d)~~
 22 ~~shall-be-used-only-for-computing-average-daily-membership~~
 23 ~~according-to-section-126C.05,-subdivision-19,-paragraph-(a),~~
 24 ~~clause-(ii),-and-for-computing-payments-under-paragraphs-(f)-and~~
 25 ~~(g)-~~

26 ~~(f)-Subject-to-the-limitations-in-this-subdivision,-the~~
 27 ~~department-must-pay-an-on-line-learning-provider-an-amount-equal~~
 28 ~~to-the-product-of-the-adjusted-on-line-learning-average-daily~~
 29 ~~membership-for-students-under-paragraph-(e)-times-the-student~~
 30 ~~grade-level-weighting-under-section-126C.05,-subdivision-1,~~
 31 ~~times-the-formula-allowance-~~

32 ~~(g)-The-department-must-pay-each-on-line-learning-provider~~
 33 ~~100-percent-of-the-amount-in-paragraph-(f)-within-45-days-of~~
 34 ~~receiving-final-enrollment-and-course-completion-information~~
 35 ~~each-quarter-or-semester-~~

36 [EFFECTIVE DATE.] This section is effective for revenue for

1 fiscal year 2006.

2 Sec. 4. Minnesota Statutes 2004, section 124D.095, is
3 amended by adding a subdivision to read:

4 Subd. 10. [ONLINE LEARNING ADVISORY COUNCIL.] (a) An
5 online learning advisory council is established under section
6 15.059, except that the term for each council member shall be
7 three years. The advisory council is composed of 12 members
8 from throughout the state who have demonstrated experience with
9 or interest in online learning. The members of the council
10 shall be appointed by the commissioner. The advisory council
11 shall bring to the attention of the commissioner any matters
12 related to online learning and provide input to the department
13 in matters related, but not restricted, to:

- 14 (1) quality assurance;
- 15 (2) teacher qualifications;
- 16 (3) program approval;
- 17 (4) special education;
- 18 (5) attendance;
- 19 (6) program design and requirements; and
- 20 (7) fair and equal access to programs.

21 (b) The online learning advisory council under this
22 subdivision expires June 30, 2008.

23 Sec. 5. [125B.26] [TELECOMMUNICATIONS/INTERNET ACCESS
24 EQUITY AID.]

25 Subdivision 1. [COSTS TO BE SUBMITTED.] (a) A district or
26 charter school shall submit its actual
27 telecommunications/Internet access costs for the previous fiscal
28 year, adjusted for any e-rate revenue received, to the
29 department by August 15 of each year as prescribed by the
30 commissioner. Costs eligible for reimbursement under this
31 program are limited to the following:

- 32 (1) ongoing or recurring telecommunications/Internet access
33 costs associated with Internet access, data lines, and video
34 links providing:

- 35 (i) the equivalent of one data line, video link, or
36 integrated data/video link that relies on a transport medium

1 that operates at a minimum speed of 1.544 megabytes per second
2 (T1) for each elementary school, middle school, or high school
3 under section 120A.05, subdivisions 9, 11, and 13, including the
4 recurring telecommunications line lease costs and ongoing
5 Internet access service fees; or

6 (ii) the equivalent of one data line or video circuit, or
7 integrated data/video link that relies on a transport medium
8 that operates at a minimum speed of 1.544 megabytes per second
9 (T1) for each district, including recurring telecommunications
10 line lease costs and ongoing Internet access service fees;

11 (2) recurring costs of contractual or vendor-provided
12 maintenance on the school district's wide area network to the
13 point of presence at the school building up to the router,
14 codec, or other service delivery equipment located at the point
15 of presence termination at the school or school district;

16 (3) recurring costs of cooperative, shared arrangements for
17 regional delivery of telecommunications/Internet access between
18 school districts, postsecondary institutions, and public
19 libraries including network gateways, peering points, regional
20 network infrastructure, Internet2 access, and network support,
21 maintenance, and coordination; and

22 (4) service provider installation fees for installation of
23 new telecommunications lines or increased bandwidth.

24 (b) Costs not eligible for reimbursement under this program
25 include:

26 (1) recurring costs of school district staff providing
27 network infrastructure support;

28 (2) recurring costs associated with voice and standard
29 telephone service;

30 (3) costs associated with purchase of network hardware,
31 telephones, computers, or other peripheral equipment needed to
32 deliver telecommunications access to the school or school
33 district;

34 (4) costs associated with laying fiber for
35 telecommunications access;

36 (5) costs associated with wiring school or school district

1 buildings;

2 (6) costs associated with purchase, installation, or
3 purchase and installation of Internet filtering; and

4 (7) costs associated with digital content, including
5 on-line learning or distance learning programming, and
6 information databases.

7 Subd. 2. [E-RATES.] To be eligible for aid under this
8 section, a district or charter school is required to file an
9 e-rate application either separately or through its
10 telecommunications access cluster and have a current technology
11 plan on file with the department. Discounts received on
12 telecommunications expenditures shall be reflected in the costs
13 submitted to the department for aid under this section.

14 Subd. 3. [REIMBURSEMENT CRITERIA.] The commissioner shall
15 develop criteria for approving costs submitted by school
16 districts and charter schools under subdivision 1.

17 Subd. 4. [DISTRICT AID.] For fiscal year 2006, a district
18 or charter school's Internet access equity aid equals 90 percent
19 of the district or charter school's approved cost for the
20 previous fiscal year according to subdivision 1 exceeding \$15
21 times the district's adjusted marginal cost pupil units for the
22 previous fiscal year. For fiscal year 2007 and later, a
23 district or charter school's Internet access equity aid equals
24 90 percent of the district or charter school's approved cost for
25 the previous fiscal year according to subdivision 1 exceeding
26 \$18 times the district's adjusted pupil units for the previous
27 fiscal year, as adjusted under section 126C.05, subdivision 14.

28 Subd. 5. [TELECOMMUNICATIONS/INTERNET ACCESS SERVICES FOR
29 NONPUBLIC SCHOOLS.] (a) Districts shall provide each year upon
30 formal request by or on behalf of a nonpublic school, not
31 including home schools, located in that district or area,
32 ongoing or recurring telecommunications access services to the
33 nonpublic school either through existing district providers or
34 through separate providers.

