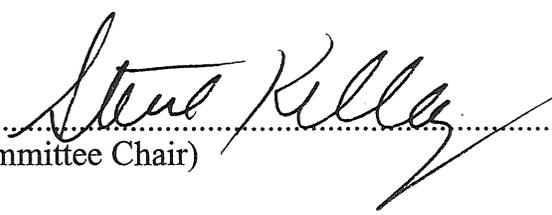


1.1 **Senator Kelley from the Committee on Education, to which was referred**

1.2 **S.F. No. 3073:** A bill for an act relating to education; establishing a grant program
1.4 to promote professional teaching standards; appropriating money; proposing coding for
new law in Minnesota Statutes, chapter 122A.

1.5 Reports the same back with the recommendation that the bill do pass and be
1.6 re-referred to the Committee on Finance. Report adopted.

1.7 
1.8 (Committee Chair)

1.9 March 14, 2006
1.10 (Date of Committee recommendation)

Senators Clark, Kelley, Tomassoni, Koering and Michel introduced—
S.F. No. 3073: Referred to the Committee on Education.

A bill for an act
relating to education; establishing a grant program to promote professional
teaching standards; appropriating money; proposing coding for new law in
Minnesota Statutes, chapter 122A.

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

**Section 1. [122A.73] GRANT PROGRAM TO PROMOTE PROFESSIONAL
TEACHING STANDARDS.**

Subdivision 1. Establishment. A grant program to promote professional teaching
standards through the National Board for Professional Teaching Standards is established to
provide teachers with the opportunity to receive National Board for Professional Teaching
Standards certification and to reward teachers who have already received this certification.

Subd. 2. Eligibility. An applicant for a grant must:

- (1) be a licensed teacher employed in a Minnesota public school;
- (2) have a minimum of five school years' classroom teaching experience; and
- (3) demonstrate acceptance by the National Board for Professional Teaching

Standards as a candidate for board certification or as a recipient of board certification.

Subd. 3. Application process. To obtain a grant to participate in the National Board
for Professional Teaching Standards certification process or to receive a reward for already
completing the board certification process, a teacher must submit an application to the
commissioner of education in the form and manner established by the commissioner. The
commissioner shall consult with the Board of Teaching when reviewing the applications.
The commissioner shall also provide program support to assist applicants during the
national board certification process.

2.1 Subd. 4. Grant awards; proceeds. (a) The commissioner may award grants of
 2.2 \$1,000 to eligible teachers accepted as candidates for the National Board for Professional
 2.3 Teaching Standards certification for partial payment of the teacher's candidate application
 2.4 fee.

2.5 (b) The commissioner shall award grants of \$2,000 to all eligible teacher applicants
 2.6 who hold certification from the National Board for Professional Teaching Standards.

2.7 (c) The commissioner shall also award grants to eligible teachers who have received
 2.8 National Board for Professional Teaching Standards certification within one year prior to
 2.9 the date of the teacher's application for a grant to use for educational purposes, including
 2.10 purchasing instructional materials, equipment, or supplies, and pursuing professional
 2.11 development opportunities. The amount of each grant awarded under this paragraph shall
 2.12 not exceed \$1,000 and the commissioner, in consultation with Education Minnesota, shall
 2.13 establish criteria to determine the amount of each grant.

2.14 **Sec. 2. APPROPRIATION.**

2.15 The following sum is appropriated from the general fund to the commissioner of
 2.16 education in the fiscal year designated for the grant program to promote professional
 2.17 teaching standards under section 1:

2.18 \$ 2007

2.19 \$..... of this amount is for ... grants of \$1,000 each to eligible teachers accepted as
 2.20 candidates for National Board for Professional Teaching Standards certification according
 2.21 to Minnesota Statutes, section 122A.73, subdivision 4, paragraph (a). The grant award
 2.22 shall be made to the National Board.

2.23 \$..... of this amount is for ... grants of \$2,000 each to eligible teachers according to
 2.24 Minnesota Statutes, section 122A.73, subdivision 4, paragraph (b).

2.25 \$..... of this amount is for grants of up to \$1,000 each to eligible teachers who have
 2.26 received National Board for Professional Teaching Standards certification according to
 2.27 Minnesota Statutes, section 122A.73, subdivision 4, paragraph (c).

2.28 \$..... of this amount is for the commissioner of education to pay one coordinator
 2.29 and three facilitators to assist and support applicants for National Board for Professional
 2.30 Teaching Standards certification. The coordinator and facilitators must hold certification
 2.31 from the National Board for Professional Teaching Standards. The money must also be
 2.32 used for program costs, travel expenses, meetings, supplies, and Web site maintenance.

Senators Kelley and Stumpf introduced-

S.F. No. 2994: Referred to the Committee on Education.

A bill for an act

relating to education; providing for general education revenue, education excellence, special programs, nutrition and accounting, self-sufficiency and lifelong learning, and state agencies; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2004, sections 119A.50, subdivision 1; 119A.52; 119A.53; 119A.545; 120A.20, subdivision 1; 120A.22, subdivision 3; 120B.023; 123A.06, subdivision 2; 124D.10, subdivision 16; 124D.518, subdivision 4; 124D.52, subdivision 1; 124D.61; 124D.68, subdivision 3; 125A.091, subdivisions 5, 7, 9, 10, 12, 13, 14, 15, 19, 20; 125A.27, subdivision 11; 125A.29; 125A.30; 125A.32; 125A.33; 125A.48; 125A.515, subdivisions 1, 3, 5, 6, 7, 9, 10; 125A.63, subdivision 4; 125A.69, subdivision 3; 125A.75, subdivision 1; 126C.05, subdivision 1; 126C.10, subdivision 6; 126C.44; Minnesota Statutes 2005 Supplement, sections 120B.131, subdivision 2; 121A.53, subdivision 1; 122A.415, subdivisions 1, 3; 123B.76, subdivision 3; 124D.095, subdivision 4; 124D.68, subdivision 2; 125A.11, subdivision 1; 125A.28; 126C.43, subdivision 2; 127A.45, subdivision 10; Laws 2005, First Special Session chapter 5, article 2, sections 81; 84, subdivision 13; article 7, section 20, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 119A; repealing Minnesota Statutes 2004, sections 119A.51; 120A.20, subdivision 3; 123B.10; 125A.10; 125A.515, subdivision 2.

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

ARTICLE 1

GENERAL EDUCATION REVENUE

Section 1. Minnesota Statutes 2004, section 120A.20, subdivision 1, is amended to read:

Subdivision 1. Age limitations; pupils. (a) All schools supported in whole or in part by state funds are public schools. Admission to a public school is free to any person who: (1) resides within the district that operates the school, ~~who~~; (2) is under 21 years of age, or who meet the requirements of paragraph (c); and ~~who~~ (3) satisfies the minimum age requirements imposed by this section. Notwithstanding the provisions of

2.1 any law to the contrary, the conduct of all ~~students under 21 years of age~~ pupils attending a
 2.2 public secondary school is governed by a single set of reasonable rules and regulations
 2.3 promulgated by the school board.

2.4 ~~No~~ (b) A person shall not be admitted to ~~any~~ a public school (1) as a kindergarten
 2.5 pupil, unless the pupil is at least five years of age on September 1 of the calendar year in
 2.6 which the school year for which the pupil seeks admission commences; or (2) as a 1st
 2.7 grade student, unless the pupil is at least six years of age on September 1 of the calendar
 2.8 year in which the school year for which the pupil seeks admission commences or has
 2.9 completed kindergarten; except that any school board may establish a policy for admission
 2.10 of selected pupils at an earlier age.

2.11 (c) A pupil who becomes age 21 after enrollment is eligible for continued enrollment
 2.12 until at least one of the following occurs: (1) the first September 1 after the pupil's
 2.13 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the pupil's
 2.14 withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end of
 2.15 the school year.

2.16 Sec. 2. Minnesota Statutes 2005 Supplement, section 122A.415, subdivision 1, is
 2.17 amended to read:

2.18 Subdivision 1. **Revenue amount.** (a) A school district, intermediate school district,
 2.19 school site, or charter school that meets the conditions of section 122A.414 and submits an
 2.20 application approved by the commissioner is eligible for alternative teacher compensation
 2.21 revenue.

2.22 (b) For school district and intermediate school district applications, the commissioner
 2.23 must consider only those applications to participate that are submitted jointly by a
 2.24 district and the exclusive representative of the teachers. The application must contain an
 2.25 alternative teacher professional pay system agreement that:

2.26 (1) implements an alternative teacher professional pay system consistent with
 2.27 section 122A.414; and

2.28 (2) is negotiated and adopted according to the Public Employment Labor Relations
 2.29 Act under chapter 179A, except that notwithstanding section 179A.20, subdivision 3, a
 2.30 district may enter into a contract for a term of two or four years.

2.31 Alternative teacher compensation revenue for a qualifying school district or site in
 2.32 which the school board and the exclusive representative of the teachers agree to place
 2.33 teachers in the district or at the site on the alternative teacher professional pay system
 2.34 equals \$260 times the number of pupils enrolled at the district or site on October 1 of
 2.35 the previous fiscal year. Alternative teacher compensation revenue for a qualifying

3.1 intermediate school district must be calculated under section 126C.10, subdivision 34,
3.2 paragraphs (a) and (b).

3.3 (c) For a newly combined or consolidated district, the revenue shall be computed
3.4 using the sum of pupils enrolled on October 1 of the previous year in the districts entering
3.5 into the combination or consolidation. The commissioner may adjust the revenue
3.6 computed for a site using prior year data to reflect changes attributable to school closings,
3.7 school openings, or grade level reconfigurations between the prior year and the current
3.8 year.

3.9 (d) The revenue is available only to school districts, intermediate school districts,
3.10 school sites, and charter schools that fully implement an alternative teacher professional
3.11 pay system by October 1 of the current school year.

3.12 (e) The revenue must be maintained in a reserve account within the general fund.

3.13 Sec. 3. Minnesota Statutes 2005 Supplement, section 122A.415, subdivision 3, is
3.14 amended to read:

3.15 Subd. 3. **Revenue timing.** (a) Districts, intermediate school districts, school sites,
3.16 or charter schools with approved applications must receive alternative compensation
3.17 revenue for each school year that the district, intermediate school district, school site,
3.18 or charter school implements an alternative teacher professional pay system under this
3.19 subdivision and section 122A.414. For fiscal year 2007 and later, a qualifying district,
3.20 intermediate school district, school site, or charter school that received alternative teacher
3.21 compensation aid for the previous fiscal year must receive at least an amount of alternative
3.22 teacher compensation revenue equal to the lesser of the amount it received for the previous
3.23 fiscal year or the amount it qualifies for under subdivision 1 for the current fiscal year if
3.24 the district, intermediate school district, school site, or charter school submits a timely
3.25 application and the commissioner determines that the district, intermediate school district,
3.26 school site, or charter school continues to implement an alternative teacher professional
3.27 pay system, consistent with its application under this section.

3.28 (b) The commissioner shall approve applications that comply with subdivision 1,
3.29 and section 122A.414, subdivisions 2, paragraph (b), and 2a, if the applicant is a charter
3.30 school, in the order in which they are received, select applicants that qualify for this
3.31 program, notify school districts, intermediate school districts, school sites, and charter
3.32 schools about the program, develop and disseminate application materials, and carry out
3.33 other activities needed to implement this section.

3.34 (c) For applications approved under this section before August 1 of the fiscal year for
3.35 which the aid is paid, the portion of the state total basic alternative teacher compensation

4.1 aid entitlement allocated to charter schools must not exceed \$522,000 for fiscal year 2006
 4.2 and \$3,374,000 for fiscal year 2007. For fiscal year 2008 and later, the portion of the state
 4.3 total basic alternative teacher compensation aid entitlement allocated to charter schools
 4.4 must not exceed the product of \$3,374,000 times the ratio of the state total charter school
 4.5 enrollment for the previous fiscal year to the state total charter school enrollment for ~~the~~
 4.6 ~~second previous year~~ fiscal year 2006. Additional basic alternative teacher compensation
 4.7 aid may be approved for charter schools after August 1, not to exceed the charter school
 4.8 limit for the following fiscal year, if the basic alternative teacher compensation aid
 4.9 entitlement for school districts and intermediate school districts based on applications
 4.10 approved by August 1 does not expend the remaining amount under the limit.

4.11 Sec. 4. Minnesota Statutes 2004, section 123A.06, subdivision 2, is amended to read:

4.12 Subd. 2. **People to be served.** A center shall provide programs for secondary
 4.13 pupils and adults. A center may also provide programs and services for elementary and
 4.14 secondary pupils who are not attending the center to assist them in being successful in
 4.15 school. A center shall use research-based best practices for serving limited English
 4.16 proficient students and their parents. An individual education plan team may identify a
 4.17 center as an appropriate placement to the extent a center can provide the student with the
 4.18 appropriate special education services described in the student's plan. Pupils eligible
 4.19 to be served are those ~~age five to adults 22 and older~~ in kindergarten through grade 12
 4.20 who qualify under the graduation incentives program in section 124D.68, subdivision
 4.21 2, or those pupils who are eligible to receive special education services under sections
 4.22 125A.03 to 125A.24, and 125A.65.

4.23 Sec. 5. Minnesota Statutes 2005 Supplement, section 123B.76, subdivision 3, is
 4.24 amended to read:

4.25 Subd. 3. **Expenditures by building.** (a) For the purposes of this section, "building"
 4.26 means education site as defined in section 123B.04, subdivision 1.

4.27 (b) Each district shall maintain separate accounts to identify general fund
 4.28 expenditures for each building. All expenditures for regular instruction, secondary
 4.29 vocational instruction, and school administration must be reported to the department
 4.30 separately for each building. All expenditures for special education instruction,
 4.31 instructional support services, and pupil support services provided within a specific
 4.32 building must be reported to the department separately for each building. Salary
 4.33 expenditures reported by building must reflect actual salaries for staff at the building and

5.1 must not be based on districtwide averages. All other general fund expenditures may be
5.2 reported by building or on a districtwide basis.

5.3 (c) The department must annually report information showing school district general
5.4 fund expenditures per pupil by program category for each building and estimated school
5.5 district general fund revenue generated by pupils attending each building on its Web
5.6 site. For purposes of this report:

5.7 (1) expenditures not reported by building shall be allocated among buildings on a
5.8 uniform per pupil basis;

5.9 (2) basic skills revenue shall be allocated according to section 126C.10, subdivision
5.10 4;

5.11 (3) secondary sparsity revenue and elementary sparsity revenue shall be allocated
5.12 according to section 126C.10, subdivisions 7 and 8;

5.13 (4) alternative teacher compensation revenue shall be allocated according to section
5.14 122A.415, subdivision 1;

5.15 (5) other general education revenue shall be allocated on a uniform per pupil unit
5.16 basis;

5.17 ~~(5)~~ (6) first grade preparedness aid shall be allocated according to section 124D.081;

5.18 ~~(6)~~ (7) state and federal special education aid and Title I aid shall be allocated in
5.19 proportion to district expenditures for these programs by building; and

5.20 ~~(7)~~ (8) other general fund revenues shall be allocated on a uniform per pupil basis,
5.21 except that the department may allocate other revenues attributable to specific buildings
5.22 directly to those buildings.

23 Sec. 6. Minnesota Statutes 2005 Supplement, section 124D.68, subdivision 2, is
5.24 amended to read:

5.25 Subd. 2. **Eligible pupils.** ~~The following pupils are~~ A pupil under the age of 21 or
5.26 who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to
5.27 participate in the graduation incentives program:

5.28 ~~(a) any pupil under the age of 21 who, if the pupil:~~

5.29 (1) performs substantially below the performance level for pupils of the same age
5.30 in a locally determined achievement test;

5.31 (2) is at least one year behind in satisfactorily completing coursework or obtaining
5.32 credits for graduation;

5.33 (3) is pregnant or is a parent;

5.34 (4) has been assessed as chemically dependent;

5.35 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

6.1 (6) has been referred by a school district for enrollment in an eligible program or
6.2 a program pursuant to section 124D.69;

6.3 (7) is a victim of physical or sexual abuse;

6.4 (8) has experienced mental health problems;

6.5 (9) has experienced homelessness sometime within six months before requesting a
6.6 transfer to an eligible program;

6.7 (10) speaks English as a second language or has limited English proficiency; or

6.8 (11) has withdrawn from school or has been chronically truant; ~~or.~~

6.9 ~~(b) any person who is at least 21 years of age and who:~~

6.10 ~~(1) has received fewer than 14 years of public or nonpublic education, beginning~~
6.11 ~~at age 5;~~

6.12 ~~(2) has not completed the requirements for a high school diploma; and~~

6.13 ~~(3) at the time of application, (i) is eligible for unemployment benefits or has~~
6.14 ~~exhausted the benefits, (ii) is eligible for, or is receiving income maintenance and support~~
6.15 ~~services, as defined in section 116L.19, subdivision 5, or (iii) is eligible for services under~~
6.16 ~~the displaced homemaker program or any programs under the federal Jobs Training~~
6.17 ~~Partnership Act or its successor.~~

6.18 Sec. 7. Minnesota Statutes 2004, section 124D.68, subdivision 3, is amended to read:

6.19 Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2
6.20 may enroll in area learning centers under sections 123A.05 to 123A.08.