35 (b) The amount of district aid for telecommunications
36 access services for each nonpublic school under this subdivision

1 equals the lesser of:

2 (1) 90 percent of the nonpublic school's approved cost for
3 the previous fiscal year according to subdivision 1 exceeding
4 \$10 for fiscal year 2006 and \$13 for fiscal year 2007 and later
5 times the number of weighted pupils enrolled at the nonpublic
6 school as of October 1 of the previous school year; or

7 (2) the product of the district's aid per pupil unit
8 according to subdivision 4 times the number of weighted pupils
9 enrolled at the nonpublic school as of October 1 of the previous
10 school year.

11 (c) For purposes of this subdivision, nonpublic school
12 pupils shall be weighted by grade level using the weighting
13 factors defined in section 126C.05, subdivision 1.

14 (d) Each year, a district providing services under
15 paragraph (a) may claim up to five percent of the aid determined
16 in paragraph (b) for costs of administering this subdivision.
17 No district may expend an amount for these telecommunications
18 access services which exceeds the amount allocated under this
19 subdivision. The nonpublic school is responsible for the
20 Internet access costs not covered by this section.

21 (e) At the request of a nonpublic school, districts may
22 allocate the amount determined in paragraph (b) directly to the
23 nonpublic school to pay for or offset the nonpublic school's
24 costs for telecommunications access services, however, the
25 amount allocated directly to the nonpublic school may not exceed
26 the actual amount of the school's ongoing or recurring
27 telecommunications access costs.

28 Subd. 6. [SEVERABILITY.] If any portion of this section is
29 found by a court to be unconstitutional, the remaining portions
30 of the section shall remain in effect.

31 [EFFECTIVE DATE.] This section is effective for revenue for
32 fiscal year 2006.

33 Sec. 6. [SCHOOLS INTEROPERABILITY FRAMEWORK.]

34 By July 1, 2007, schools, school districts, and the
35 Department of Education must comply with the schools
36 interoperability framework specifications to provide for

1 efficient student data sharing.

2 Sec. 7. [SCHOOL DATA SHARING WORKING GROUP.]

3 Subdivision 1. [MEMBERSHIP.] The commissioner of
4 administration shall convene a working group consisting of
5 representatives of the following:

6 (1) several school districts that are diverse in size and
7 location;

8 (2) charter schools;

9 (3) alternative learning centers;

10 (4) the Department of Education; and

11 (5) up to three citizens with expertise in information
12 technology.

13 The working group must develop a uniform data model that is
14 usable for schools, school districts, and the Department of
15 Education and enables effective data sharing between schools,
16 school districts, and the Department of Education.

17 Subd. 2. [REPORT TO LEGISLATURE.] The working group must
18 report to the legislature by January 15, 2006. The report must
19 include a recommendation of any legislative changes needed to
20 streamline reports for schools and school districts. In
21 addition, the report must include a recommendation on the
22 feasibility of expanding the purchasing of data processing
23 products and services by the state on behalf of school districts.

24 Sec. 8. [TESTING BASED ON A GROWTH MODEL.]

25 (a) For the purposes of the No Child Left Behind Act,
26 Public Law 107-110, and the statewide testing and reporting
27 system under Minnesota Statutes, section 120B.30, the
28 commissioner of education must select computer-based adaptive
29 assessments that accurately measure student achievement and
30 student growth across time. The selected assessments must be
31 aligned with Minnesota standards, use a common scale score over
32 multiple grades or ages, have been used by Minnesota school
33 districts educating at least five percent of Minnesota
34 kindergarten through grade 12 students, and be capable of being
35 used for source data for a growth or value-added model of school
36 evaluation. An assessment selected under this section

1 administered at the high school level must be aligned with
2 college entrance requirements. In addition to reporting
3 requirements in Minnesota Statutes, section 120B.30, the
4 commissioner must report assessment result data in a way that
5 shows the growth trends over time for students in four groups:

6 (1) performing above grade level;

7 (2) performing at grade level;

8 (3) approaching grade-level performance; and

9 (4) performing significantly below grade level.

10 If the federal Department of Education does not approve the use
11 of the computer-adaptive assessments selected under this
12 section, the commissioner must notify the federal Department of
13 Education that Minnesota is opting out of the provisions of the
14 No Child Left Behind Act.

15 (b) The Department of Education must assist school
16 districts that are eligible to receive Microsoft settlement cy
17 pres program vouchers in using the vouchers to acquire equipment
18 and software necessary to administer the assessment selected
19 under this section.

20 Sec. 9. [STUDENT PORTFOLIO DEMONSTRATION PROJECT.]

21 Subdivision 1. [ASSESSMENT.] The commissioner of education
22 shall select up to three school districts to participate in a
23 student portfolio demonstration project. Demonstration project
24 participants must use a portfolio assessment that has
25 demonstrated content validity with respect to the required
26 academic standards under Minnesota Statutes, section 120B.021,
27 and are aligned with appropriate benchmarks established under
28 Minnesota Statutes, section 120B.023. Districts that are part
29 of the demonstration project may use the student portfolio to
30 comply with the assessment portion of the No Child Left Behind
31 Act.

32 Subd. 2. [APPLICATION.] A school district must submit an
33 application in the form and manner prescribed by the
34 commissioner in order to participate in the demonstration
35 project. A school district's application must include a plan
36 indicating the grade level and content area in which student

1 portfolios will be used.

2 Subd. 3. [COMMISSIONER.] (a) The commissioner shall
 3 determine the technical soundness of the portfolio assessment
 4 selected by a school district. In addition, the commissioner
 5 shall determine comparability of the chosen assessment to the
 6 state-administered tests used in other grade levels.

7 (b) The commissioner shall submit a request to the federal
 8 Department of Education to use a local assessment model that
 9 uses student portfolios for compliance with the assessment
 10 portion of the No Child Left Behind Act.

11 Sec. 10. [REPEALER.]

12 Minnesota Statutes 2004, section 124D.095, subdivision 9,
 13 is repealed.

14 [EFFECTIVE DATE.] This section is effective for revenue for
 15 fiscal year 2006."