6.21 (b) A pupil who is eligible according to subdivision 2 and who is between the ages
6.22 of 16 and 21 may enroll in postsecondary courses under section 124D.09.

6.23 (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary
6.24 or secondary education program. ~~However, a person who is eligible according to~~
6.25 ~~subdivision 2, clause (b), may enroll only if the school board has adopted a resolution~~
6.26 ~~approving the enrollment.~~

6.27 (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic,
6.28 nonsectarian school that has contracted with the serving school district to provide
6.29 educational services.

6.30 (e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic
6.31 education programs approved under section 124D.52 and operated under the community
6.32 education program contained in section 124D.19.

6.33 Sec. 8. Minnesota Statutes 2004, section 126C.05, subdivision 1, is amended to read:

7.1 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the
 7.2 age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph
 7.3 (c), in average daily membership enrolled in the district of residence, in another district
 7.4 under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68;
 7.5 in a charter school under section 124D.10; or for whom the resident district pays tuition
 7.6 under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88,
 7.7 subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be
 7.8 counted according to this subdivision.

7.9 (a) A prekindergarten pupil with a disability who is enrolled in a program approved
 7.10 by the commissioner and has an individual education plan is counted as the ratio of the
 7.11 number of hours of assessment and education service to 825 times 1.25 with a minimum
 7.12 average daily membership of 0.28, but not more than 1.25 pupil units.

13 (b) A prekindergarten pupil who is assessed but determined not to be handicapped is
 7.14 counted as the ratio of the number of hours of assessment service to 825 times 1.25.

7.15 (c) A kindergarten pupil with a disability who is enrolled in a program approved
 7.16 by the commissioner is counted as the ratio of the number of hours of assessment and
 7.17 education services required in the fiscal year by the pupil's individual education program
 7.18 plan to 875, but not more than one.

7.19 (d) A kindergarten pupil who is not included in paragraph (c) is counted as .557 of a
 7.20 pupil unit for fiscal year 2000 and thereafter.

7.21 (e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal
 7.22 year 2000 and thereafter.

7.23 (f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal
 24 year 1995 and thereafter.

7.25 (g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

7.26 (h) A pupil who is in the postsecondary enrollment options program is counted
 7.27 as 1.3 pupil units.

7.28 Sec. 9. Minnesota Statutes 2004, section 126C.10, subdivision 6, is amended to read:

7.29 Subd. 6. **Definitions.** The definitions in this subdivision apply only to subdivisions
 7.30 7 and 8.

7.31 (a) "High school" means a public secondary school, except a charter school under
 7.32 section 124D.10, that has pupils enrolled in at least the 10th, 11th, and 12th grades. If
 7.33 there is no secondary high school in the district that has pupils enrolled in at least the
 7.34 10th, 11th, and 12th grades, and the school is at least 19 miles from the next nearest

8.1 school, the commissioner must designate one school in the district as a high school for the
8.2 purposes of this section.

8.3 (b) "Secondary average daily membership" means, for a district that has only one
8.4 high school, the average daily membership of pupils served in grades 7 through 12. For a
8.5 district that has more than one high school, "secondary average daily membership" for
8.6 each high school means the product of the average daily membership of pupils served in
8.7 grades 7 through 12 in the high school, times the ratio of six to the number of grades
8.8 in the high school.

8.9 (c) "Attendance area" means the total surface area of the district, in square miles,
8.10 divided by the number of high schools in the district. For a district that does not operate
8.11 a high school and is less than 19 miles from the nearest operating high school, the
8.12 attendance area equals zero.

8.13 (d) "Isolation index" for a high school means the square root of 55 percent of the
8.14 attendance area plus the distance in miles, according to the usually traveled routes,
8.15 between the high school and the nearest high school. For a district in which there is located
8.16 land defined in section 84A.01, 84A.20, or 84A.31, the distance in miles is the sum of:

- 8.17 (1) the square root of one-half of the attendance area; and
8.18 (2) the distance from the border of the district to the nearest high school.

8.19 (e) "Qualifying high school" means a high school that has an isolation index greater
8.20 than 23 and that has secondary average daily membership of less than 400.

8.21 (f) "Qualifying elementary school" means ~~an~~ a public elementary school, except a
8.22 charter school under section 124D.10, that is located 19 miles or more from the nearest
8.23 elementary school or from the nearest elementary school within the district and, in either
8.24 case, has an elementary average daily membership of an average of 20 or fewer per grade.

8.25 (g) "Elementary average daily membership" means, for a district that has only
8.26 one elementary school, the average daily membership of pupils served in kindergarten
8.27 through grade 6. For a district that has more than one elementary school, "average daily
8.28 membership" for each school means the average daily membership of pupils served in
8.29 kindergarten through grade 6 multiplied by the ratio of seven to the number of grades
8.30 in the elementary school.

8.31 Sec. 10. Minnesota Statutes 2005 Supplement, section 126C.43, subdivision 2, is
8.32 amended to read:

8.33 Subd. 2. **Payment to unemployment insurance program trust fund by state**
8.34 **and political subdivisions.** (a) A district may levy the amount necessary ~~(i)~~ (1) to pay
8.35 the district's obligations under section 268.052, subdivision 1, and ~~(ii)~~ (2) to pay for job

9.1 placement services offered to employees who may become eligible for benefits pursuant
9.2 to section 268.085 for the fiscal year the levy is certified.

9.3 (b) Districts with a balance remaining in their reserve for reemployment as of June
9.4 30, 2003, may not expend the reserved funds for future reemployment expenditures. Each
9.5 year a levy reduction must be made to return these funds to taxpayers. The amount of
9.6 the levy reduction must be equal to the lesser of: (1) the remaining reserved balance for
9.7 reemployment, or (2) the amount of the district's current levy under paragraph (a).

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

9.9 Sec. 11. Minnesota Statutes 2004, section 126C.44, is amended to read:

9.10 **126C.44 SAFE SCHOOLS LEVY.**

9.11 Each district may make a levy on all taxable property located within the district for
9.12 the purposes specified in this section. The maximum amount which may be levied for all
9.13 costs under this section shall be equal to \$27 multiplied by the district's adjusted marginal
9.14 cost pupil units for the school year. The proceeds of the levy must be reserved and used
9.15 for directly funding the following purposes or for reimbursing the cities and counties who
9.16 contract with the district for the following purposes: (1) to pay the costs incurred for the
9.17 salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in
9.18 services in the district's schools; (2) to pay the costs for a drug abuse prevention program
9.19 as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools; (3)
9.20 to pay the costs for a gang resistance education training curriculum in the district's schools;
9.21 (4) to pay the costs for security in the district's schools and on school property; or (5) to
22 pay the costs for other crime prevention, drug abuse, student and staff safety, and violence
9.23 prevention measures taken by the school district. For expenditures under clause (1), the
9.24 district must initially attempt to contract for services to be provided by peace officers or
9.25 sheriffs with the police department of each city or the sheriff's department of the county
9.26 within the district containing the school receiving the services. If a local police department
9.27 or a county sheriff's department does not wish to provide the necessary services, the
9.28 district may contract for these services with any other police or sheriff's department
9.29 located entirely or partially within the school district's boundaries. ~~The levy authorized~~
9.30 ~~under this section is not included in determining the school district's levy limitations.~~

9.31 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2006.

9.32 Sec. 12. Minnesota Statutes 2005 Supplement, section 127A.45, subdivision 10,
9.33 is amended to read:

10.1 Subd. 10. **Payments to school nonoperating funds.** Each fiscal year state general
10.2 fund payments for a district nonoperating fund must be made at the current year aid
10.3 payment percentage of the estimated entitlement during the fiscal year of the entitlement.
10.4 This amount shall be paid in 12 equal monthly installments. The amount of the actual
10.5 entitlement, after adjustment for actual data, minus the payments made during the fiscal
10.6 year of the entitlement must be paid prior to October 31 of the following school year. The
10.7 commissioner may make advance payments of debt service equalization aid and state-paid
10.8 tax credits for a district's debt service fund earlier than would occur under the preceding
10.9 schedule if the district submits evidence showing a serious cash flow problem in the fund.
10.10 The commissioner may make earlier payments during the year and, if necessary, increase
10.11 the percent of the entitlement paid to reduce the cash flow problem.

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

10.13 Sec. 13. **REPEALER.**

10.14 Minnesota Statutes 2004, section 120A.20, subdivision 3, is repealed.

10.15 ARTICLE 2

10.16 EDUCATION EXCELLENCE

10.17 Section 1. Minnesota Statutes 2004, section 120A.22, subdivision 3, is amended to
10.18 read:

10.19 Subd. 3. **Parent defined; residency determined.** (a) In this section and sections
10.20 120A.24 and 120A.26, "parent" means a parent, guardian, or other person having legal
10.21 custody of a child.

10.22 (b) In sections 125A.03 to 125A.24 and 125A.65, "parent" means a parent, guardian,
10.23 or other person having legal custody of a child under age 18. For an unmarried pupil age
10.24 18 or over, "parent" means the pupil unless a guardian or conservator has been appointed,
10.25 in which case it means the guardian or conservator.

10.26 (c) For purposes of sections 125A.03 to 125A.24 and 125A.65, the school district of
10.27 residence for an unmarried pupil age 18 or over who is a parent under paragraph (b) and
10.28 who is placed in a center for care and treatment, shall be the school district in which the
10.29 pupil's biological or adoptive parent or designated guardian resides.

10.30 (d) For a married pupil age 18 or over, the school district of residence is the school
10.31 district in which the married pupil resides.

10.32 (e) If a student does not meet the residency requirements of the school district in
10.33 which the student is attending school, the student may be removed from the school only

11.1 after receiving due process as determined by the district school board. The due process
 11.2 requirements must, at a minimum, include notice to the parent and an opportunity for the
 11.3 parent to be heard.

11.4 Sec. 2. Minnesota Statutes 2004, section 120B.023, is amended to read:

11.5 **120B.023 BENCHMARKS.**

11.6 (a) The commissioner must supplement required state academic standards with
 11.7 grade-level benchmarks. High school benchmarks may cover more than one grade. The
 11.8 benchmarks must implement statewide academic standards by specifying the academic
 11.9 knowledge and skills that schools must offer and students must achieve to satisfactorily
 11.10 complete a state standard. Benchmarks are published to inform and guide parents,
 11.11 teachers, school districts, and other interested persons and for use in developing tests
 11.12 consistent with the benchmarks.

11.13 (b) The commissioner shall publish benchmarks in the State Register and transmit
 11.14 the benchmarks in any other manner that makes them accessible to the general public. The
 11.15 commissioner may charge a reasonable fee for publications.

11.16 (c) Once established, the commissioner may change the benchmarks only with
 11.17 specific legislative authorization and after completing a review under paragraph (d).

11.18 (d) The commissioner must develop and implement a system for reviewing on a
 11.19 ~~four-year~~ six-year cycle each of the required academic standards and related benchmarks
 11.20 and elective standards beginning in the ~~2006-2007~~ 2009-2010 school year.

11.21 (e) The benchmarks are not subject to chapter 14 and section 14.386 does not apply.

11.22 Sec. 3. Minnesota Statutes 2005 Supplement, section 120B.131, subdivision 2, is
 11.23 amended to read:

11.24 **Subd. 2. Reimbursement for examination fees.** The state may reimburse
 11.25 college-level examination program (CLEP) fees for a Minnesota public high school
 11.26 student who has successfully completed one or more college-level courses in high school
 11.27 ~~and earned a satisfactory score on one or more CLEP examinations~~ in the following
 11.28 subjects: composition and literature, mathematics and science, social sciences and history,
 11.29 foreign languages, and business and humanities. The state may reimburse each ~~successful~~
 11.30 student for up to six examination fees. The commissioner shall establish application
 11.31 procedures and a process and schedule for fee reimbursements. The commissioner must
 11.32 give priority to reimburse the CLEP examination fees of students of low-income families.

12.1 Sec. 4. Minnesota Statutes 2005 Supplement, section 121A.53, subdivision 1, is
12.2 amended to read:

12.3 Subdivision 1. **Exclusions and expulsions.** The school board must report through
12.4 the department electronic reporting system each exclusion ~~or~~ expulsion, or other removal
12.5 action taken in lieu of an exclusion or expulsion within 30 days of the effective date of
12.6 the action to the commissioner of education. This report must include a statement of
12.7 alternative educational services given the pupil and the reason for, the effective date, and
12.8 the duration of the exclusion or expulsion. The report must also include the student's age,
12.9 grade, gender, race, and special education status.

12.10 Sec. 5. Minnesota Statutes 2005 Supplement, section 124D.095, subdivision 4, is
12.11 amended to read:

12.12 Subd. 4. **Online learning parameters.** (a) An online learning student must receive
12.13 academic credit for completing the requirements of an online learning course or program.
12.14 Secondary credits granted to an online learning student must be counted toward the
12.15 graduation and credit requirements of the enrolling district. The enrolling district must
12.16 apply the same graduation requirements to all students, including online learning students,
12.17 and must continue to provide nonacademic services to online learning students. If a
12.18 student completes an online learning course or program that meets or exceeds a graduation
12.19 standard or grade progression requirement at the enrolling district, that standard or
12.20 requirement is met. The enrolling district must use the same criteria for accepting online
12.21 learning credits or courses as it does for accepting credits or courses for transfer students
12.22 under section 124D.03, subdivision 9. The enrolling district may reduce the teacher
12.23 contact time of an online learning student in proportion to the number of online learning
12.24 courses the student takes from an online learning provider that is not the enrolling district.

12.25 (b) An online learning student may:

12.26 (1) enroll during a single school year in a maximum of 12 semester-long courses or
12.27 their equivalent delivered by an online learning provider or the enrolling district;

12.28 (2) complete course work at a grade level that is different from the student's current
12.29 grade level; and

12.30 (3) enroll in additional courses with the online learning provider under a separate
12.31 agreement that includes terms for payment of any tuition or course fees.

12.32 ~~(c) A student with a disability may enroll in an online learning course or program~~
12.33 ~~if the student's IEP team determines that online learning is appropriate education for~~
12.34 ~~the student.~~

13.1 ~~(d)~~ (c) An online learning student has the same access to the computer hardware
 13.2 and education software available in a school as all other students in the enrolling district.
 13.3 An online learning provider must assist an online learning student whose family qualifies
 13.4 for the education tax credit under section 290.0674 to acquire computer hardware and
 13.5 educational software for online learning purposes.

13.6 ~~(e)~~ (d) An enrolling district may offer online learning to its enrolled students.
 13.7 Such online learning does not generate online learning funds under this section. An
 13.8 enrolling district that offers online learning only to its enrolled students is not subject
 13.9 to the reporting requirements or review criteria under subdivision 7. A teacher with a
 13.10 Minnesota license must assemble and deliver instruction to enrolled students receiving
 13.11 online learning from an enrolling district. The delivery of instruction occurs when the
 13.12 student interacts with the computer or the teacher and receives ongoing assistance and
 13.13 assessment of learning. The instruction may include curriculum developed by persons
 13.14 other than a teacher with a Minnesota license.

13.15 ~~(f)~~ (e) An online learning provider that is not the enrolling district is subject to
 13.16 the reporting requirements and review criteria under subdivision 7. A teacher with a
 13.17 Minnesota license must assemble and deliver instruction to online learning students. The
 13.18 delivery of instruction occurs when the student interacts with the computer or the teacher
 13.19 and receives ongoing assistance and assessment of learning. The instruction may include
 13.20 curriculum developed by persons other than a teacher with a Minnesota license. Unless
 13.21 the commissioner grants a waiver, a teacher providing online learning instruction must not
 13.22 instruct more than 40 students in any one online learning course or program.