16 Delete the title and insert:

17 "A bill for an act relating to education; education
 18 excellence; special programs; technology, facilities, and
 19 nutrition; appropriating money; amending Minnesota Statutes
 20 2004, sections 13.321, by adding a subdivision; 120B.02;
 21 120B.021, subdivision 1; 120B.024; 120B.11, subdivisions 1, 2,
 22 3, 4, 5, 8; 120B.13, subdivisions 1, 3; 120B.30, subdivisions 1,
 23 1a; 121A.06, subdivisions 2, 3; 121A.53; 121A.66, subdivision 5,
 24 by adding subdivisions; 121A.67; 122A.06, subdivision 4;
 25 122A.09, subdivision 4; 122A.18; subdivision 2a; 122A.41,
 26 subdivision 14; 122A.413; 123A.24, subdivision 2; 123B.71,
 27 subdivision 9; 123B.92, subdivision 1; 124D.095, subdivisions 2,
 28 8, 8, by adding a subdivision; 124D.10, subdivision 3; 124D.11,
 29 subdivisions 1, 6; 124D.66, subdivision 3; 124D.74, subdivision
 30 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.05;
 31 125A.24; 125A.28; 125A.51; 126C.10, subdivision 1, by adding a
 32 subdivision; 126C.457; 134.31, by adding a subdivision;
 33 136A.101, subdivision 4; proposing coding for new law in
 34 Minnesota Statutes, chapters 120B; 121A; 122A; 123A; 124D; 125B;
 35 127A; 129C; repealing Minnesota Statutes 2004, sections
 36 122A.414; 122A.415; 124D.095, subdivision 9."

Senators Dibble and Kelley introduced--

S.F. No. 1806: Referred to the Committee on Finance.

A bill for an act

2 relating to education finance; authorizing a grant to
3 establish a Principals' Leadership Institute;
4 appropriating money; proposing coding for new law in
5 Minnesota Statutes, chapter 122A.

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

7 Section 1. [122A.74] [PRINCIPALS' LEADERSHIP INSTITUTE.]

8 Subdivision 1. [ESTABLISHMENT.] (a) The commissioner of
9 education may contract with the regents of the University of
10 Minnesota to establish a Principals' Leadership Institute to
11 provide professional development to school principals by:

12 (1) creating a network of leaders in the educational and
13 business communities to communicate current and future trends in
14 leadership techniques;

15 (2) helping to create a vision for the school that is
16 aligned with the community and district priorities; and

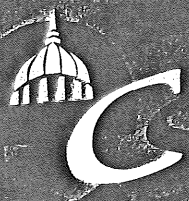
17 (3) developing strategies to retain highly qualified
18 teachers.

19 (b) The University of Minnesota must cooperate with
20 participating members of the business community to provide
21 funding and content for the institute.

22 (c) Participants must agree to attend the Principals'
23 Leadership Institute for four weeks during the academic summer.

24 (d) The Principals' Leadership Institute must incorporate
25 program elements offered by leadership programs at the

SF1806



Commission

the

The Progress of Education Reform 2005

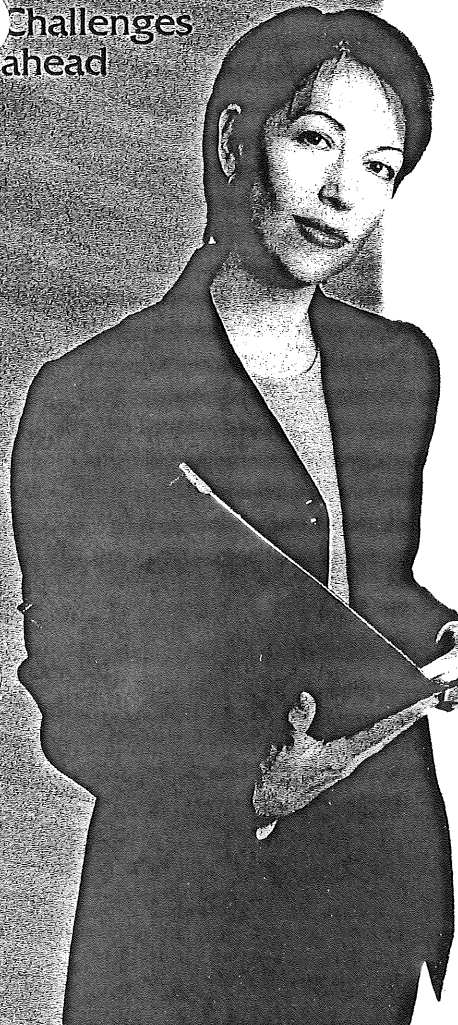
District and School Leadership

Vol. 6, No. 2, February 2005

What's inside

- Indirect but powerful impact on learning
- Not just what to do, but how, why and when
- Problems with professional standards

Challenges ahead



Principals and Superintendents Play Significant – and Frequently Underestimated – Role in Teaching and Learning Process

In education, as in all organizational sectors, the issue of capable leadership – what it looks like, why it matters, and how to develop and sustain it – is a source of widening interest and concern.

For the CEO of a Fortune 500 company, the principal of an inner-city high school or the superintendent of a small rural district, the challenge is the same: to set a clear direction; to galvanize effort around ambitious goals; and to see that the right processes, resources and conditions are in place to help people achieve those goals.

It's a tall order for any executive or manager, and even more so in the education system, where those in charge are saddled with enormous and growing burdens, including insufficient budgets; bureaucratic inertia; political conflicts; and a torrent of local, state and federal mandates.

Burnout and turnover are high, and more schools and districts are finding it difficult to fill leadership positions. The problem is expected to get worse within the next 5-10 years – particularly in urban and rural areas – because of the large number of teachers and administrators approaching retirement age.

At the same time, a growing body of evidence points to leadership capacity as a make-or-break factor for schools and districts under steadily increasing pressure to adapt, innovate and improve. More and more, the lack of a systematic approach to recruiting, developing and retaining talented leaders – at all levels of the education system – is shaping up as a major impediment to large-scale reform.

This edition of *The Progress of Education Reform* summarizes several reports and studies that provide a quick introduction to the issue of school leadership, including:

- How – and the extent to which – the work of principals and superintendents affects student learning and school quality
- The utility and effectiveness of existing professional standards for school leaders
- The emergence of new ideas about the nature, structure and responsibilities of school leadership.

How Leadership Influences Student Learning

(Center for Applied Research and Educational Improvement, University of Minnesota;
Ontario Institute for Studies in Education, University of Toronto, 2004,

<http://www.wallacefoundation.org/WF/KnowledgeCenter/KnowledgeTopics/Education/Leadership/HowLeadershipInfluencesStudentLearning.htm>)

The work of principals and superintendents has a powerful, albeit indirect, impact on student learning – second only, among school-related factors, to the quality of curriculum and teaching. And the impact tends to be greatest in schools where the learning needs of students are most acute.

That's the central finding of this report by the Center for Applied Research and Educational Improvement and the Ontario Institute for Studies in Education. The two organizations have teamed up for what will be the largest and most thorough study to date of the role of leadership in improving student achievement – a five-year, \$3.5 million initiative financed by the Wallace Foundation.

As a first step, the study team reviewed existing research on leadership practice, going back to the “effective schools” studies first carried out in the 1970s. It found considerable evidence that successful leadership can play a significant – and frequently underestimated – role in improving student learning, particularly in schools serving large numbers of disadvantaged children.

“There are virtually no documented instances of troubled schools being turned around without intervention by a powerful leader. Many other factors may play a role in such turnarounds, but leadership is the catalyst,” the report said.

For the most part, the report noted, school and district leaders contribute to student learning indirectly, and in three critical areas:

- *Setting directions* – charting a clear course that everyone understands, establishing high expectations, and using data to track progress and performance
- *Developing people* – providing teachers and others in the system with the necessary support and training to succeed
- *Making the organization work* – ensuring the entire range of conditions and incentives in districts and schools fully supports rather than inhibits teaching and learning.

But beyond that, the report said, the knowledge base is troublingly thin. What, for instance, are the essentials of successful school leadership? How do different leadership practices stack up against one another in their relative effects on student performance? How does the effect of certain leadership behaviors vary among urban, suburban and rural schools? And what role do informal leaders – such as teachers, parents and others – play in shaping instruction?

Those and other questions will be the focus of the five-year study, which will involve 180 schools in 45 districts and nine states. Researchers will analyze student-performance data, including state and local test scores, graduation rates and attendance patterns; observe classroom practice; and conduct periodic interviews with teachers, principals and state and district officials.

The project's goal is to shed new light on how schools should be managed, how administrators should be trained, and what state policies most help principals, superintendents and other education leaders improve teaching and learning.



Education Commission
of the States

District and School Leadership

Balanced Leadership: What 30 Years of Research Tells Us About the Effect of Leadership on Student Achievement

(Mid-continent Research for Education and Learning, 2003,

http://www.mcrel.org/PDF/LeadershipOrganizationDevelopment/5031RR_BalancedLeadership.pdf)

Effective school leadership involves not just knowing what to do, but also when, how and why to do it. Without that full range of knowledge and abilities – what this report by Mid-continent Research for Education and Learning (McREL) calls “balanced leadership” – even the brightest and most well-intentioned leader isn’t likely to succeed in bringing about real change and improvement.

McREL reviewed three decades of both theoretical and quantitative research on education leadership, including 70 studies that probed the statistical relationship between leadership practices and student achievement. Using meta-analytic techniques, McREL determined that, for an average school, having an effective leader can mean the difference between students’ scoring at the 50th percentile on a given test or achieving a score 10 percentile points higher.

In addition, McREL’s analysis identified 21 specific leadership characteristics significantly correlated with student achievement. The strongest of these was “situational awareness,” defined as the extent to which a leader is savvy about the details and undercurrents in running the school and uses that information to address problems.

The report also says that “just as leaders can have a positive impact on achievement, they also can have a marginal, or worse, a negative impact on achievement.”

What seems to make the difference, the authors conclude, is whether the leader focuses on the right change for that particular school, and whether he or she understands the “order” of that change.

A “first-order” change is consistent with a school’s existing values and practices, and offers obvious benefits to everyone involved. “Second-order” changes, more difficult to produce, call for a break with tradition and practice.

Many people in leadership positions lack the knowledge necessary to lead both first- and second-order change, according to the report. “The literature is replete with examples,” it says, of capable individuals whose leadership initiatives fail because they do not:

- Understand how to balance pushing for change while at the same time protecting aspects of culture, values and norms worth preserving
- Know which policies, practices, processes, resources and incentives to align, and how to align them with organizational priorities
- Know how to gauge the magnitude of change they are calling for and how to tailor their strategies accordingly
- Understand and value the people in the organization, and create an environment that provides them with the support they need to succeed.

The centerpiece of the 19-page report is a “balanced leadership framework” that identifies the specific knowledge, skills, strategies and tools that principals and other school leaders need to positively affect student achievement.



The Leadership We Need: Using Research To Strengthen the Use of Standards for Administrator Preparation and Licensure Programs

(Mid-continent Research for Education and Learning, 2004.
<http://www.mcrel.org/topics/productDetail.asp?productID=184>)

The most widely used set of professional standards for school leaders has several major deficiencies that limit their usefulness in terms of policymaking and program design, according to this follow-up to McREL's *Balanced Leadership* report.

McREL found more than one-quarter of the leadership practices shown to be significantly correlated with student achievement are not reflected in the standards of the Interstate School Leaders Licensure Consortium (ISLLC). The standards were developed in the mid-1990s under the auspices of the Council of Chief State School Officers, and have since been adopted by 40 states as the basis of their principal-licensing policies.

What's more, the ISLLC standards – 184 separate “indicators” grouped into six categories – don't make clear which leadership responsibilities and practices have been shown to have a greater impact on student learning than others, and thus should be given priority in the design of administrator preparation, licensing and professional development programs, according to McREL.

The report does not recommend abandoning the ISLLC standards, but rather urges they be revised to (1) better reflect the growing body of quantitative research on school-level leadership, and (2) more clearly identify leadership responsibilities and practices most strongly correlated with student achievement.



Growing Tomorrow's School Leaders: The Challenge

(National College for School Leadership, 2003,

http://www.leadspace.govt.nz/leadership/prof_development/research_hartlethomas.php)

What is already a significant problem for many schools and districts – the difficulty of filling key leadership positions – is about to get much worse and more widespread, warns this report by a national leadership research and development center created in 2000 by the British government.