13.23 Sec. 6. Minnesota Statutes 2004, section 124D.10, subdivision 16, is amended to read:

13.24 Subd. 16. **Transportation.** (a) By July 1 of each fiscal year, a charter school must
 13.25 notify the district in which the school is located and the Department of Education if it will
 13.26 provide ~~transportation for pupils enrolled in the school~~ its own transportation or use the
 13.27 transportation services of the district in which it is located for the fiscal year.

13.28 (b) If a charter school elects to provide transportation for pupils, the transportation
 13.29 must be provided by the charter school within the district in which the charter school is
 13.30 located. The state must pay transportation aid to the charter school according to section
 13.31 124D.11, subdivision 2.

13.32 For pupils who reside outside the district in which the charter school is located, the
 13.33 charter school is not required to provide or pay for transportation between the pupil's
 13.34 residence and the border of the district in which the charter school is located. A parent
 13.35 may be reimbursed by the charter school for costs of transportation from the pupil's

14.1 residence to the border of the district in which the charter school is located if the pupil is
 14.2 from a family whose income is at or below the poverty level, as determined by the federal
 14.3 government. The reimbursement may not exceed the pupil's actual cost of transportation
 14.4 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for
 14.5 more than 250 miles per week.

14.6 At the time a pupil enrolls in a charter school, the charter school must provide the
 14.7 parent or guardian with information regarding the transportation.

14.8 (c) If a charter school does not elect to provide transportation, transportation for
 14.9 pupils enrolled at the school must be provided by the district in which the school is
 14.10 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a
 14.11 pupil residing in the same district in which the charter school is located. Transportation
 14.12 may be provided by the district in which the school is located, according to sections
 14.13 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different
 14.14 district. If the district provides the transportation, the scheduling of routes, manner and
 14.15 method of transportation, control and discipline of the pupils, and any other matter relating
 14.16 to the transportation of pupils under this paragraph shall be within the sole discretion,
 14.17 control, and management of the district.

14.18 Sec. 7. Minnesota Statutes 2004, section 124D.61, is amended to read:

14.19 **124D.61 GENERAL REQUIREMENTS FOR PROGRAMS.**

14.20 A district ~~which receives aid pursuant to section 124D.65 must comply with that~~
 14.21 enrolls one or more children of limited English proficiency must implement an educational
 14.22 program that includes at a minimum the following program requirements:

14.23 (1) identification and reclassification criteria for children of limited English
 14.24 proficiency and program entrance and exit criteria for children with limited English
 14.25 proficiency must be documented by the district, applied uniformly to children of limited
 14.26 English proficiency, and made available to parents and other stakeholders upon request;

14.27 (2) a written plan of services that describes programming by English proficiency
 14.28 level made available to parents upon request. The plan must articulate the amount and
 14.29 scope of service offered to children of limited English proficiency through an educational
 14.30 program for children of limited English proficiency;

14.31 (3) professional development opportunities for ESL, bilingual education,
 14.32 mainstream, and all staff working with children of limited English proficiency which are:
 14.33 (i) coordinated with the district's professional development activities; (ii) related to the
 14.34 needs of children of limited English proficiency; and (iii) ongoing;

15.1 (4) to the extent possible, ~~the district must~~ avoid isolating children of limited English
15.2 proficiency for a substantial part of the school day; and

15.3 ~~(2)~~ (5) in predominantly nonverbal subjects, such as art, music, and physical
15.4 education, permit pupils of limited English proficiency ~~shall be permitted~~ to participate
15.5 fully and on an equal basis with their contemporaries in public school classes provided
15.6 for these subjects. To the extent possible, the district must assure to pupils enrolled in a
15.7 program for limited English proficient students an equal and meaningful opportunity to
15.8 participate fully with other pupils in all extracurricular activities.

15.9 Sec. 8. Laws 2005, First Special Session chapter 5, article 2, section 81, is amended to
15.10 read:

15.11 Sec. 81. **BOARD OF SCHOOL ADMINISTRATORS; RULEMAKING**
15.12 **AUTHORITY.**

15.13
15.14 On or before June 30, 2007, the Board of School Administrators may adopt
15.15 ~~expedited rules under Minnesota Statutes, section 14.389,~~ to reflect the changes in duties,
15.16 responsibilities, and roles of school administrators, and to make technical revisions and
15.17 clarifications to Minnesota Rules, chapter 3512.

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

15.19 Sec. 9. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision
15.20 13, is amended to read:

15.21
15.22 Subd. 13. **Examination fees; teacher training and support programs.** (a) For
15.23 students' advanced placement and international baccalaureate examination fees under
15.24 Minnesota Statutes, section 120B.13, subdivision 3, and the training and related costs
15.25 for teachers and other interested educators under Minnesota Statutes, section 120B.13,
15.26 subdivision 1:

15.27	\$	4,500,000	2006
15.28	\$	4,500,000	2007

15.29
15.30 (b) The advanced placement program shall receive 75 percent of the appropriation
15.31 each year and the international baccalaureate program shall receive 25 percent of the
15.32 appropriation each year. The department, in consultation with representatives of the
15.33 advanced placement and international baccalaureate programs selected by the Advanced

16.1 Placement Advisory Council and IBMN, respectively, shall determine the amounts of
 16.2 the expenditures each year for examination fees and training and support programs for
 16.3 each program.

16.4
 16.5 ~~(c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least~~
 16.6 ~~\$500,000 each year is for teachers to attend subject matter summer training programs~~
 16.7 ~~and follow-up support workshops approved by the advanced placement or international~~
 16.8 ~~baccalaureate programs. The amount of the subsidy for each teacher attending an~~
 16.9 ~~advanced placement or international baccalaureate summer training program or workshop~~
 16.10 ~~shall be the same. The commissioner shall determine the payment process and the amount~~
 16.11 ~~of the subsidy.~~

16.12
 16.13 ~~(d)~~ The commissioner shall pay all examination fees for all students of low-income
 16.14 families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent
 16.15 of available appropriations shall also pay examination fees for students sitting for an
 16.16 advanced placement examination, international baccalaureate examination, or both.

16.17
 16.18 Any balance in the first year does not cancel but is available in the second year.

16.19
 16.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.21 **Sec. 10. SCIENCE TEACHERS.**

16.22 (a) A tenured science teacher holding a Minnesota professional license in grades
 16.23 7 to 12 or 9 to 12 who receives a qualifying score on the appropriate Praxis II test in a
 16.24 grade 9 to 12 science field other than the currently licensed science field must be licensed
 16.25 to teach in the new subject area. The qualifying scores are the same scores used for new
 16.26 science teachers established by the Minnesota Board of Teaching. The science teacher
 16.27 who seeks licensure in another science subject area under this paragraph is responsible for
 16.28 the costs of the required testing.

16.29 (b) For the purposes of paragraph (a), science subject areas include chemistry,
 16.30 physics, biology, and earth and space science.

16.31 (c) By December 31, 2010, the Department of Education and Board of Teaching
 16.32 must submit a report, including at least the effects of this section on science teacher quality
 16.33 and developing highly qualified teachers, to the committees of the house of representatives
 16.34 and senate having jurisdiction over kindergarten through grade 12 education.

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

17.2 **ARTICLE 3**

17.3 **SPECIAL PROGRAMS**

17.4 Section 1. Minnesota Statutes 2004, section 125A.091, subdivision 5, is amended to
17.5 read:

17.6 Subd. 5. ~~Initial action; parent~~ Parental consent. (a) ~~The district must not proceed~~
17.7 ~~with the initial evaluation of a child, the initial placement of a child in a special education~~
17.8 ~~program, or the initial provision of special education services for a child without the prior~~
17.9 ~~written consent of the child's parent. A district may not override the written refusal of a~~
17.10 ~~parent to consent to an initial evaluation or reevaluation. Except as provided in paragraph~~
17.11 ~~(c), a district proposing to conduct an initial evaluation to determine whether a child is a~~
17.12 ~~child with a disability must obtain informed written consent from the parent of the child~~
17.13 ~~before conducting new, individualized testing as part of the evaluation. Parental consent~~
17.14 ~~for initial evaluation is not consent for initial provision of special education and related~~
17.15 ~~services.~~

17.16 (b) A parent, after consulting with health care, education, or other professional
17.17 providers, may agree or disagree to provide the parent's child with sympathomimetic
17.18 medications unless section 144.344 applies.

17.19 (c) If the parent of a child enrolled or seeking to be enrolled in public school does
17.20 not provide consent for initial evaluation, or the parent fails to respond to a request to
17.21 provide consent, the district must pursue the initial evaluation of the child by utilizing
17.22 the procedural safeguards in this chapter including mediation or other alternative dispute
17.23 resolution or, if necessary, a due process hearing.

17.24 (d) A district responsible for making a free appropriate public education available to
17.25 a child with a disability must seek to obtain informed written consent before the initial
17.26 provision of special education and related services to the child.

17.27 (e) If the parent of a child with a disability does not consent to the initial provision
17.28 of special education and related services, the district may not pursue a due process hearing
17.29 to obtain permission to provide special education and related services. When a parent does
17.30 not provide consent for initial services, the district is not in violation of the requirement
17.31 to make a free appropriate public education available except where the district did not
17.32 seek consent.

17.33 (f) A district must seek to obtain informed written consent from a parent of the child
17.34 before conducting new, individualized testing as part of the reevaluation. This testing
17.35 may proceed without consent if the district can demonstrate that: (1) it took reasonable

18.1 measures to obtain consent, and (2) the child's parent failed to respond. If no parental
18.2 consent for a reevaluation is obtained because the parents object to the reevaluation, the
18.3 district may, if necessary, pursue the reevaluation of the child by utilizing the procedural
18.4 safeguards in this chapter including mediation or other alternative dispute resolution
18.5 or a due process hearing.

18.6 Sec. 2. Minnesota Statutes 2004, section 125A.091, subdivision 7, is amended to read:

18.7 Subd. 7. **Conciliation conference.** A parent must have an opportunity to meet
18.8 with appropriate district staff in at least one conciliation conference if the parent objects
18.9 to any proposal of which the parent receives notice under subdivision 2. If the parent
18.10 refuses district efforts to conciliate the dispute, the conciliation requirement is satisfied.
18.11 Following a conciliation conference, the district must prepare and provide to the parent
18.12 a conciliation conference memorandum that describes the district's final proposed offer
18.13 of service. This memorandum is admissible in evidence in any subsequent proceeding.
18.14 If a conciliation conference occurs, the requirement for a resolution meeting under
18.15 subdivision 14 is satisfied and a parent or district may proceed directly to a due process
18.16 hearing upon request.

18.17 Sec. 3. Minnesota Statutes 2004, section 125A.091, subdivision 9, is amended to read:

18.18 Subd. 9. **Mediation.** Mediation is a dispute resolution process that involves a
18.19 neutral party provided by the state to assist a parent and a district in resolving disputes over
18.20 the identification, evaluation, educational placement, manifestation determination, interim
18.21 alternative educational placement, or the provision of a free appropriate public education
18.22 to a child with a disability. A mediation process is available as an informal alternative to a
18.23 due process hearing but must not be used to deny or postpone the opportunity of a parent
18.24 or district to obtain a due process hearing. Mediation is voluntary for all parties. After a
18.25 due process hearing is requested, a party may request mediation and the commissioner
18.26 must provide a mediator to conduct the mediation session no later than the third business
18.27 day after the commissioner receives the mediation request. All mediation discussions are
18.28 confidential and inadmissible in evidence in any subsequent proceeding, unless the:
18.29 (1) parties expressly agree otherwise;
18.30 (2) evidence is otherwise available; or
18.31 (3) evidence is offered to prove bias or prejudice of a witness.

18.32 Sec. 4. Minnesota Statutes 2004, section 125A.091, subdivision 10, is amended to read:

19.1 Subd. 10. **Mediated agreements.** Mediated agreements must be in writing and
 19.2 signed by a parent and representative of the district who has authority to bind the district.
 19.3 The agreement is enforceable in state district court, including conciliation court, or
 19.4 in federal district court under federal law. Agreements are not admissible in a due
 19.5 process hearing unless the parties agree otherwise or a party to the agreement believes
 19.6 the agreement is not being implemented, in which case the aggrieved party may enter
 19.7 the agreement into evidence at a due process hearing. The parties may request another
 19.8 mediation to resolve a dispute over implementing the mediated agreement. ~~After a due~~
 19.9 ~~process hearing is requested, a party may request mediation and the commissioner must~~
 19.10 ~~provide a mediator who conducts a mediation session no later than the third business day~~
 19.11 ~~after the mediation request is made to the commissioner.~~

19.12 Sec. 5. Minnesota Statutes 2004, section 125A.091, subdivision 12, is amended to read:

19.13 Subd. 12. **Impartial due process hearing.** (a) A parent or a district ~~is~~ may be
 19.14 entitled to an impartial due process hearing conducted by the state when a dispute arises
 19.15 over the identification, evaluation, educational placement, manifestation determination,
 19.16 interim alternative educational placement, or the provision of a free appropriate public
 19.17 education to a child with a disability. The dispute must be based on an alleged violation
 19.18 occurring within the two years before the date the parent or district knew or should have
 19.19 known about the alleged action that forms the basis of the dispute. This timeline does not
 19.20 apply to a parent if the parent was prevented from filing for a hearing due to:

19.21 (1) specific misrepresentations by the district that it had resolved the problem
 19.22 forming the basis of the complaint; or

19.23 (2) the district's withholding of information, such as procedural safeguards and prior
 19.24 written notice, required to be provided to the parent.

19.25 The hearing must be held in the district responsible for ensuring that a free appropriate
 19.26 public education is provided according to state and federal law. The proceedings must be
 19.27 recorded and preserved, at state expense, pending ultimate disposition of the action.

19.28 (b) The due process hearing must be conducted according to the rules of the
 19.29 commissioner and federal law.

19.30 Sec. 6. Minnesota Statutes 2004, section 125A.091, subdivision 13, is amended to read:

19.31 Subd. 13. **Hearing officer qualifications.** The commissioner must appoint an
 19.32 individual who is qualified under this subdivision to serve as a hearing officer. The
 19.33 hearing officer must:

19.34 (1) be knowledgeable and impartial;

20.1 (2) have no personal interest in or specific involvement with the student who is a
20.2 party to the hearing;

20.3 (3) not have been employed as an administrator by the district that is a party to
20.4 the hearing;

20.5 (4) not have been involved in selecting the district administrator who is a party
20.6 to the hearing;

20.7 (5) have no personal, economic, or professional interest in the outcome of the
20.8 hearing other than properly administering federal and state laws, rules, and policies;

20.9 (6) ~~have no substantial involvement in developing state or local policies or~~
20.10 ~~procedures challenged in the hearing~~ possess the knowledge and ability to conduct
20.11 hearings and write decisions in accordance with appropriate, standard legal practice;

20.12 (7) not be a current employee or board member of a Minnesota public school district,
20.13 education district, intermediate unit or regional education agency, or the department if
20.14 the department is the service provider; and

20.15 (8) not be a current employee or board member of a disability advocacy organization
20.16 or group.

20.17 A party may disqualify a hearing officer only by affirmatively showing prejudice or
20.18 bias to the commissioner or to the chief administrative law judge if the hearing officer is
20.19 an administrative law judge. If a party affirmatively shows prejudice against a hearing
20.20 officer, the commissioner must assign another hearing officer to hear the matter.

20.21 Sec. 7. Minnesota Statutes 2004, section 125A.091, subdivision 14, is amended to read:

20.22 Subd. 14. **Request for hearing and resolution meeting.** (a) A request for a due
20.23 process hearing must: be made under Minnesota Rules.

20.24 ~~(1) be in writing;~~

20.25 ~~(2) describe the nature of the dispute about providing special education services to~~
20.26 ~~the student including facts relating to the dispute; and~~

20.27 ~~(3) state, to the extent known, the relief sought.~~

20.28 ~~Any school district administrator receiving a request for a due process hearing~~
20.29 ~~must immediately forward the request to the commissioner. Within two business days of~~
20.30 ~~receiving a request for a due process hearing, the commissioner must appoint a hearing~~
20.31 ~~officer. The commissioner must not deny a request for hearing because the request~~
20.32 ~~is incomplete. A party may disqualify a hearing officer only by affirmatively showing~~
20.33 ~~prejudice or bias to the commissioner or to the chief administrative law judge if the~~
20.34 ~~hearing officer is an administrative law judge. If a party affirmatively shows prejudice~~
20.35 ~~against a hearing officer, the commissioner must assign another hearing officer to hear the~~

21.1 ~~matter.~~ Within 15 days of receiving notice of the parent's request for hearing, and prior to
 21.2 initiation of the 45-day deadline for a final decision, the district must convene a meeting
 21.3 with the parent and the relevant member or members of the IEP team, as determined by
 21.4 the parent and the district, who have specific knowledge of the facts identified in the
 21.5 request for hearing that:

21.6 (1) includes a representative of the district who has decision-making authority on
 21.7 behalf of the district; and

21.8 (2) may not include an attorney of the district unless the parent is accompanied
 21.9 by an attorney.

21.10 (b) The purpose of the meeting is for the parent of the child to discuss the complaint
 21.11 and the facts that form the basis of the hearing request, so that the district has the
 21.12 opportunity to resolve the dispute. This meeting need not be held if:

21.13 (1) a conciliation conference on the matter has already occurred;

21.14 (2) the parent and district agree in writing to waive the meeting; or

21.15 (3) the parent and district agree to attempt mediation.

21.16 (c) If the district has not resolved the matter to the satisfaction of the parent within
 21.17 30 days of receipt of the request for hearing, the 45-day timeline for a final decision
 21.18 begins on the 31st day. Notwithstanding the exceptions under this subdivision, the failure
 21.19 of a parent to participate in at least one resolution meeting will delay the timelines for
 21.20 the resolution process and due process hearing until the meeting is held. If a resolution is
 21.21 reached as a result of the resolution meeting, the parties must execute a legally binding
 21.22 written agreement that is:

21.23 (1) signed by both the parent and a representative of the district who has the
 21.24 authority to bind the district; and

21.25 (2) enforceable in state district court, including a conciliation court, or federal
 21.26 district court, pursuant to federal law.

21.27 (d) Either party may void the agreement in writing, with the rescission served on the
 21.28 other party within three business days of the agreement's execution.

21.29 Sec. 8. Minnesota Statutes 2004, section 125A.091, subdivision 15, is amended to read:

21.30 Subd. 15. **Prehearing conference.** A prehearing conference must be held within
 21.31 ~~five business~~ seven days of the date the commissioner appoints the hearing officer 45-day
 21.32 timeline for a final decision begins to run under subdivision 14. The hearing officer must
 21.33 initiate the prehearing conference which may be conducted in person, at a location within
 21.34 the district, or by telephone. The hearing officer must create a written verbatim record

22.1 of the prehearing conference which is available to either party upon request. At the
22.2 prehearing conference, the hearing officer must:

- 22.3 (1) identify the questions that must be answered to resolve the dispute and eliminate
22.4 claims and complaints that are without merit;
- 22.5 (2) set a scheduling order for the hearing and additional prehearing activities;
- 22.6 (3) determine if the hearing can be disposed of without an evidentiary hearing and, if
22.7 so, establish the schedule and procedure for doing so; and
- 22.8 (4) establish the management, control, and location of the hearing to ensure its fair,
22.9 efficient, and effective disposition.

22.10 Sec. 9. Minnesota Statutes 2004, section 125A.091, subdivision 19, is amended to read:

22.11 Subd. 19. **Expedited due process hearings.** A parent has the right to an expedited
22.12 due process hearing when there is a dispute over a manifestation determination or a
22.13 proposed or actual placement in an interim alternative educational setting. A district has
22.14 the right to an expedited due process hearing when proposing or seeking to maintain
22.15 placement in an interim alternative educational setting. A hearing officer must hold an
22.16 expedited due process hearing and must issue a decision within ten calendar days of the
22.17 request for a hearing. A hearing officer may extend by up to five additional calendar
22.18 days the time for issuing a decision in an expedited due process hearing. All policies in
22.19 this section apply to expedited due process hearings to the extent they do not conflict
22.20 with ~~federal law~~ this subdivision.

22.21 Sec. 10. Minnesota Statutes 2004, section 125A.091, subdivision 20, is amended to
22.22 read:

22.23 Subd. 20. **Hearing officer's decision; time period.** (a) The hearing officer must
22.24 issue a decision within 45 calendar days of the expiration of the 30-day resolution process
22.25 period or, if a conciliation conference has been held concerning the matter upon which
22.26 the request is based, within 45 days of the date on which the commissioner receives
22.27 the request for a due process hearing. A hearing officer is encouraged to accelerate the
22.28 time line to 30 days for a child under the age of three whose needs change rapidly and
22.29 who requires quick resolution of a dispute. A hearing officer may not extend the time
22.30 beyond the 45-day period unless requested by either party for good cause shown on the
22.31 record. Extensions of time must not exceed a total of 30 calendar days unless both parties
22.32 and the hearing officer agree or time is needed to complete an independent educational
22.33 evaluation. Good cause includes, but is not limited to, the time required for mediation or

23.1 other settlement discussions, independent educational evaluation, complexity and volume
 23.2 of issues, or finding or changing counsel.

23.3 (b) The hearing officer's decision must:

23.4 (1) be in writing;

23.5 (2) state the controlling and material facts upon which the decision is made in order
 23.6 to apprise the reader of the basis and reason for the decision; and

23.7 (3) be based on local standards, state statute, the rules of the commissioner, and
 23.8 federal law.

23.9 Sec. 11. Minnesota Statutes 2005 Supplement, section 125A.11, subdivision 1, is
 23.10 amended to read:

23.11 Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006,
 23.12 when a school district provides instruction and services outside the district of residence,
 23.13 board and lodging, and any tuition to be paid, shall be paid by the district of residence. The
 23.14 tuition rate to be charged for any child with a disability, excluding a pupil for whom tuition
 23.15 is calculated according to section 127A.47, subdivision 7, paragraph (d), must be the sum
 23.16 of (1) the actual cost of providing special instruction and services to the child including
 23.17 a proportionate amount for special transportation and unreimbursed building lease and
 23.18 debt service costs for facilities used primarily for special education, plus (2) the amount
 23.19 of general education revenue and referendum aid attributable to the pupil, minus (3) the
 23.20 amount of special education aid for children with a disability received on behalf of that
 23.21 child, minus (4) if the pupil receives special instruction and services outside the regular
 23.22 classroom for more than 60 percent of the school day, the amount of general education
 23.23 revenue and referendum aid, excluding portions attributable to district and school
 23.24 administration, district support services, operations and maintenance, capital expenditures,
 23.25 and pupil transportation, attributable to that pupil for the portion of time the pupil receives
 23.26 special instruction in and services outside the regular classroom. If the boards involved
 23.27 do not agree upon the tuition rate, either board may apply to the commissioner to fix the
 23.28 rate. Notwithstanding chapter 14, the commissioner must then set a date for a hearing or
 23.29 request a written statement from each board, giving each board at least ten days' notice,
 23.30 and after the hearing or review of the written statements the commissioner must make an
 23.31 order fixing the tuition rate, which is binding on both school districts. General education
 23.32 revenue and referendum aid attributable to a pupil must be calculated using the resident
 23.33 district's average general education and referendum revenue per adjusted pupil unit.

23.34 (b) For fiscal year 2007 and later, when a school district provides special instruction
 23.35 and services for a pupil with a disability as defined in section 125A.02 outside the district

24.1 of residence, excluding a pupil for whom an adjustment to special education aid is
 24.2 calculated according to section 127A.47, subdivision 7, paragraph (e), special education
 24.3 aid paid to the resident district must be reduced by an amount equal to (1) the actual
 24.4 cost of providing special instruction and services to the pupil, including a proportionate
 24.5 amount for special transportation and unreimbursed building lease and debt service costs
 24.6 for facilities used primarily for special education, plus (2) the amount of general education
 24.7 revenue and referendum aid attributable to that pupil, minus (3) the amount of special
 24.8 education aid for children with a disability received on behalf of that child, minus (4) if the
 24.9 pupil receives special instruction and services outside the regular classroom for more than
 24.10 60 percent of the school day, the amount of general education revenue and referendum
 24.11 aid, excluding portions attributable to district and school administration, district support
 24.12 services, operations and maintenance, capital expenditures, and pupil transportation,
 24.13 attributable to that pupil for the portion of time the pupil receives special instruction in
 24.14 and services outside the regular classroom. General education revenue and referendum
 24.15 aid attributable to a pupil must be calculated using the resident district's average general
 24.16 education revenue and referendum aid per adjusted pupil unit. Special education aid
 24.17 paid to the district or cooperative providing special instruction and services for the pupil
 24.18 must be increased by the amount of the reduction in the aid paid to the resident district.
 24.19 Amounts paid to cooperatives under this subdivision and section 127A.47, subdivision
 24.20 7, shall be recognized and reported as revenues and expenditures on the resident school
 24.21 district's books of account under sections 123B.75 and 123B.76. If the resident district's
 24.22 special education aid is insufficient to make the full adjustment, the remaining adjustment
 24.23 shall be made to other state aid due to the district.

24.24 (c) Notwithstanding paragraphs (a) and (b) and section 127A.47, subdivision 7,
 24.25 paragraphs (d) and (e), a charter school where more than 30 percent of enrolled students
 24.26 receive special education and related services, an intermediate district, or a special
 24.27 education cooperative may apply to the commissioner for authority to charge the resident
 24.28 district an additional amount to recover any remaining unreimbursed costs of serving
 24.29 pupils with a disability. The application must include a description of the costs and the
 24.30 calculations used to determine the unreimbursed portion to be charged to the resident
 24.31 district. Amounts approved by the commissioner under this paragraph must be included
 24.32 in the tuition billings or aid adjustments under paragraph (a) or (b), or section 127A.47,
 24.33 subdivision 7, paragraph (d) or (e), as applicable.

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

24.35 Sec. 12. Minnesota Statutes 2004, section 125A.27, subdivision 11, is amended to read:

25.1 Subd. 11. **Interagency child find systems.** "Interagency child find systems"
 25.2 means activities developed on an interagency basis with the involvement of interagency
 25.3 early intervention committees and other relevant community groups using rigorous
 25.4 standards to actively seek out, identify, and refer infants and young children, with, or at
 25.5 risk of, disabilities, and their families, including a child under the age of three who: (1)
 25.6 is involved in a substantiated case of abuse or neglect, or (2) is identified as affected by
 25.7 illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure, to
 25.8 reduce the need for future services.

25.9 Sec. 13. Minnesota Statutes 2005 Supplement, section 125A.28, is amended to read:

25.10 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

25.11 An Interagency Coordinating Council ~~of at least 17, but not more than 25 members~~
 25.12 is established, in compliance with Public Law ~~102-119~~ 108-446, section ~~682~~ 641. The
 25.13 members must be appointed by the governor. ~~Council members must elect the council~~
 25.14 ~~chair. The representative of the commissioner may not serve as the chair. The council~~
 25.15 ~~must be composed of at least five parents, including persons of color, of children with~~
 25.16 ~~disabilities under age 12, including at least three parents of a child with a disability~~
 25.17 ~~under age seven, five representatives of public or private providers of services for~~
 25.18 ~~children with disabilities under age five, including a special education director, county~~
 25.19 ~~social service director, local Head Start director, and a community health services or~~
 25.20 ~~public health nursing administrator, one member of the senate, one member of the~~
 25.21 ~~house of representatives, one representative of teacher preparation programs in early~~
 25.22 ~~childhood special education or other preparation programs in early childhood intervention,~~
 25.23 ~~at least one representative of advocacy organizations for children with disabilities~~
 25.24 ~~under age five, one physician who cares for young children with special health care~~
 25.25 ~~needs, one representative each from the commissioners of commerce, education, health,~~
 25.26 ~~human services, a representative from the state agency responsible for child care, and a~~
 25.27 ~~representative from Indian health services or a tribal council. Section 15.059, subdivisions~~
 25.28 ~~2 to 5, apply to the council. The council must meet at least quarterly.~~

25.29 ~~The council must address methods of implementing the state policy of developing~~
 25.30 ~~and implementing comprehensive, coordinated, multidisciplinary interagency programs of~~
 25.31 ~~early intervention services for children with disabilities and their families.~~

25.32 ~~The duties of the council include recommending policies to ensure a comprehensive~~
 25.33 ~~and coordinated system of all state and local agency services for children under age five~~
 25.34 ~~with disabilities and their families. The policies must address how to incorporate each~~
 25.35 ~~agency's services into a unified state and local system of multidisciplinary assessment~~

26.1 ~~practices, individual intervention plans, comprehensive systems to find children in need of~~
 26.2 ~~services, methods to improve public awareness, and assistance in determining the role of~~
 26.3 ~~interagency early intervention committees.~~

26.4 On the date that Minnesota Part C Annual Performance Report is submitted to the
 26.5 federal Office of Special Education, the council must recommend to the governor and the
 26.6 commissioners of education, health, human services, commerce, and employment and
 26.7 economic development policies for a comprehensive and coordinated system.

26.8 Notwithstanding any other law to the contrary, the State Interagency Coordinating
 26.9 Council expires on June 30, 2009.

26.10 Sec. 14. Minnesota Statutes 2004, section 125A.29, is amended to read:

26.11 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 26.12 **BOARDS.**

26.13 (a) It is the joint responsibility of county boards and school boards to coordinate,
 26.14 provide, and pay for appropriate services, and to facilitate payment for services from public
 26.15 and private sources. Appropriate services for children eligible under section 125A.02 must
 26.16 be determined in consultation with parents, physicians, and other educational, medical,
 26.17 health, and human services providers. The services provided must be in conformity with:

26.18 (1) an IFSP for each eligible infant and toddler from birth through age two and its
 26.19 the infant's or toddler's family; including:

26.20 (i) Indian infants and toddlers with disabilities and their families residing on a
 26.21 reservation geographically located in the state;

26.22 (ii) infants and toddlers with disabilities who are homeless children and their
 26.23 families; and

26.24 (iii) infants and toddlers with disabilities who are wards of the state; or

26.25 (2) an individual education plan (IEP) or individual service plan (ISP) for each
 26.26 eligible child ages three through four.

26.27 (b) Appropriate services include family education and counseling, home visits,
 26.28 occupational and physical therapy, speech pathology, audiology, psychological services,
 26.29 special instruction, nursing, respite, nutrition, assistive technology, transportation
 26.30 and related costs, social work, vision services, case management including service
 26.31 coordination under section 125A.33, medical services for diagnostic and evaluation
 26.32 purposes, early identification, and screening, assessment, and health services necessary to
 26.33 enable children with disabilities to benefit from early intervention services.

27.1 (c) School and county boards shall coordinate early intervention services. In the
 27.2 absence of agreements established according to section 125A.39, service responsibilities
 27.3 for children birth through age two are as follows:

27.4 (1) school boards must provide, pay for, and facilitate payment for special education
 27.5 and related services required under sections 125A.05 and 125A.06;

27.6 (2) county boards must provide, pay for, and facilitate payment for noneducational
 27.7 services of social work, psychology, transportation and related costs, nursing, respite, and
 27.8 nutrition services not required under clause (1).

27.9 (d) School and county boards may develop an interagency agreement according
 27.10 to section 125A.39 to establish agency responsibility that assures early intervention
 27.11 services are coordinated, provided, paid for, and that payment is facilitated from public
 27.12 and private sources.

27.13 (e) County and school boards must jointly determine the primary agency in this
 27.14 cooperative effort and must notify the commissioner of the state lead agency of their
 27.15 decision.

27.16 Sec. 15. Minnesota Statutes 2004, section 125A.30, is amended to read:

27.17 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

27.18 (a) A school district, group of districts, or special education cooperative, in
 27.19 cooperation with the health and human service agencies located in the county or counties
 27.20 in which the district or cooperative is located, must establish an Interagency Early
 27.21 Intervention Committee for children with disabilities under age five and their families
 27.22 under this section, and for children with disabilities ages three to 22 consistent with
 27.23 the requirements under sections 125A.023 and 125A.027. Committees must include
 27.24 representatives of local health, education, and county human service agencies, county
 27.25 boards, school boards, early childhood family education programs, Head Start, parents of
 27.26 young children with disabilities under age 12, child care resource and referral agencies,
 27.27 school readiness programs, current service providers, and may also include representatives
 27.28 from other private or public agencies and school nurses. The committee must elect a chair
 27.29 from among its members and must meet at least quarterly.