Not just in England, but also in the United States, Canada, Australia and other countries, public- and private-sector organizations alike are faced with an ever-shrinking pool of qualified candidates for executive and general-management positions, the report notes. A variety of trends – from corporate downsizing to the aging of the workforce to an increasingly competitive, increasingly international job market – has given rise to a virtual “war for talent.”

The picture is particularly bleak for the education system, the report says. The number of young people planning a career in teaching is on the decline; a significant percentage of graduates of teacher education programs never enter the profession or leave it within five years; and more than half of the teacher workforce will be eligible for retirement in the next 5-10 years.

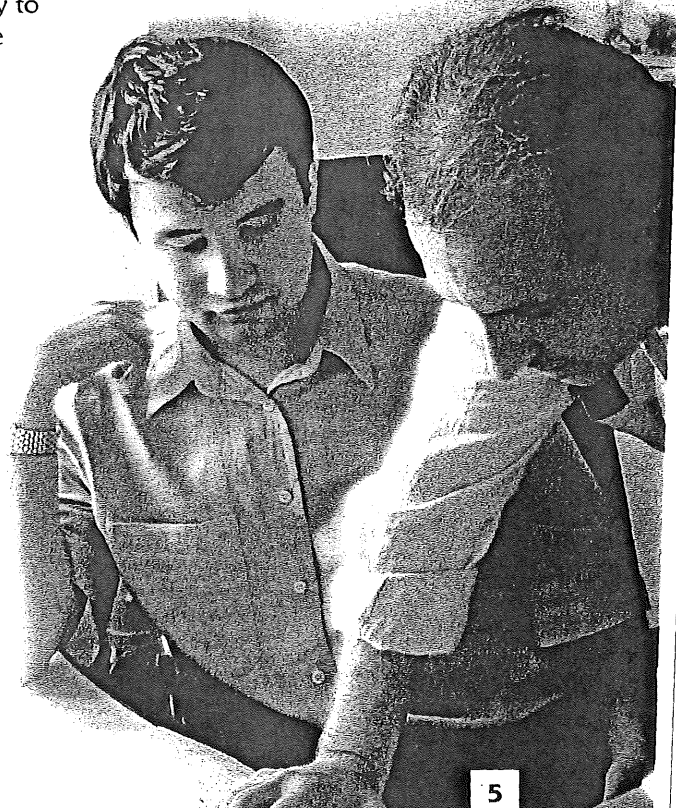
To head off what is shaping up as a full-blown crisis, the report says, the education system must follow the lead of forward-thinking organizations – in both the public and private sectors – and make the development of leadership talent a strategic priority.

The report points to the systematic approach to leadership supply and succession that many corporations and other organizations have traditionally relied on. The process involves assessing future leadership needs, identifying a pool of high-potential candidates, and developing those individuals' leadership abilities by giving them the opportunity to advance through a series of “passages”: manage self, manage others, manage managers, manage function and, ultimately, manage organization.

Perhaps the most useful feature of this report is its overview of new thinking about and new approaches to school leadership, which increasingly is seen not as the work of one actor – the principal – but rather as the cumulative activities of a broad set of leaders, both formal and informal, within a school.

The report points to growing recognition that improving student achievement “requires the leadership capability of the many rather than the few,” and that leadership ought to be “located closest to the classroom and distributed throughout the school.”

The report details how these and other approaches might be used to build an “education leadership pipeline” capable of maintaining a steady flow of leaders at all levels of the system, local to national. The aim, it said, is to make sure “the right people are in the right places at the right time to do the right things.”



Other Resources

The MetLife Foundation has awarded ECS a \$350,000 grant to create a toolkit that will identify and promote promising models of school and district leadership.

The toolkit will contain a variety of resources and provide a step-by-step guide for implementing effective leadership practices. ECS will develop the toolkit through site visits to selected states and districts, and through focus groups and interviews with superintendents, principals, teachers, community leaders and students.

ECS will promote and provide technical assistance on the toolkit's use through seminars, teleconferences and Web-based conferences. While the toolkit will be applicable to leaders at all levels within education systems, it will be designed primarily to help state policymakers and district leaders understand and promote promising leadership models designed to improve teaching and learning environments, and increase student achievement.

To learn more about ECS' project work on education leadership, visit www.ecs.org/leadership, where you will find a list of recommended readings, research summaries and links to other sources of information.

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This issue of *The Progress of Education Reform* was made possible by a grant from the GE Foundation. It was written by Suzanne Weiss, ECS managing editor.



GE Foundation

Education Commission
of the States

*Helping State Leaders Shape
Education Policy*

Senators Kelley, Tomassoni, Kierlin and Pappas introduced--

S.F. No. 2135: Referred to the Committee on Education.

1 A bill for an act

2 relating to education; providing funding for college
3 in the schools; appropriating money; amending
4 Minnesota Statutes 2004, section 136A.101, subdivision
5 4; proposing coding for new law in Minnesota Statutes,
6 chapter 124D.

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

8 Section 1. [124D.091] [COLLEGE IN THE SCHOOLS PROGRAM
9 AID.]

10 Subdivision 1. [ELIGIBILITY.] A district that offers a
11 National Alliance of Concurrent Enrollment Partnership certified
12 course according to an agreement under section 124D.09,
13 subdivision 10, is eligible to receive aid to support the costs
14 associated with providing postsecondary courses at the high
15 school.

16 Subd. 2. [AID.] An eligible district shall receive \$150
17 per pupil enrolled in a National Alliance of Concurrent
18 Enrollment Partnership certified course. The money must be used
19 to defray the cost of delivering the course at the high school.
20 The commissioner shall establish application procedures and
21 deadlines for receipt of aid payments.

22 Sec. 2. Minnesota Statutes 2004, section 136A.101,
23 subdivision 4, is amended to read:

24 Subd. 4. [ELIGIBLE INSTITUTION.] "Eligible institution"
25 means a postsecondary educational institution located in this
26 state or in a state with which the office has entered into a

1 higher education reciprocity agreement on state student aid
2 programs that either (1) is operated by this state, or (2) is
3 operated publicly or privately and, as determined by the office,
4 maintains academic standards substantially equivalent to those
5 of comparable institutions operated in this state. The Board of
6 Regents of the University of Minnesota and the Board of Trustees
7 of the Minnesota State Colleges and Universities must accept the
8 credits students who enroll at an institution in their system
9 received for National Alliance of Concurrent Enrollment
10 Partnership certified courses taken by the student while the
11 student was in high school as a condition of eligibility.
12 Private, nonprofit, and career schools are encouraged to accept
13 credits students who enroll at their institutions received for
14 National Alliance of Concurrent Enrollment Partnership certified
15 courses taken by the student while the student was in high
16 school.