27.30 (b) The committee must develop and implement interagency policies and procedures
 27.31 concerning the following ongoing duties:

27.32 (1) develop public awareness systems designed to inform potential recipient
 27.33 families, especially parents with premature infants, or infants with other physical risk
 27.34 factors associated with learning or development complications, of available programs
 27.35 and services;

28.1 (2) implement interagency child find systems designed to actively seek out, identify,
 28.2 and refer infants and young children with, or at risk of, disabilities, including a child under
 28.3 the age of three who: (i) is involved in a substantiated case of abuse or (ii) is identified
 28.4 as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal
 28.5 drug exposure; to reduce the need for future services; and their families, especially parents
 28.6 with premature infants, or infants with other physical risk factors associated with learning
 28.7 or development complications;

28.8 (3) establish and evaluate the identification, referral, child and family assessment
 28.9 systems, procedural safeguard process, and community learning systems to recommend,
 28.10 where necessary, alterations and improvements;

28.11 (4) assure the development of individualized family service plans for all eligible
 28.12 infants and toddlers with disabilities from birth through age two, and their families, and
 28.13 individual education plans and individual service plans when necessary to appropriately
 28.14 serve children with disabilities, age three and older, and their families and recommend
 28.15 assignment of financial responsibilities to the appropriate agencies;

28.16 ~~(5) encourage agencies to develop individual family service plans for children with~~
 28.17 ~~disabilities, age three and older;~~

28.18 ~~(6)~~ implement a process for assuring that services involve cooperating agencies at all
 28.19 steps leading to individualized programs;

28.20 ~~(7)~~ (6) facilitate the development of a transitional plan if a service provider is not
 28.21 recommended to continue to provide services;

28.22 ~~(8)~~ (7) identify the current services and funding being provided within the
 28.23 community for children with disabilities under age five and their families;

28.24 ~~(9)~~ (8) develop a plan for the allocation and expenditure of additional state and
 28.25 federal early intervention funds under United States Code, title 20, section 1471 et seq.
 28.26 (Part C, Public Law ~~102-119~~ 108-446) and United States Code, title 20, section 631, et
 28.27 seq. (Chapter I, Public Law 89-313); and

28.28 ~~(10)~~ (9) develop a policy that is consistent with section 13.05, subdivision 9, and
 28.29 federal law to enable a member of an interagency early intervention committee to allow
 28.30 another member access to data classified as not public.

28.31 (c) The local committee shall also:

28.32 (1) participate in needs assessments and program planning activities conducted by
 28.33 local social service, health and education agencies for young children with disabilities and
 28.34 their families; and

28.35 (2) review and comment on the early intervention section of the total special
 28.36 education system for the district, the county social service plan, the section or sections of

29.1 the community health services plan that address needs of and service activities targeted
 29.2 to children with special health care needs, the section on children with special needs in
 29.3 the county child care fund plan, sections in Head Start plans on coordinated planning and
 29.4 services for children with special needs, any relevant portions of early childhood education
 29.5 plans, such as early childhood family education or school readiness, or other applicable
 29.6 coordinated school and community plans for early childhood programs and services, and
 29.7 the section of the maternal and child health special project grants that address needs of and
 29.8 service activities targeted to children with chronic illness and disabilities.

29.9 Sec. 16. Minnesota Statutes 2004, section 125A.32, is amended to read:

29.10 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN.**

29.11 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall
 29.12 include:

29.13 (1) a parent or parents of the child;

29.14 (2) other family members, as requested by the parent, if feasible to do so;

29.15 (3) an advocate or person outside of the family, if the parent requests that the
 29.16 person participate;

29.17 (4) the service coordinator who has been working with the family since the
 29.18 initial referral, or who has been designated by the public agency to be responsible for
 29.19 implementation of the IFSP and coordination with other agencies including transition
 29.20 services; and

29.21 (5) a person or persons involved in conducting evaluations and assessments.

29.22 (b) The IFSP must include:

29.23 (1) information about the child's developmental status;

29.24 (2) family information, with the consent of the family;

29.25 (3) measurable results or major outcomes expected to be achieved by the child and
 29.26 the family that include preliteracy and language skills, as developmentally appropriate
 29.27 for the child, and the criteria, procedures, and timelines;

29.28 (4) specific early intervention services based on peer-reviewed research, to the
 29.29 extent practicable, necessary to meet the unique needs of the child and the family to
 29.30 achieve the outcomes;

29.31 (5) payment arrangements, if any;

29.32 (6) medical and other services that the child needs, but that are not required under

29.33 the Individual with Disabilities Education Act, United States Code, title 20, section 1471

29.34 et seq. (Part C, Public Law ~~102-119~~ 108-446) including funding sources to be used in

- 30.1 paying for those services and the steps that will be taken to secure those services through
 30.2 public or private sources;
- 30.3 (7) dates and duration of early intervention services;
- 30.4 (8) name of the service coordinator;
- 30.5 (9) steps to be taken to support a child's transition from early intervention services to
 30.6 other appropriate services, including convening a transition conference at least 90 days, or
 30.7 at the discretion of all parties, not more than nine months prior to the child's eligibility for
 30.8 preschool services; and
- 30.9 (10) signature of the parent and authorized signatures of the agencies responsible
 30.10 for providing, paying for, or facilitating payment, or any combination of these, for early
 30.11 intervention services.

30.12 Sec. 17. Minnesota Statutes 2004, section 125A.33, is amended to read:

30.13 **125A.33 SERVICE COORDINATION.**

30.14 (a) The team developing the IFSP under section 125A.32 must select a service
 30.15 coordinator to carry out service coordination activities on an interagency basis. Service
 30.16 coordination must actively promote a family's capacity and competency to identify,
 30.17 obtain, coordinate, monitor, and evaluate resources and services to meet the family's
 30.18 needs. Service coordination activities include:

- 30.19 (1) coordinating the performance of evaluations and assessments;
- 30.20 (2) facilitating and participating in the development, review, and evaluation of
 30.21 individualized family service plans;
- 30.22 (3) assisting families in identifying available service providers;
- 30.23 (4) coordinating and monitoring the delivery of available services;
- 30.24 (5) informing families of the availability of advocacy services;
- 30.25 (6) coordinating with medical, health, and other service providers;
- 30.26 (7) facilitating the development of a transition plan at least 90 days before the time
 30.27 the child is no longer eligible for early intervention services, or at the discretion of all
 30.28 parties, not more than nine months prior to the child's eligibility for preschool services,
 30.29 if appropriate;
- 30.30 (8) managing the early intervention record and submitting additional information to
 30.31 the local primary agency at the time of periodic review and annual evaluations; and
- 30.32 (9) notifying a local primary agency when disputes between agencies impact service
 30.33 delivery required by an IFSP.

31.1 (b) A service coordinator must be knowledgeable about children and families
 31.2 receiving services under this section, requirements of state and federal law, and services
 31.3 available in the interagency early childhood intervention system.

31.4 Sec. 18. Minnesota Statutes 2004, section 125A.48, is amended to read:

31.5 **125A.48 STATE INTERAGENCY AGREEMENT.**

31.6 (a) The commissioners of the Departments of Education, Health, and Human
 31.7 Services must enter into an agreement to implement this section and Part H C, Public
 31.8 Law ~~102-119~~ 108-446, and as required by Code of Federal Regulations, title 34, section
 31.9 303.523, to promote the development and implementation of interagency, coordinated,
 31.10 multidisciplinary state and local early childhood intervention service systems for serving
 31.11 eligible young children with disabilities, birth through age two, and their families and
 31.12 to ensure the meaningful involvement of underserved groups, including minority,
 31.13 low-income, homeless, and rural families and children with disabilities who are wards
 31.14 of the state. The agreement must be reviewed annually.

31.15 (b) The state interagency agreement must outline at a minimum the conditions,
 31.16 procedures, purposes, and responsibilities of the participating state and local agencies
 31.17 for the following:

31.18 (1) membership, roles, and responsibilities of a state interagency committee for
 31.19 the oversight of priorities and budget allocations under Part H C, Public Law ~~102-119~~
 31.20 108-446, and other state allocations for this program;

31.21 (2) child find;

31.22 (3) establishment of local interagency agreements;

31.23 (4) review by a state interagency committee of the allocation of additional state and
 31.24 federal early intervention funds by local agencies;

31.25 (5) fiscal responsibilities of the state and local agencies;

31.26 (6) intraagency and interagency dispute resolution;

31.27 (7) payor of last resort;

31.28 (8) maintenance of effort;

31.29 (9) procedural safeguards, including mediation;

31.30 (10) complaint resolution;

31.31 (11) quality assurance;

31.32 (12) data collection;

31.33 (13) an annual summary to the state Interagency Coordinating Council regarding
 31.34 conflict resolution activities including disputes, due process hearings, and complaints; and

32.1 (14) other components of the state and local early intervention system consistent
32.2 with Public Law ~~102-119~~ 108-446.

32.3 Written materials must be developed for parents, IEIC's, and local service providers
32.4 that describe procedures developed under this section as required by Code of Federal
32.5 Regulations, title 34, section 303.

32.6 Sec. 19. Minnesota Statutes 2004, section 125A.515, subdivision 1, is amended to read:

32.7 **Subdivision 1. Approval of education programs.** The commissioner shall approve
32.8 education programs for placement of children and youth in care and treatment facilities
32.9 including detention centers, before being licensed by the Department of Human Services
32.10 ~~under Minnesota Rules, parts 9545.0905 to 9545.1125 and 9545.1400 to 9545.1480, or~~
32.11 ~~the Department of Corrections under Minnesota Rules, chapters 2925, 2930, 2935, and~~
32.12 ~~2950.~~ Education programs in these facilities shall conform to state and federal education
32.13 laws including the Individuals with Disabilities Education Act (IDEA). This section
32.14 applies only to placements in facilities licensed by the Department of Human Services or
32.15 the Department of Corrections.

32.16 Sec. 20. Minnesota Statutes 2004, section 125A.515, subdivision 3, is amended to read:

32.17 **Subd. 3. Responsibilities for providing education.** (a) The district in which the
32.18 facility is located must provide education services, including special education if eligible,
32.19 to all students placed in a facility for care and treatment.

32.20 (b) For education programs operated by the Department of Corrections, the
32.21 providing district shall be the Department of Corrections. For students remanded to the
32.22 commissioner of corrections, the providing and resident district shall be the Department
32.23 of Corrections.

32.24 ~~(c) Placement for care and treatment does not automatically make a student eligible~~
32.25 ~~for special education. A student placed in a care and treatment facility is eligible for~~
32.26 ~~special education under state and federal law including the Individuals with Disabilities~~
32.27 ~~Education Act under United States Code, title 20, chapter 33.~~

32.28 Sec. 21. Minnesota Statutes 2004, section 125A.515, subdivision 5, is amended to read:

32.29 **Subd. 5. Education programs for students placed in facilities for care and**
32.30 **treatment.** (a) When a student is placed in a ~~care and treatment~~ facility approved under
32.31 this section that has an on-site education program, the providing district, upon notice from
32.32 the care and treatment facility, must contact the resident district within one business day to
32.33 determine if a student has been identified as having a disability, and to request at least

33.1 the student's transcript, and for students with disabilities, the most recent individualized
 33.2 education plan (IEP) and evaluation report, and to determine if the student has been
 33.3 identified as a student with a disability. The resident district must send a facsimile copy to
 33.4 the providing district within two business days of receiving the request.

33.5 (b) If a student placed ~~for care and treatment~~ under this section has been identified as
 33.6 having a disability and has an individual education plan in the resident district:

33.7 (1) the providing agency must conduct an individualized education plan meeting
 33.8 to reach an agreement about continuing or modifying special education services in
 33.9 accordance with the current individualized education plan goals and objectives and to
 33.10 determine if additional evaluations are necessary; and

33.11 (2) at least the following people shall receive written notice or documented phone
 33.12 call to be followed with written notice to attend the individualized education plan meeting:

33.13 (i) the person or agency placing the student;

33.14 (ii) the resident district;

33.15 (iii) the appropriate teachers and related services staff from the providing district;

33.16 (iv) appropriate staff from the care and treatment facility;

33.17 (v) the parents or legal guardians of the student; and

33.18 (vi) when appropriate, the student.

33.19 (c) For a student who has not been identified as a student with a disability, a
 33.20 screening must be conducted by the providing districts as soon as possible to determine
 33.21 the student's educational and behavioral needs and must include a review of the student's
 33.22 educational records.

33.23 Sec. 22. Minnesota Statutes 2004, section 125A.515, subdivision 6, is amended to read:

33.24 Subd. 6. **Exit report summarizing educational progress.** If a student has been
 33.25 placed in a ~~care and treatment~~ facility under this section for 15 or more business days, the
 33.26 providing district must prepare an exit report summarizing the regular education, special
 33.27 education, evaluation, educational progress, and service information and must send the
 33.28 report to the resident district and the next providing district if different, the parent or
 33.29 legal guardian, and any appropriate social service agency. For students with disabilities,
 33.30 this report must include the student's IEP.

33.31 Sec. 23. Minnesota Statutes 2004, section 125A.515, subdivision 7, is amended to read:

33.32 Subd. 7. **Minimum educational services required.** When a student is placed in a
 33.33 facility approved under this section, at a minimum, the providing district is responsible for:

34.1 (1) the education necessary, including summer school services, for a student who is
34.2 not performing at grade level as indicated in the education record or IEP; and

34.3 (2) a school day, of the same length as the school day of the providing district, unless
34.4 the unique needs of the student, as documented through the IEP or education record in
34.5 consultation with treatment providers, requires an alteration in the length of the school day.

34.6 Sec. 24. Minnesota Statutes 2004, section 125A.515, subdivision 9, is amended to read:

34.7 Subd. 9. **Reimbursement for education services.** (a) Education services
34.8 provided to students who have been placed ~~for care and treatment~~ under this section are
34.9 reimbursable in accordance with special education and general education statutes.

34.10 (b) Indirect or consultative services provided in conjunction with regular education
34.11 prereferral interventions and assessment provided to regular education students suspected
34.12 of being disabled and who have demonstrated learning or behavioral problems in a
34.13 screening are reimbursable with special education categorical aids.

34.14 (c) Regular education, including screening, provided to students with or without
34.15 disabilities is not reimbursable with special education categorical aids.

34.16 Sec. 25. Minnesota Statutes 2004, section 125A.515, subdivision 10, is amended to
34.17 read:

34.18 Subd. 10. **Students unable to attend school but not placed in care and treatment**
34.19 **facilities covered under this section.** Students who are absent from, or predicted to be
34.20 absent from, school for 15 consecutive or intermittent days, at home or in facilities not
34.21 licensed by the Departments of Corrections or Human Services are ~~not students placed~~
34.22 ~~for care and treatment~~ entitled to services in accordance with Minnesota Rules, part
34.23 3525.2325. These students include students with and without disabilities who are home
34.24 due to accident or illness, in a hospital or other medical facility, or in a day treatment
34.25 center. ~~These students are entitled to education services through their district of residence.~~

34.26 Sec. 26. Minnesota Statutes 2004, section 125A.63, subdivision 4, is amended to read:

34.27 Subd. 4. **Advisory committees.** ~~The Special Education Advisory Council~~
34.28 commissioner shall establish an advisory committee for each resource center. The
34.29 advisory committees shall develop recommendations regarding the resource centers and
34.30 submit an annual report to the commissioner on the form and in the manner prescribed by
34.31 the commissioner.

34.32 Sec. 27. Minnesota Statutes 2004, section 125A.75, subdivision 1, is amended to read:

35.1 Subdivision 1. **Travel aid.** The state must pay each district one-half of the sum
 35.2 actually expended by a district, based on mileage, for necessary travel of essential
 35.3 personnel providing home-based services to children with a disability under age five
 35.4 and their families.

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

35.6 Sec. 28. **DEPARTMENT OF EDUCATION RULES.**

35.7 Before July 1, 2007, the Department of Education shall amend Minnesota Rules,
 35.8 part 3525.2325, to conform with Minnesota Statutes, section 125A.515.

35.9 Sec. 29. **REPEALER.**

35.10 Minnesota Statutes 2004, sections 125A.10; and 125A.515, subdivision 2, are
 35.11 repealed.

35.12 ARTICLE 4

35.13 NUTRITION AND ACCOUNTING

35.14 Section 1. **REPEALER.**

35.15 Minnesota Statutes 2004, section 123B.10, is repealed.

35.16 ARTICLE 5

35.17 SELF-SUFFICIENCY AND LIFELONG LEARNING

35.18 Section 1. Minnesota Statutes 2004, section 124D.518, subdivision 4, is amended to
 35.19 read:

35.20 Subd. 4. **First prior program year.** "First prior program year" means the period
 35.21 from May 1 of the second prior fiscal year through April 30 of the first prior fiscal year
 35.22 specific time period defined by the commissioner that aligns to a program academic year.

35.23 Sec. 2. Minnesota Statutes 2004, section 124D.52, subdivision 1, is amended to read:

35.24 Subdivision 1. **Program requirements.** (a) An adult basic education program is a
 35.25 day or evening program offered by a district that is for people over 16 years of age who do
 35.26 not attend an elementary or secondary school. The program offers academic instruction
 35.27 necessary to earn a high school diploma or equivalency certificate.

35.28 (b) Notwithstanding any law to the contrary, a school board or the governing body of
 35.29 a consortium offering an adult basic education program may adopt a sliding fee schedule
 35.30 based on a family's income, but must waive the fee for participants who are under the

36.1 age of 21 or unable to pay. The fees charged must be designed to enable individuals of
 36.2 all socioeconomic levels to participate in the program. A program may charge a security
 36.3 deposit to assure return of materials, supplies, and equipment.

36.4 (c) Each approved adult basic education program must develop a memorandum of
 36.5 understanding with the local workforce development centers located in the approved
 36.6 program's service delivery area. The memorandum of understanding must describe how
 36.7 the adult basic education program and the workforce development centers will cooperate
 36.8 and coordinate services to provide unduplicated, efficient, and effective services to clients.

36.9 (d) Adult basic education aid must be spent for adult basic education purposes as
 36.10 specified in sections 124D.518 to 124D.531.

36.11 (e) A state-approved adult basic education program must count and submit student
 36.12 contact hours for a program that offers high school credit toward an adult high school
 36.13 diploma according to student eligibility requirements and competency demonstration
 36.14 requirements established by the commissioner.

36.15 ARTICLE 6

36.16 EARLY CHILDHOOD EDUCATION

36.17 Section 1. Minnesota Statutes 2004, section 119A.50, subdivision 1, is amended to read:

36.18 Subdivision 1. **Department of Education.** The Department of Education is the
 36.19 state agency responsible for administering the Head Start program. The commissioner
 36.20 of education ~~may make grants~~ shall allocate funds according to the formula in section
 36.21 119A.52 to public or private nonprofit agencies for the purpose of providing supplemental
 36.22 funds for the federal Head Start program.

36.23 Sec. 2. Minnesota Statutes 2004, section 119A.52, is amended to read:

36.24 **119A.52 DISTRIBUTION OF APPROPRIATION ~~AND PROGRAM~~** 36.25 **~~COORDINATION.~~**

36.26 The commissioner of education must distribute money appropriated for that purpose
 36.27 to federally designated Head Start program grantees programs to expand services and to
 36.28 serve additional low-income children. ~~Money must be allocated to each project Head Start~~
 36.29 ~~grantee in existence on the effective date of Laws 1989, chapter 282.~~ Migrant and Indian
 36.30 reservation grantees programs must be initially allocated money based on the grantees'
 36.31 programs' share of federal funds. The remaining money must be initially allocated to the
 36.32 remaining local agencies based equally on the agencies' share of federal funds and on the
 36.33 proportion of eligible children in the agencies' service area who are not currently being

37.1 served. A Head Start grantee must be funded at a per child rate equal to its contracted,
 37.2 federally funded base level ~~for program accounts 20, 22, and 25~~ at the start of the fiscal
 37.3 year. In allocating funds under this paragraph, the commissioner of education must assure
 37.4 that each Head Start ~~grantee~~ program in existence in 1993 is allocated no less funding
 37.5 in any fiscal year than was allocated to that ~~grantee~~ program in fiscal year 1993. ~~The~~
 37.6 ~~commissioner may provide additional funding to grantees for start-up costs incurred by~~
 37.7 ~~grantees due to the increased number of children to be served.~~ Before paying money to
 37.8 the ~~grantees~~ programs, the commissioner must notify each ~~grantee~~ program of its initial
 37.9 allocation, how the money must be used, and the number of low-income children ~~that~~
 37.10 ~~must to~~ be served with the allocation based upon the federally funded per child rate.
 37.11 Each ~~grantee~~ program must present a ~~work plan to the commissioner for approval.~~ The
 37.12 ~~work plan must include the estimated number of low-income children and families it will~~
 37.13 ~~be able to serve, a description of the program design and service delivery area which~~
 37.14 ~~meets the needs of and encourages access by low-income working families, a program~~
 37.15 ~~design that ensures fair and equitable access to Head Start services for all populations and~~
 37.16 ~~parts of the service area, and a plan for coordinating services to maximize assistance~~
 37.17 ~~for child care costs available to families under chapter 119B.~~ under section 119A.535.
 37.18 For any grantee that cannot utilize its full allocation, the commissioner must reduce the
 37.19 allocation proportionately. Money available after the initial allocations are reduced must
 37.20 be redistributed to eligible grantees.

37.21 Sec. 3. Minnesota Statutes 2004, section 119A.53, is amended to read:

37.22 **119A.53 FEDERAL REQUIREMENTS.**

37.23 ~~Grantees~~ Programs and the commissioner shall comply with federal regulations
 37.24 governing the federal Head Start program, except for funding for innovative initiatives
 37.25 under section ~~119A.52~~ 119A.535 as approved by the commissioner, which may be used to
 37.26 operate differently than federal Head Start regulations. If a state statute or rule conflicts
 37.27 with a federal statute or regulation, the state statute or rule prevails.

37.28 Sec. 4. **[119A.535] APPLICATION REQUIREMENTS.**

37.29 Eligible Head Start organizations must submit a plan to the department for approval
 37.30 on a form and in the manner prescribed by the commissioner. The plan must include:

37.31 (1) the estimated number of low-income children and families the program will be
 37.32 able to serve;

37.33 (2) a description of the program design and service delivery area which meets the
 37.34 needs of and encourages access by low-income working families;

38.1 (3) a program design that ensures fair and equitable access to Head Start services for
38.2 all populations and parts of the service area;

38.3 (4) a plan for coordinating services to maximize assistance for child care costs
38.4 available to families under chapter 119B; and

38.5 (5) identification of regular Head Start, early Head Start, and innovative services
38.6 based upon demonstrated needs to be provided.

38.7 Sec. 5. Minnesota Statutes 2004, section 119A.545, is amended to read:

38.8 **119A.545 AUTHORITY TO WAIVE REQUIREMENTS DURING DISASTER**
38.9 **PERIODS.**

38.10 The commissioner of education may waive requirements under sections 119A.50
38.11 to ~~119A.53~~ 119A.535, for up to nine months after the disaster, for Head Start ~~grantees~~
38.12 programs in areas where a federal disaster has been declared under United States Code,
38.13 title 42, section 5121, et seq., or the governor has exercised authority under chapter 12.

38.14 The commissioner shall notify the chairs of the appropriate ~~senate Family and Early~~
38.15 ~~Childhood Education Budget Division, the senate Education Finance Committee, the and~~
38.16 ~~house Family and Early Childhood Education Finance Division, the house Education~~
38.17 ~~Committee, and the house Ways and Means Committee~~ committees ten days before the
38.18 effective date of any waiver granted under this section.

38.19 Sec. 6. Laws 2005, First Special Session chapter 5, article 7, section 20, subdivision 5,
38.20 is amended to read:

38.21

38.22 **Subd. 5. Head Start program.** For Head Start programs under Minnesota Statutes,
38.23 section 119A.52:

38.24

38.25 \$ 19,100,000 2006

38.26 \$ 19,100,000 2007

38.27

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

38.29 Sec. 7. **REPEALER.**

38.30 Minnesota Statutes 2004, section 119A.51, is repealed.

ARTICLE 7

STATE AGENCIES

39.1

39.2

39.3

Section 1. Minnesota Statutes 2004, section 125A.69, subdivision 3, is amended to read:

39.4

39.5

Subd. 3. **Out-of-state admissions.** An applicant from another state who can benefit from attending either academy may be admitted to the academy if the admission does not prevent an eligible Minnesota resident from being admitted. The board of the Minnesota State Academies must obtain reimbursement from the other state for the costs of the out-of-state admission. The state board may enter into an agreement with the appropriate authority in the other state for the reimbursement. Money received from another state must be deposited in the ~~general~~ special revenue fund and credited to the general operating account of the academies. The money is appropriated to the academies.

39.6

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EFFECTIVE DATE. This section is effective retroactively from fiscal year 2001.

119A.51 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 119A.52 and 119A.53, the terms defined in this section have the meanings given them.

Subd. 2. **Program account 20.** "Program account 20" means the federally designated and funded account for training and technical assistance activities.

Subd. 3. **Program account 22.** "Program account 22" means the federally designated and funded account for basic services.

Subd. 4. **Program account 25.** "Program account 25" means the federally designated and funded account for parent child centers.

Subd. 5. **Start-up costs.** "Start-up costs" means onetime costs incurred in expanding services to additional children.

120A.20 ADMISSION TO PUBLIC SCHOOL.

Subd. 3. **Pupils, at least 21 years of age.** In addition to those admitted under subdivision 1, admission to a public secondary school is free to a person who is eligible under this subdivision. In order to be eligible, a person must be:

- (1) at least 21 years of age;
- (2) a resident of the district where the secondary school is located; and
- (3) eligible under section 124D.68, subdivision 2.

Free admission is limited to two school years or the equivalent, or until the pupil completes the courses required to graduate, whichever is less. A district that admits a person to school under this section must have a reasonable expectation that the person can obtain a diploma within two years.

123B.10 PUBLICATION OF FINANCIAL INFORMATION.

Subdivision 1. **Budgets.** By October 1, every board must publish revenue and expenditure budgets for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the commissioner. The forms prescribed must be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and fund balances must be published in a qualified newspaper of general circulation in the district.

Subd. 2. **Debt summary.** The board must also publish at the same time a summary of bonds outstanding, paid, and sold; a summary of orders not paid for want of funds; certificates of indebtedness for the year ending June 30; the statutory operating debt of the district as defined and certified pursuant to section 123B.81; and the balance amount of the reserved fund balance reserve account for purposes of statutory operating debt reduction established pursuant to sections 126C.40 to 126C.45, 126C.48, and 124D.22.

Subd. 3. **Budget inspection.** A statement must be included in the publication that the complete budget in detail may be inspected by any resident of the district upon request to the chief school administrator.

Subd. 4. **Cost per pupil.** The board must also publish at the same time the average cost per pupil in average daily membership educated in that district in the preceding year. This computation must be made exclusive of debt service or capital outlay costs.

125A.10 COORDINATING INTERAGENCY SERVICES.

If at the time of initial referral for an educational assessment, or a reassessment, the district determines that a child with disabilities who is age 3 through 21 may be eligible for interagency services, the district may request that the county of residence provide a representative to the initial assessment or reassessment team meeting or the first individual education plan team meeting following the assessment or reassessment. The district may request to have a county representative attend other individual education plan team meetings when it is necessary to facilitate coordination between district and county provided services. Upon request from a district, the resident county shall provide a representative to assist the individual education plan team in determining the child's eligibility for existing health, mental health, or other support services administered or provided by the county. The individual education plan team and the county representative must develop an interagency plan of care for an eligible child and the child's family to coordinate services required under the child's individual education plan with county services. The interagency plan of care must include appropriate family information with

APPENDIX

Repealed Minnesota Statutes: 06-4911

the consent of the family, a description of how services will be coordinated between the district and county, a description of service coordinator responsibilities and services, and a description of activities for obtaining third-party payment for eligible services, including medical assistance payments. Any state, county, or city government agency responsible for providing services or resources to students with disabilities under this section is subject to the same dispute resolution systems as local school districts, and all such agencies must comply with corrective action requirements that ensue from these systems.

125A.515 PLACEMENT OF STUDENTS; APPROVAL OF EDUCATION PROGRAM.

Subd. 2. **Definition of care and treatment placement.** Students placed in the following public or private facilities are considered to be placed for care and treatment:

- (1) group foster home, Department of Corrections;
- (2) secure juvenile detention facilities, Department of Corrections;
- (3) juvenile residential facilities, Department of Corrections;
- (4) temporary holdover - eight day, Department of Corrections;
- (5) group homes, Department of Human Services;
- (6) residential academies, Department of Human Services;
- (7) transitional programs, Department of Human Services;
- (8) shelter care, Department of Human Services and Department of Corrections;
- (9) shelter for homeless, Department of Human Services;
- (10) adult facilities that admit persons under the age of 22; and
- (11) residential treatment programs.

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

1.2 Page 2, line 11, after "continued" insert "free public school"

1.3 Page 4, line 21, after the comma, insert "those enrolled under section 124D.02,
1.4 subdivision 2,"

1.5 Page 5, after line 22, insert:

1.6 "Sec. 6. Minnesota Statutes 2004, section 124D.02, subdivision 2, is amended to read:

1.7 Subd. 2. **Secondary school programs.** The board may permit a person who is over
1.8 the age of 21 or who has graduated from high school to enroll ~~as a part-time student~~ in a
1.9 class or program at a secondary school if there is space available. In determining if there is
1.10 space available, ~~full-time~~ public school students; eligible for free enrollment under section
1.11 120A.20, subdivision 1, and shared-time students shall be given priority over students
1.12 seeking enrollment pursuant to this subdivision, and students returning to complete a
1.13 regular course of study shall be given priority over ~~part-time~~ other students seeking
1.14 enrollment pursuant to this subdivision. The following are not prerequisites for enrollment:

1.15 (1) residency in the school district;

1.16 (2) United States citizenship; or

1.17 (3) for a person over the age of 21, a high school diploma or equivalency certificate.

1.18 A person may enroll in a class or program even if that person attends evening school, an
1.19 adult or continuing education, or a postsecondary educational program or institution.

1.20 Sec. 7. Minnesota Statutes 2004, section 124D.02, subdivision 4, is amended to read:

1.21 Subd. 4. **Part-time student fee.** Notwithstanding the provisions of sections
1.22 120A.20 and 123B.37, a board may charge a ~~part-time~~ student enrolled pursuant to
1.23 subdivision 2 a reasonable fee for a class or program."

1.24 Renumber the sections in sequence and correct internal references

1.25 Correct the title numbers accordingly

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

1.2 Page 4, line 19, delete "in kindergarten through grade 12"

1.3 Page 10, line 32, after "a" insert "district believes that a"

1.4 Page 11, line 3, after "heard" insert "in a forum as determined by the policy of the
1.5 school board"

1.6 Page 11, delete lines 4 to 21

1.7 Page 12, line 5, delete "action" and insert "for greater than 15 consecutive days"

1.8 Page 16, line 11, after the stricken period, insert "Teachers shall apply for teacher
1.9 training scholarships to prepare for teaching in the advanced placement or international
1.10 baccalaureate program. Any reserved funding not expended for teacher training may be
1.11 used for exam fees and other support programs for each program."

1.12 Page 16, line 13, reinstate the stricken language

1.13 Page 16, line 22, after "teacher" insert "or science teacher who has taught for three
1.14 consecutive years in one public school"

1.15 Page 17, after line 1, insert:

1.16 "Sec. 11. 2006 SCHOOL ACCOUNTABILITY REPORT.

1.17 Notwithstanding Minnesota Statutes, section 120B.36, for 2006 reporting only, the
1.18 Department of Education may delay the release to the public and the posting of the 2006
1.19 school performance report cards and adequate yearly progress data on its public Web
1.20 site to no later than November 30, 2006."