17 Sec. 3. [COLLEGE IN THE SCHOOLS MATHEMATICS AND SCIENCE
18 PARTNERSHIP PROGRAM.]

19 Subdivision 1. [GRANTS.] The commissioner of education
20 shall award grants to partnerships between one or more
21 postsecondary institutions and one or more school districts to
22 expand mathematics and science courses offered in the high
23 school and enhance staff development. The courses must be
24 offered at the high school under an agreement between the
25 governing board of an eligible public postsecondary system or an
26 eligible private institution and a public school board, as
27 described in Minnesota Statutes, section 124D.09, subdivision
28 10. Each partnership must include at least one postsecondary
29 institution and one school district. The grants must be awarded
30 to collaborative efforts that:

31 (1) increase the number of postsecondary-level mathematics
32 and science courses provided to high school students at the
33 student's high school; and

34 (2) develop or enhance the staff training and ongoing
35 support services provided by postsecondary faculty to high
36 school teachers teaching college in the school's agreement

1 courses in the high school.

2 Subd. 2. [ACCREDITATION.] To establish a uniform standard
3 by which courses and professional development activities may be
4 measured, postsecondary institutions applying for a grant under
5 this section are encouraged to apply for accreditation by the
6 National Alliance of Concurrent Enrollment Partnerships.

7 Subd. 3. [APPLICATION PROCESS.] The commissioner of
8 education shall develop the process by which a partnership must
9 apply for a grant. The P-16 Education Partnership shall review
10 and comment on the grant applications and make recommendations
11 to the commissioner regarding the partnerships that should be
12 funded. In selecting projects for funding, the commissioner
13 must ensure that there is a balance in the number of mathematics
14 and science courses offered as part of this initiative.

15 Subd. 4. [CRITERIA.] The application for grant money under
16 this section must include, at a minimum, the following
17 information:

18 (1) specification of the goals to be achieved through the
19 delivery of courses and faculty staff development and support
20 activities;

21 (2) a description of the courses to be offered at the high
22 schools and the initial and ongoing training and support that
23 will be provided to high school faculty teaching courses under
24 this program;

25 (3) a description of the eligibility requirements for
26 students participating in the program and the number of students
27 that will be served;

28 (4) a description of the curriculum enhancements and
29 efficiencies to be achieved in the delivery of instruction
30 through the partnership;

31 (5) a description of how the goals established for the
32 course delivery and faculty staff development and support
33 activities will be evaluated to determine if the goals of the
34 partnership were met; and

35 (6) other information as identified by the commissioner.

36 Sec. 4. [APPROPRIATIONS.]

1 (a) \$..... in fiscal year 2006 and \$..... in fiscal year
2 2007 are appropriated from the general fund to the commissioner
3 of education for college in the schools program aid.

4 (b) \$..... in fiscal year 2006 is appropriated from the
5 general fund to the commissioner of education for college in the
6 schools mathematics and science partnership program grants.

7 (c) \$..... in fiscal year 2006 and \$..... in fiscal year
8 2007 are appropriated from the general fund to the commissioner
9 of education for transfer to the Board of Regents of the
10 University of Minnesota for institutions receiving partnership
11 grants to become provisional members of the National Alliance of
12 Concurrent Enrollment Partnership.

13 (d) \$..... in fiscal year 2006 and \$..... in fiscal
14 year 2007 are appropriated from the general fund to the
15 commissioner of education for transfer to the Board of Trustees
16 of the Minnesota State Colleges and Universities for
17 institutions receiving partnership grants to become provisional
18 members of the National Alliance of Concurrent Enrollment
19 Partnership.

**Senate Counsel, Research,
and Fiscal Analysis**

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
FAX: (651) 296-7747
JO ANNE ZOFF SELLNER
DIRECTOR

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 contract 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

Senators Kelley, Saxhaug, Stumpf and Marko introduced--
S.F. No. 257: Referred to the Committee on Education.

1 A bill for an act
2 relating to education finance; providing for
3 principled pay practices; site-based achievement
4 contracts; appropriating money; amending Minnesota
5 Statutes 2004, sections 122A.413; proposing coding for
6 new law in Minnesota Statutes, chapters 120B; 122A;
7 repealing Minnesota Statutes 2004, sections 122A.414;
8 122A.415.

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

10 ARTICLE 1

11 PRINCIPLED PAY PRACTICES

12 Section 1. Minnesota Statutes 2004, section 122A.413, is
13 amended to read:

14 122A.413 [EDUCATIONAL IMPROVEMENT PLAN.]

15 Subdivision 1. [QUALIFYING PLAN.] A district may develop
16 an educational improvement plan for the purpose of qualifying
17 for ~~alternative-teacher-compensation~~ principled pay practices
18 aid under ~~sections 122A.414 and 122A.415~~ section 122A.4142. The
19 plan must include measures for improving school district, school
20 site, teacher, and individual student performance.

21 Subd. 2. [PLAN COMPONENTS.] The educational improvement
22 plan must be approved by the school board and have at least
23 these elements:

24 (1) assessment and evaluation tools to measure student
25 performance and progress;

26 (2) performance goals and benchmarks for improvement;

27 (3) measures of student attendance and completion rates;

1 (4) a rigorous professional development system, consistent
 2 with section 122A.60, that is aligned with educational
 3 improvement, designed to achieve teaching quality improvement,
 4 and consistent with clearly defined research-based standards;

5 (5) measures of student, family, and community involvement
 6 and satisfaction;

7 (6) a data system about students and their academic
 8 progress that provides parents and the public with
 9 understandable information; and

10 (7) a teacher induction and mentoring program for
 11 probationary teachers that provides continuous learning and
 12 sustained teacher support. ~~---The process for developing the plan~~
 13 ~~must involve district teachers; and~~

14 (8) substantial teacher participation in developing the
 15 plan, including teachers selected by the exclusive
 16 representative of the teachers.

17 Subd. 3. [SCHOOL SITE ACCOUNTABILITY.] A district that
 18 develops a plan under subdivisions 1 and 2 must ensure that each
 19 school site develops a board-approved educational improvement
 20 plan that is aligned with the district educational improvement
 21 plan under subdivision 2 and developed with teacher
 22 participation consistent with subdivision 2, clause (8). While
 23 a site plan must be consistent with the district educational
 24 improvement plan, it may establish performance goals and
 25 benchmarks that meet or exceed those of the district. ~~The~~
 26 ~~process for developing the plan must involve site teachers.~~

27 Sec. 2. [122A.4142] [PRINCIPLED PAY PRACTICES FOR
 28 TEACHERS.]

29 Subdivision 1. [PRINCIPLED PAY PRACTICES SYSTEM.] A school
 30 district and the exclusive representative of the teachers may
 31 adopt, by agreement, principled pay practices under subdivision
 32 2 to provide incentives to attract and retain high-quality
 33 teachers, encourage high-quality teachers to accept difficult
 34 assignments, encourage teachers to improve their knowledge and
 35 skills, and support teachers' roles in improving students'
 36 educational achievement.

1 Subd. 2. [ELIGIBILITY FOR PRINCIPLED PAY PRACTICES
2 AID.] (a) To be eligible for principled pay practices aid, a
3 school district must submit to the department:

4 (1) a districtwide or site-based educational improvement
5 plan as described in section 122A.413;

6 (2) an executed collective bargaining agreement that
7 contains at least the following elements:

8 (i) a description of the conditions or actions necessary
9 for career advancement and additional compensation;

10 (ii) compensation provisions that base at least 60 percent
11 of any increase in compensation on performance and not on years
12 of service or the attainment of additional education or
13 training;

14 (iii) career advancement options for teachers retaining
15 primary roles in student instruction and for other members of
16 the bargaining unit;

17 (iv) incentives for teachers' continuous improvement in
18 content knowledge, pedagogy, and use of best practices;

19 (v) an objective evaluation program, including classroom or
20 performance observation, that is aligned with the district's or
21 site's educational improvement plan, and is a component of
22 determining performance;

23 (vi) provisions preventing any teacher's compensation from
24 being reduced as a result of implementing principled pay
25 practices;

26 (vii) provisions enabling any teacher in the district if
27 the principled pay practices are applied districtwide, or at a
28 site, if the practices apply only to a site, to participate in
29 the principled pay practices without limitations by quota or
30 other restrictions;

31 (viii) provisions encouraging collaboration among teachers
32 rather than competition; and

33 (ix) provisions for participation by all teachers in a
34 district, all teachers at a site, or at least 25 percent of the
35 teachers in a district.

36 (b) An agreement may contain different compensation

1 provisions for separate classifications of employees.

2 Subd. 3. [COMMISSIONER APPROVAL.] (a) Before concluding a
3 collective bargaining agreement, a district may submit a
4 proposed agreement and educational improvement plan for review,
5 comment, and preliminary approval by the commissioner. If the
6 plan and agreement are executed in the same form as
7 preliminarily approved by the commissioner, the plan and
8 agreement must be approved without further review.

9 (b) The application to the commissioner must contain a
10 formally adopted collective bargaining agreement, memorandum of
11 understanding, or other binding agreement that implements
12 principled pay practices consistent with this section.

13 (c) The commissioner's approval must be based on the
14 requirements established in subdivision 2. If the commissioner
15 does not approve an application, the notice to the school
16 district must provide details regarding the commissioner's
17 reason for rejecting the application.

18 (d) A school district that intends to apply for principled
19 pay practices aid for the first time must notify the
20 commissioner in writing by November 1 prior to the academic year
21 for which they intend to seek aid. The commissioner must
22 approve initial applications for school districts qualifying
23 under subdivision 4, paragraph (b), clause (1), by January 15 of
24 each year.

25 Subd. 4. [AID AMOUNT.] (a) A school district that meets
26 the conditions of this section, as approved by the commissioner,
27 is eligible for principled pay practices aid.

28 (b) Principled pay practices aid for a qualifying school
29 district, site, or portion of a district or school site is as
30 follows:

31 (1) for a school district in which the school board and the
32 exclusive representative of the teachers agree to place all
33 teachers in the district or at the site in the principled pay
34 practices system, aid equals \$150 times the district's or the
35 site's number of pupils enrolled on October 1 of the previous
36 fiscal year; or

1 (2) for a district in which the school board and the
 2 exclusive representative of the teachers agree that at least 25
 3 percent of the district's licensed teachers will be paid under
 4 the principled pay practices system, aid equals \$150 times the
 5 percentage of participating teachers times the district's number
 6 of pupils enrolled as of October 1 of the previous fiscal year.

7 Subd. 5. [PERCENTAGE OF TEACHERS.] For purposes of
 8 subdivision 4, the percentage of teachers participating in the
 9 principled pay practices system equals the ratio of the number
 10 of licensed teachers who are working at least 60 percent of a
 11 full-time teacher's hours and agree to participate in the
 12 principled pay practices system to the total number of licensed
 13 teachers who are working at least 60 percent of a full-time
 14 teacher's hours.

15 Subd. 6. [AID TIMING.] Districts or sites with approved
 16 applications must receive principled pay practices aid for each
 17 school year that the district or site participates in the
 18 program.

19 Subd. 7. [ANNUAL AID APPROPRIATION.] The amount necessary
 20 for this purpose is appropriated annually from the general fund
 21 to the commissioner of education for principled pay practices
 22 aid under this section.

23 [EFFECTIVE DATE.] This section is effective for fiscal year
 24 2006 and thereafter.

25 Sec. 3. [122A.4143] [CLOSED CONTRACT.]

26 A district and the exclusive representative of the teachers
 27 may agree jointly to reopen a collective bargaining agreement in
 28 order to enter into a principled pay practices system consistent
 29 with section 122A.4142 and an educational improvement plan under
 30 section 122A.413.

31 Sec. 4. [APPROPRIATION.]

32 \$..... is appropriated in fiscal years 2006 and 2007 from
 33 the general fund to the commissioner of education for principled
 34 pay practices aid.