1.21 Page 17, line 21, delete "must" and insert "may"

1.22 Page 32, line 8, strike "care and treatment" and insert "residential"

Page 32, line 14, after "in" insert "residential"

1.24 Page 32, line 19, strike "for care and treatment"

2.1 Page 32, line 29 to 30, after "in" insert "residential" and strike "for care and
2.2 treatment"

2.3 Page 35, delete lines 14 and 15 and insert:

2.4 "Section 1. Minnesota Statutes 2004, section 123B.10, subdivision 1, is amended to
2.5 read:

2.6 Subdivision 1. **Budgets.** By ~~October 1~~ November 30, every board must
2.7 publish revenue and expenditure budgets for the current year and the actual revenues,
2.8 expenditures, fund balances for the prior year and projected fund balances for the current
2.9 year in a form prescribed by the commissioner. The forms prescribed must be designed so
2.10 that year to year comparisons of revenue, expenditures and fund balances can be made.
2.11 These budgets, reports of revenue, expenditures and fund balances must be published in
2.12 a qualified newspaper of general circulation in the district or on the district's official
2.13 Web site. If published on the district's official Web site, the district must also publish an
2.14 announcement in a qualified newspaper of general circulation in the district that includes
2.15 the Internet address where the information has been posted."

2.16 Renumber the sections in sequence and correct the internal references

2.17 Correct the title numbers accordingly

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

1.2 Pages 17 to 35, delete article 3 and insert:

1.3 "ARTICLE 3
1.4 SPECIAL PROGRAMS

1.5 Section 1. Minnesota Statutes 2004, section 125A.091, subdivision 5, is amended to
1.6 read:

1.7 Subd. 5. ~~Initial action; parent~~ Parental consent. (a) ~~The district must not proceed~~
1.8 ~~with the initial evaluation of a child, the initial placement of a child in a special education~~
1.9 ~~program, or the initial provision of special education services for a child without the prior~~
1.10 ~~written consent of the child's parent. A district may not override the written refusal of a~~
1.11 ~~parent to consent to an initial evaluation or reevaluation. Except as provided in paragraph~~
1.12 (c), a district proposing to conduct an initial evaluation to determine whether a child is a
1.13 child with a disability must obtain informed written consent from the parent of the child
1.14 before conducting new, individualized testing as part of the evaluation. Parental consent
1.15 for an initial evaluation is not consent to initially provide special education and related
1.16 services.

1.17 (b) A parent, after consulting with health care, education, or other professional
1.18 providers, may agree or disagree to provide the parent's child with sympathomimetic
1.19 medications unless section 144.344 applies.

1.20 (c) If the parent of a child enrolled or seeking to be enrolled in public school does
1.21 not consent to an initial evaluation, or the parent fails to respond to a request to provide
1.22 consent, the district may pursue the initial evaluation of the child by using the procedural
1.23 safeguards in this chapter, including mediation or other alternative dispute resolution or, if
1.24 necessary, a due process hearing.

1.25 (d) A district responsible for making a free appropriate public education available
1.26 to a child with a disability must seek to obtain informed written consent before initially
1.27 providing special education and related services to the child.

2.1 (e) If the parent of a child with a disability does not consent to initially providing
2.2 special education and related services, the district may not pursue a due process hearing
2.3 to obtain permission to provide special education and related services. When a parent
2.4 does not consent to initial services, the district is not violating the requirement to make
2.5 a free appropriate public education available except where the district did not seek the
2.6 parent's consent.

2.7 (f) A district must seek to obtain informed written consent from a parent of the child
2.8 before conducting new, individualized testing as part of the child's reevaluation. The
2.9 district may proceed with this testing without consent if the district demonstrates that: (1)
2.10 it took reasonable measures to obtain consent, and (2) the child's parent failed to respond.
2.11 If the district does not obtain parental consent for a reevaluation because the parent objects
2.12 to the reevaluation, the district may, if necessary, pursue the reevaluation of the child by
2.13 using the procedural safeguards in this chapter, including mediation or other alternative
2.14 dispute resolution or a due process hearing.

2.15 Sec. 2. Minnesota Statutes 2004, section 125A.091, subdivision 7, is amended to read:

2.16 Subd. 7. **Conciliation conference.** A parent must have an opportunity to meet
2.17 with appropriate district staff in at least one conciliation conference if the parent objects
2.18 to any proposal of which the parent receives notice under subdivision 2. If the parent
2.19 refuses district efforts to conciliate the dispute, the conciliation requirement is satisfied.
2.20 Following a conciliation conference, the district must prepare and provide to the parent
2.21 a conciliation conference memorandum that describes the district's final proposed offer
2.22 of service. This memorandum is admissible in evidence in any subsequent proceeding.
2.23 If a conciliation conference occurs, the requirement for a resolution meeting under
2.24 subdivision 14 is satisfied and a parent or district may proceed directly to a due process
2.25 hearing upon request.

2.26 Sec. 3. Minnesota Statutes 2004, section 125A.091, subdivision 9, is amended to read:

2.27 Subd. 9. **Mediation.** Mediation is a dispute resolution process that involves a
2.28 neutral party provided by the state to assist a parent and a district in resolving disputes over
2.29 the identification, evaluation, educational placement, manifestation determination, interim
2.30 alternative educational placement, or the provision of a free appropriate public education
2.31 to a child with a disability. A mediation process is available as an informal alternative to a
2.32 due process hearing but must not be used to deny or postpone the opportunity of a parent
2.33 or district to obtain a due process hearing. Mediation is voluntary for all parties. After a
2.34 due process hearing is requested, a party may request mediation and the commissioner
2.35 must provide a mediator to conduct the mediation session no later than the third business

3.1 day after the commissioner receives the mediation request. All mediation discussions are
 3.2 confidential and inadmissible in evidence in any subsequent proceeding, unless the:

- 3.3 (1) parties expressly agree otherwise;
- 3.4 (2) evidence is otherwise available; or
- 3.5 (3) evidence is offered to prove bias or prejudice of a witness.

3.6 Sec. 4. Minnesota Statutes 2004, section 125A.091, subdivision 10, is amended to read:

3.7 Subd. 10. **Mediated agreements.** Mediated agreements must be in writing and
 3.8 signed by a parent and representative of the district who has authority to bind the district.
 3.9 The agreement is enforceable in state district court, including conciliation court, or
 3.10 in federal district court under federal law. Agreements are not admissible in a due
 3.11 process hearing unless the parties agree otherwise or a party to the agreement believes
 3.12 the agreement is not being implemented, in which case the aggrieved party may enter
 3.13 the agreement into evidence at a due process hearing. The parties may request another
 3.14 mediation to resolve a dispute over implementing the mediated agreement. ~~After a due~~
 3.15 ~~process hearing is requested, a party may request mediation and the commissioner must~~
 3.16 ~~provide a mediator who conducts a mediation session no later than the third business day~~
 3.17 ~~after the mediation request is made to the commissioner.~~

3.18 Sec. 5. Minnesota Statutes 2004, section 125A.091, subdivision 12, is amended to read:

3.19 Subd. 12. **Impartial due process hearing.** (a) A parent or a district ~~is~~ may be
 3.20 entitled to an impartial due process hearing conducted by the state when a dispute arises
 3.21 over the identification, evaluation, educational placement, manifestation determination,
 3.22 interim alternative educational placement, or the provision of a free appropriate public
 3.23 education to a child with a disability. The dispute must be based on an alleged violation
 3.24 occurring within the two years before the date the parent or district knew or should have
 3.25 known about the alleged action that forms the basis of the dispute. This timeline does not
 3.26 apply to a parent if the district prevented the parent from filing for a hearing by:

3.27 (1) specifically misrepresenting that it had resolved the problem forming the basis of
 3.28 the dispute; or

3.29 (2) withholding information about procedural safeguards, prior written notice, or
 3.30 other procedural information that the district must provide to the parent.

3.31 The hearing must be held in the district responsible for ensuring that a free appropriate
 3.32 public education is provided according to state and federal law. The proceedings must be
 3.33 recorded and preserved, at state expense, pending ultimate disposition of the action.

3.34 (b) The due process hearing must be conducted according to the rules of the
 3.35 commissioner and federal law.

4.1 Sec. 6. Minnesota Statutes 2004, section 125A.091, subdivision 13, is amended to read:

4.2 Subd. 13. **Hearing officer qualifications.** The commissioner must appoint an
4.3 individual who is qualified under this subdivision to serve as a hearing officer. The
4.4 hearing officer must:

4.5 (1) be knowledgeable and impartial;

4.6 (2) have no personal interest in or specific involvement with the student who is a
4.7 party to the hearing;

4.8 (3) not have been employed as an administrator by the district that is a party to
4.9 the hearing;

4.10 (4) not have been involved in selecting the district administrator who is a party
4.11 to the hearing;

4.12 (5) have no personal, economic, or professional interest in the outcome of the
4.13 hearing other than properly administering federal and state laws, rules, and policies;

4.14 ~~(6) have no substantial involvement in developing state or local policies or~~
4.15 ~~procedures challenged in the hearing~~ possess the knowledge and ability to conduct
4.16 hearings and write decisions according to appropriate, standard legal practice;

4.17 (7) not be a current employee or board member of a Minnesota public school district,
4.18 education district, intermediate unit or regional education agency, or the department if
4.19 the department is the service provider; and

4.20 (8) not be a current employee or board member of a disability advocacy organization
4.21 or group.

4.22 A party may disqualify a hearing officer only by affirmatively showing prejudice or
4.23 bias to the commissioner or to the chief administrative law judge if the hearing officer is an
4.24 administrative law judge. If a party affirmatively shows prejudice or bias against a hearing
4.25 officer, the commissioner, or the chief administrative law judge if the hearing officer is an
4.26 administrative law judge, must assign another hearing officer to hear the matter.

4.27 Sec. 7. Minnesota Statutes 2004, section 125A.091, subdivision 14, is amended to read:

4.28 Subd. 14. **Request for hearing and resolution meeting.** (a) A request for a due
4.29 process hearing must: be made consistent with applicable law and rule.

4.30 ~~(1) be in writing;~~

4.31 ~~(2) describe the nature of the dispute about providing special education services to~~
4.32 ~~the student including facts relating to the dispute; and~~

4.33 ~~(3) state, to the extent known, the relief sought.~~

4.34 ~~Any school district administrator receiving a request for a due process hearing~~
4.35 ~~must immediately forward the request to the commissioner. Within two business days of~~
4.36 ~~receiving a request for a due process hearing, the commissioner must appoint a hearing~~

5.1 ~~officer. The commissioner must not deny a request for hearing because the request~~
 5.2 ~~is incomplete. A party may disqualify a hearing officer only by affirmatively showing~~
 3 ~~prejudice or bias to the commissioner or to the chief administrative law judge if the~~
 5.4 ~~hearing officer is an administrative law judge. If a party affirmatively shows prejudice~~
 5.5 ~~against a hearing officer, the commissioner must assign another hearing officer to hear the~~
 5.6 ~~matter. Within 15 days of receiving notice of the parent's request for hearing, and before~~
 5.7 ~~initiating the 45-day deadline for a final decision, the district must convene a meeting with~~
 5.8 ~~the parent and relevant staff or IEP team members who have specific knowledge of the~~
 5.9 ~~facts identified in the hearing request, as determined by the parent and the district, that:~~

5.10 (1) includes a representative of the district who has decision-making authority on
 5.11 behalf of the district; and

5.12 (2) may not include an attorney of the district unless the parent is accompanied
 5.13 by an attorney.

5.14 (b) The purpose of the meeting is for the parent of the child to discuss the dispute and
 5.15 the facts that form the basis of the hearing request, so that the district has the opportunity
 5.16 to resolve the dispute. This meeting need not be held if:

5.17 (1) a conciliation conference on the matter has already occurred, in which case a
 5.18 parent or district may proceed directly to a due process hearing upon request;

5.19 (2) the parent and district agree in writing to waive the meeting; or

5.20 (3) the parent and district agree to attempt mediation.

5.21 (c) If the district has not resolved the dispute to the parent's satisfaction within 30
 5.22 days of receiving the hearing request, the 45-day timeline for a final decision begins the
 5.23 day after the 30 days expire. If a resolution is reached as a result of the resolution meeting,
 5.24 the parties must execute a legally binding written agreement that is:

5.25 (1) signed by both the parent and a representative of the district who has the
 5.26 authority to bind the district; and

5.27 (2) enforceable in state district court, including a conciliation court, and federal
 5.28 district court, under federal law.

5.29 (d) A party that decides to void the agreement must do so by transmitting a written
 5.30 notice of that decision to the other party within three business days of the date on which
 5.31 the parties signed the agreement.

5.32 Sec. 8. Minnesota Statutes 2004, section 125A.091, subdivision 15, is amended to read:

5.33 Subd. 15. **Prehearing conference.** A prehearing conference must be held within
 5.34 ~~five business~~ seven days of the date the commissioner appoints the hearing officer ~~45-day~~
 5.35 timeline for a final decision begins to run under subdivision 14. The hearing officer must
 5.36 initiate the prehearing conference which may be conducted in person, at a location within

6.1 the district, or by telephone. The hearing officer must create a written verbatim record
6.2 of the prehearing conference which is available to either party upon request. At the
6.3 prehearing conference, the hearing officer must:

6.4 (1) identify the questions that must be answered to resolve the dispute and eliminate
6.5 claims and complaints that are without merit;

6.6 (2) set a scheduling order for the hearing and additional prehearing activities;

6.7 (3) determine if the hearing can be disposed of without an evidentiary hearing and, if
6.8 so, establish the schedule and procedure for doing so; and

6.9 (4) establish the management, control, and location of the hearing to ensure its fair,
6.10 efficient, and effective disposition.

6.11 Sec. 9. Minnesota Statutes 2004, section 125A.091, subdivision 19, is amended to read:

6.12 Subd. 19. **Expedited due process hearings.** A parent has the right to an expedited
6.13 due process hearing when there is a dispute over a manifestation determination or a
6.14 proposed or actual placement in an interim alternative educational setting. A district has
6.15 the right to an expedited due process hearing when proposing or seeking to maintain
6.16 placement in an interim alternative educational setting. A hearing officer must hold an
6.17 expedited due process hearing and must issue a decision within ten calendar days of the
6.18 request for a hearing. A hearing officer may extend by up to five additional calendar
6.19 days the time for issuing a decision in an expedited due process hearing. All policies in
6.20 this section apply to expedited due process hearings to the extent they do not conflict
6.21 with ~~federal law~~ this subdivision.

6.22 Sec. 10. Minnesota Statutes 2004, section 125A.091, subdivision 20, is amended to
6.23 read:

6.24 Subd. 20. **Hearing officer's decision; time period.** (a) The hearing officer must
6.25 issue a decision within 45 calendar days of the expiration of the 30-day resolution process
6.26 period or, if a conciliation conference has been held concerning the matter upon which
6.27 the request is based, within 45 days of the date on which the commissioner receives
6.28 the request for a due process hearing. A hearing officer is encouraged to accelerate the
6.29 time line to 30 days for a child under the age of three whose needs change rapidly and
6.30 who requires quick resolution of a dispute. A hearing officer may not extend the time
6.31 beyond the 45-day period unless requested by either party for good cause shown on the
6.32 record. Extensions of time must not exceed a total of 30 calendar days unless both parties
6.33 and the hearing officer agree or time is needed to complete an independent educational
6.34 evaluation. Good cause includes, but is not limited to, the time required for mediation or
6.35 other settlement discussions, independent educational evaluation, complexity and volume
6.36 of issues, or finding or changing counsel.

7.1 (b) The hearing officer's decision must:

7.2 (1) be in writing;

7.3 (2) state the controlling and material facts upon which the decision is made in order
7.4 to apprise the reader of the basis and reason for the decision; and

7.5 (3) be based on local standards, state statute, the rules of the commissioner, and
7.6 federal law.

7.7 Sec. 11. Minnesota Statutes 2005 Supplement, section 125A.11, subdivision 1, is
7.8 amended to read:

7.9 Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006,
7.10 when a school district provides instruction and services outside the district of residence,
7.11 board and lodging, and any tuition to be paid, shall be paid by the district of residence. The
7.12 tuition rate to be charged for any child with a disability, excluding a pupil for whom tuition
7.13 is calculated according to section 127A.47, subdivision 7, paragraph (d), must be the sum
7.14 of (1) the actual cost of providing special instruction and services to the child including
7.15 a proportionate amount for special transportation and unreimbursed building lease and
7.16 debt service costs for facilities used primarily for special education, plus (2) the amount
7.17 of general education revenue and referendum aid attributable to the pupil, minus (3) the
7.18 amount of special education aid for children with a disability received on behalf of that
7.19 child, minus (4) if the pupil receives special instruction and services outside the regular
7.20 classroom for more than 60 percent of the school day, the amount of general education
7.21 revenue and referendum aid, excluding portions attributable to district and school
7.22 administration, district support services, operations and maintenance, capital expenditures,
7.23 and pupil transportation, attributable to that pupil for the portion of time the pupil receives
7.24 special instruction in and services outside the regular classroom. If the boards involved
7.25 do not agree upon the tuition rate, either board may apply to the commissioner to fix the
7.26 rate. Notwithstanding chapter 14, the commissioner must then set a date for a hearing or
7.27 request a written statement from each board, giving each board at least ten days' notice,
7.28 and after the hearing or review of the written statements the commissioner must make an
7.29 order fixing the tuition rate, which is binding on both school districts. General education
7.30 revenue and referendum aid attributable to a pupil must be calculated using the resident
7.31 district's average general education and referendum revenue per adjusted pupil unit.