35 Sec. 5. [REPEALER.]

36 Minnesota Statutes 2004, sections 122A.414 and 122A.415,

1 are repealed.

2

ARTICLE 2

3

SITE-BASED ACHIEVEMENT CONTRACTS

4

Section 1. [120B.362] [GRANTS FOR SITE-BASED ACHIEVEMENT

5

CONTRACTS.]

6

Subdivision 1. [ELIGIBLE SCHOOLS.] (a) The commissioner of

7

education shall award grants to public school sites to increase

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student achievement and eliminate the achievement gap at the

9

school site.

10

(b) The commissioner shall select sites that meet the

11

following criteria:

12

(1) have at least 75 percent of enrollment eligible for

13

free or reduced-price lunch;

14

(2) have an enrollment where at least 75 percent of the

15

students are students of color; and

16

(3) have failed to meet adequate yearly progress for at

17

least two consecutive years.

18

(c) In order to be eligible for a grant under this section,

19

a public school site shall have an approved site decision-making

20

agreement under section 123B.04, including an achievement

21

contract under section 123B.04, subdivision 4. The site

22

decision-making team shall include the principal of the school

23

site.

24

(d) The site team shall have a plan approved by the school

25

board and shall also have an agreement with the exclusive

26

bargaining unit of the district to participate in this grant

27

program.

28

Subd. 2. [APPLICATION.] (a) The applicant shall submit a

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plan that will result in at least 80 percent of the students at

30

the site testing at a proficient level for their grade by the

31

end of the grant period of six years, with at least 60 percent

32

of the students testing at a proficient level for their grade at

33

the midpoint of the grant period.

34

(b) The site team shall include in its application a

35

detailed plan for using multiple objective and measurable

36

methods for tracking student achievement during the duration of

1 the grant and shall also include curriculum and academic
2 requirements that are rigorous and challenging for all
3 students. The site shall have the ability to return timely test
4 data to teachers and have a plan that demonstrates that the
5 teachers at the site can use the data to help improve curriculum
6 as well as monitor student achievement.

7 (c) The applicant shall have in its site-based plan an
8 agreement between the district and the exclusive bargaining unit
9 of the district that would give the site-based team increased
10 stability in the placement of teachers at the site. The
11 applicant shall include other innovative site-based personnel
12 decision-making items in its agreement that may include, but are
13 not limited to: hiring bonuses, additional ongoing
14 collaborative preparation time, on-site staff development,
15 hiring additional staff, and performance-based incentives.

16 (d) The site team shall also include in its application a
17 plan for a greater involvement of parents and the community in
18 the school, a plan for ensuring that each student at the site
19 can develop a meaningful relationship with at least one teacher
20 at the school site, and a clear approach to school safety,
21 including promoting respect for students and teachers.

22 Subd. 3. [GRANT AWARDS.] (a) The commissioner shall award
23 grants to a school site in three parts:

24 (1) one-third of the total grant amount is awarded at the
25 beginning of the grant agreement;

26 (2) one-third is awarded at the midpoint of the grant
27 agreement if the site has met the achievement goals established
28 in subdivision 2, paragraph (a); and

29 (3) one-third is awarded upon the completion of the grant
30 agreement if the site has met the achievement goals established
31 in subdivision 2, paragraph (a).

32 (b) The total grant award for a school site shall be at
33 least \$150,000 and shall not exceed \$500,000. The commissioner
34 shall determine the grant amount based on the number of students
35 enrolled at the site.

36 (c) The commissioner shall determine all other aspects of

1 the application and grant award process consistent with this
2 section.

3 Subd. 4. [REPORT.] The commissioner shall report annually
4 by March 1 during the program, with a final report due by
5 January 15, 2011, to the house of representatives and senate
6 committees having jurisdiction over education on the progress of
7 the program, including at least improvement in student
8 achievement, the effect of innovative personnel decision making
9 on closing the achievement gap, and the characteristics of
10 highly effective teachers.

11 [EFFECTIVE DATE.] This section is effective the day
12 following final enactment and applies to the 2005-2006 through
13 2011-2012 school years.

14 Sec. 2. [APPROPRIATION.]

15 \$500,000 is appropriated in fiscal years 2006 and 2007 from
16 the general fund to the commissioner of education for site-based
17 achievement contracts.

Article 1 PRINCIPLED PAY PRACTICES..... page 1
Article 2 SITE-BASED ACHIEVEMENT CONTRACTS..... page 6

APPENDIX
Repealed Minnesota Statutes for 05-0607

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 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 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 career advancement and additional compensation;
- (2) provide career advancement options for teachers retaining primary roles in student instruction;
- (3) use a professional pay system that replaces the step and lane salary schedule and is not based on years of service;
- (4) encourage teachers' continuous improvement in content knowledge, pedagogy, and use of best practices; and
- (5) implement an objective evaluation system, 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 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 summary of the findings and recommendations of their district to the commissioner.

122A.415 ALTERNATIVE COMPENSATION AID.

Subdivision 1. **Aid amount.** (a) A school district that meets the conditions of section 122A.414 and submits an application approved by the commissioner is eligible for alternative compensation aid. 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 and includes all teachers in a district, 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 for a qualifying school district, 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 equals \$150 times the district's or the site's number of pupils enrolled on October 1 of the previous fiscal year; or

APPENDIX
Repealed Minnesota Statutes for 05-0607

(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.

Subd. 2. **Percentage of teachers.** For purposes of this section, the percentage of teachers participating in the teacher professional pay system equals the ratio of the number of licensed teachers who are working at least 60 percent of a full-time teacher's hours and agree to participate in the teacher professional pay system to the total number of licensed teachers who are working at least 60 percent of a full-time teacher's hours.

Subd. 3. **Aid timing.** (a) Districts or sites with approved applications must receive alternative compensation aid for each school year that the district or site participates in the program as described in this subdivision. Districts or sites with applications received by the commissioner before June 1 of the first year of a two-year contract shall receive alternative compensation aid for both 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. A qualifying district or site that received alternative compensation aid for the previous fiscal year must receive at least an amount equal to the lesser of the amount it received for the previous fiscal year or its proportionate share of the previous year's appropriation if the district or site submits a timely application and the commissioner determines that the district 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 and school sites about the program, develop and disseminate application materials, and carry out other activities needed to implement this section.