7.32 (b) For fiscal year 2007 and later, when a school district provides special instruction
7.33 and services for a pupil with a disability as defined in section 125A.02 outside the district
7.34 of residence, excluding a pupil for whom an adjustment to special education aid is
7.35 calculated according to section 127A.47, subdivision 7, paragraph (e), special education
7.36 aid paid to the resident district must be reduced by an amount equal to (1) the actual

8.1 cost of providing special instruction and services to the pupil, including a proportionate
8.2 amount for special transportation and unreimbursed building lease and debt service costs
8.3 for facilities used primarily for special education, plus (2) the amount of general education
8.4 revenue and referendum aid attributable to that pupil, minus (3) the amount of special
8.5 education aid for children with a disability received on behalf of that child, minus (4) if the
8.6 pupil receives special instruction and services outside the regular classroom for more than
8.7 60 percent of the school day, the amount of general education revenue and referendum
8.8 aid, excluding portions attributable to district and school administration, district support
8.9 services, operations and maintenance, capital expenditures, and pupil transportation,
8.10 attributable to that pupil for the portion of time the pupil receives special instruction in
8.11 and services outside the regular classroom. General education revenue and referendum
8.12 aid attributable to a pupil must be calculated using the resident district's average general
8.13 education revenue and referendum aid per adjusted pupil unit. Special education aid
8.14 paid to the district or cooperative providing special instruction and services for the pupil
8.15 must be increased by the amount of the reduction in the aid paid to the resident district.
8.16 Amounts paid to cooperatives under this subdivision and section 127A.47, subdivision
8.17 7, shall be recognized and reported as revenues and expenditures on the resident school
8.18 district's books of account under sections 123B.75 and 123B.76. If the resident district's
8.19 special education aid is insufficient to make the full adjustment, the remaining adjustment
8.20 shall be made to other state aid due to the district.

8.21 (c) Notwithstanding paragraphs (a) and (b) and section 127A.47, subdivision 7,
8.22 paragraphs (d) and (e), a charter school where more than 30 percent of enrolled students
8.23 receive special education and related services, an intermediate district, or a special
8.24 education cooperative may apply to the commissioner for authority to charge the resident
8.25 district an additional amount to recover any remaining unreimbursed costs of serving
8.26 pupils with a disability. The application must include a description of the costs and the
8.27 calculations used to determine the unreimbursed portion to be charged to the resident
8.28 district. Amounts approved by the commissioner under this paragraph must be included
8.29 in the tuition billings or aid adjustments under paragraph (a) or (b), or section 127A.47,
8.30 subdivision 7, paragraph (d) or (e), as applicable.

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

8.32 Sec. 12. Minnesota Statutes 2004, section 125A.27, subdivision 11, is amended to read:

8.33 Subd. 11. **Interagency child find systems.** "Interagency child find systems"
8.34 means activities developed on an interagency basis with the involvement of interagency
8.35 early intervention committees and other relevant community groups using rigorous

9.1 standards to actively seek out, identify, and refer infants and young children, with, or at
 9.2 risk of, disabilities, and their families, including a child under the age of three who: (1)
 9.3 is involved in a substantiated case of abuse or neglect, or (2) is identified as affected by
 9.4 illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure, to
 9.5 reduce children's need for future services.

9.6 Sec. 13. Minnesota Statutes 2005 Supplement, section 125A.28, is amended to read:

9.7 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

9.8 An Interagency Coordinating Council ~~of at least 17, but not more than 25 members~~
 9.9 is established, in compliance with Public Law ~~102-119~~ 108-446, section ~~682~~ 641. The
 9.10 members must be appointed by the governor. ~~Council members must elect the council~~
 9.11 ~~chair. The representative of the commissioner may not serve as the chair. The council~~
 9.12 ~~must be composed of at least five parents, including persons of color, of children with~~
 9.13 ~~disabilities under age 12, including at least three parents of a child with a disability~~
 9.14 ~~under age seven, five representatives of public or private providers of services for~~
 9.15 ~~children with disabilities under age five, including a special education director, county~~
 9.16 ~~social service director, local Head Start director, and a community health services or~~
 9.17 ~~public health nursing administrator, one member of the senate, one member of the~~
 9.18 ~~house of representatives, one representative of teacher preparation programs in early~~
 9.19 ~~childhood-special education or other preparation programs in early childhood intervention,~~
 9.20 ~~at least one representative of advocacy organizations for children with disabilities~~
 9.21 ~~under age five, one physician who cares for young children with special health care~~
 9.22 ~~needs, one representative each from the commissioners of commerce, education, health,~~
 9.23 ~~human services, a representative from the state agency responsible for child care, and a~~
 9.24 ~~representative from Indian health services or a tribal council. Section 15.059, subdivisions~~
 9.25 ~~2 to 5, apply to the council. The council must meet at least quarterly.~~

9.26 ~~The council must address methods of implementing the state policy of developing~~
 9.27 ~~and implementing comprehensive, coordinated, multidisciplinary interagency programs of~~
 9.28 ~~early intervention services for children with disabilities and their families.~~

9.29 ~~The duties of the council include recommending policies to ensure a comprehensive~~
 9.30 ~~and coordinated system of all state and local agency services for children under age five~~
 9.31 ~~with disabilities and their families. The policies must address how to incorporate each~~
 9.32 ~~agency's services into a unified state and local system of multidisciplinary assessment~~
 9.33 ~~practices, individual intervention plans, comprehensive systems to find children in need of~~
 9.34 ~~services, methods to improve public awareness, and assistance in determining the role of~~
 9.35 ~~interagency early intervention committees.~~

10.1 On the date that Minnesota Part C Annual Performance Report is submitted to the
 10.2 federal Office of Special Education, the council must recommend to the governor and the
 10.3 commissioners of education, health, human services, commerce, and employment and
 10.4 economic development policies for a comprehensive and coordinated system.

10.5 Notwithstanding any other law to the contrary, the State Interagency Coordinating
 10.6 Council expires on June 30, 2009.

10.7 Sec. 14. Minnesota Statutes 2004, section 125A.29, is amended to read:

10.8 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 10.9 **BOARDS.**

10.10 (a) It is the joint responsibility of county boards and school boards to coordinate,
 10.11 provide, and pay for appropriate services, and to facilitate payment for services from public
 10.12 and private sources. Appropriate services for children eligible under section 125A.02 must
 10.13 be determined in consultation with parents, physicians, and other educational, medical,
 10.14 health, and human services providers. The services provided must be in conformity with:

10.15 (1) an IFSP for each eligible infant and toddler from birth through age two and its
 10.16 the infant's or toddler's family; including:

10.17 (i) American Indian infants and toddlers with disabilities and their families residing
 10.18 on a reservation geographically located in the state;

10.19 (ii) infants and toddlers with disabilities who are homeless children and their
 10.20 families; and

10.21 (iii) infants and toddlers with disabilities who are wards of the state; or

10.22 (2) an individual education plan (IEP) or individual service plan (ISP) for each
 10.23 eligible child ages three through four.

10.24 (b) Appropriate services include family education and counseling, home visits,
 10.25 occupational and physical therapy, speech pathology, audiology, psychological services,
 10.26 special instruction, nursing, respite, nutrition, assistive technology, transportation
 10.27 and related costs, social work, vision services, case management including service
 10.28 coordination under section 125A.33, medical services for diagnostic and evaluation
 10.29 purposes, early identification, and screening, assessment, and health services necessary to
 10.30 enable children with disabilities to benefit from early intervention services.

10.31 (c) School and county boards shall coordinate early intervention services. In the
 10.32 absence of agreements established according to section 125A.39, service responsibilities
 10.33 for children birth through age two are as follows:

10.34 (1) school boards must provide, pay for, and facilitate payment for special education
 10.35 and related services required under sections 125A.05 and 125A.06;

11.1 (2) county boards must provide, pay for, and facilitate payment for noneducational
 11.2 services of social work, psychology, transportation and related costs, nursing, respite, and
 11.3 nutrition services not required under clause (1).

11.4 (d) School and county boards may develop an interagency agreement according
 11.5 to section 125A.39 to establish agency responsibility that assures early intervention
 11.6 services are coordinated, provided, paid for, and that payment is facilitated from public
 11.7 and private sources.

11.8 (e) County and school boards must jointly determine the primary agency in this
 11.9 cooperative effort and must notify the commissioner of the state lead agency of their
 11.10 decision.

11.11 Sec. 15. Minnesota Statutes 2004, section 125A.30, is amended to read:

11.12 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

11.13 (a) A school district, group of districts, or special education cooperative, in
 11.14 cooperation with the health and human service agencies located in the county or counties
 11.15 in which the district or cooperative is located, must establish an Interagency Early
 11.16 Intervention Committee for children with disabilities under age five and their families
 11.17 under this section, and for children with disabilities ages three to 22 consistent with
 11.18 the requirements under sections 125A.023 and 125A.027. Committees must include
 11.19 representatives of local health, education, and county human service agencies, county
 11.20 boards, school boards, early childhood family education programs, Head Start, parents of
 11.21 young children with disabilities under age 12, child care resource and referral agencies,
 11.22 school readiness programs, current service providers, and may also include representatives
 11.23 from other private or public agencies and school nurses. The committee must elect a chair
 11.24 from among its members and must meet at least quarterly.

11.25 (b) The committee must develop and implement interagency policies and procedures
 11.26 concerning the following ongoing duties:

11.27 (1) develop public awareness systems designed to inform potential recipient
 11.28 families, especially parents with premature infants, or infants with other physical risk
 11.29 factors associated with learning or development complications, of available programs
 11.30 and services;

11.31 (2) to reduce families' need for future services, and especially parents with premature
 11.32 infants, or infants with other physical risk factors associated with learning or development
 11.33 complications, implement interagency child find systems designed to actively seek out,
 11.34 identify, and refer infants and young children with, or at risk of, disabilities ~~and their~~
 11.35 families, including a child under the age of three who: (i) is involved in a substantiated

12.1 case of abuse or (ii) is identified as affected by illegal substance abuse or with withdrawal
 12.2 symptoms resulting from prenatal drug exposure;

12.3 (3) establish and evaluate the identification, referral, child and family assessment
 12.4 systems, procedural safeguard process, and community learning systems to recommend,
 12.5 where necessary, alterations and improvements;

12.6 (4) assure the development of individualized family service plans for all eligible
 12.7 infants and toddlers with disabilities from birth through age two, and their families, and
 12.8 individual education plans and individual service plans when necessary to appropriately
 12.9 serve children with disabilities, age three and older, and their families and recommend
 12.10 assignment of financial responsibilities to the appropriate agencies;

12.11 ~~(5) encourage agencies to develop individual family service plans for children with~~
 12.12 ~~disabilities, age three and older;~~

12.13 ~~(6)~~ implement a process for assuring that services involve cooperating agencies at all
 12.14 steps leading to individualized programs;

12.15 ~~(7)~~ (6) facilitate the development of a transitional plan if a service provider is not
 12.16 recommended to continue to provide services;

12.17 ~~(8)~~ (7) identify the current services and funding being provided within the
 12.18 community for children with disabilities under age five and their families;

12.19 ~~(9)~~ (8) develop a plan for the allocation and expenditure of additional state and
 12.20 federal early intervention funds under United States Code, title 20, section 1471 et seq.
 12.21 (Part C, Public Law ~~102-119~~ 108-446) and United States Code, title 20, section 631, et
 12.22 seq. (Chapter I, Public Law 89-313); and

12.23 ~~(10)~~ (9) develop a policy that is consistent with section 13.05, subdivision 9, and
 12.24 federal law to enable a member of an interagency early intervention committee to allow
 12.25 another member access to data classified as not public.

12.26 (c) The local committee shall also:

12.27 (1) participate in needs assessments and program planning activities conducted by
 12.28 local social service, health and education agencies for young children with disabilities and
 12.29 their families; and

12.30 (2) review and comment on the early intervention section of the total special
 12.31 education system for the district, the county social service plan, the section or sections of
 12.32 the community health services plan that address needs of and service activities targeted
 12.33 to children with special health care needs, the section on children with special needs in
 12.34 the county child care fund plan, sections in Head Start plans on coordinated planning and
 12.35 services for children with special needs, any relevant portions of early childhood education
 12.36 plans, such as early childhood family education or school readiness, or other applicable

13.1 coordinated school and community plans for early childhood programs and services, and
 13.2 the section of the maternal and child health special project grants that address needs of and
 13.3 service activities targeted to children with chronic illness and disabilities.

13.4 Sec. 16. Minnesota Statutes 2004, section 125A.32, is amended to read:

13.5 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN.**

13.6 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall
 13.7 include:

13.8 (1) a parent or parents of the child;

13.9 (2) other family members, as requested by the parent, if feasible to do so;

13.10 (3) an advocate or person outside of the family, if the parent requests that the
 13.11 person participate;

13.12 (4) the service coordinator who has been working with the family since the
 13.13 initial referral, or who has been designated by the public agency to be responsible for
 13.14 implementation of the IFSP and coordination with other agencies including transition
 13.15 services; and

13.16 (5) a person or persons involved in conducting evaluations and assessments.

13.17 (b) The IFSP must include:

13.18 (1) information about the child's developmental status;

13.19 (2) family information, with the consent of the family;

13.20 (3) measurable results or major outcomes expected to be achieved by the child
 13.21 and the family, with the family's assistance, that include the developmentally appropriate
 13.22 preliteracy and language skills, and criteria, procedures, and timelines related to the results
 13.23 or outcomes;

13.24 (4) specific early intervention services based on peer-reviewed research, to the
 13.25 extent practicable, necessary to meet the unique needs of the child and the family to
 13.26 achieve the outcomes;

13.27 (5) payment arrangements, if any;

13.28 (6) medical and other services that the child needs, but that are not required under
 13.29 the Individual with Disabilities Education Act, United States Code, title 20, section 1471
 13.30 et seq. (Part C, Public Law ~~102-119~~ 108-446) including funding sources to be used in
 13.31 paying for those services and the steps that will be taken to secure those services through
 13.32 public or private sources;

13.33 (7) dates and duration of early intervention services;

13.34 (8) name of the service coordinator;

13.35 (9) steps to be taken to support a child's transition from early intervention services to
 13.36 other appropriate services, including convening a transition conference at least 90 days, or

14.1 at the discretion of all parties, not more than nine months before the child is eligible for
 14.2 preschool services; and

14.3 (10) signature of the parent and authorized signatures of the agencies responsible
 14.4 for providing, paying for, or facilitating payment, or any combination of these, for early
 14.5 intervention services.

14.6 Sec. 17. Minnesota Statutes 2004, section 125A.33, is amended to read:

14.7 **125A.33 SERVICE COORDINATION.**

14.8 (a) The team developing the IFSP under section 125A.32 must select a service
 14.9 coordinator to carry out service coordination activities on an interagency basis. Service
 14.10 coordination must actively promote a family's capacity and competency to identify,
 14.11 obtain, coordinate, monitor, and evaluate resources and services to meet the family's
 14.12 needs. Service coordination activities include:

14.13 (1) coordinating the performance of evaluations and assessments;

14.14 (2) facilitating and participating in the development, review, and evaluation of
 14.15 individualized family service plans;

14.16 (3) assisting families in identifying available service providers;

14.17 (4) coordinating and monitoring the delivery of available services;

14.18 (5) informing families of the availability of advocacy services;

14.19 (6) coordinating with medical, health, and other service providers;

14.20 (7) facilitating the development of a transition plan at least 90 days before the time
 14.21 the child is no longer eligible for early intervention services, or at the discretion of all
 14.22 parties, not more than nine months before the child is eligible for preschool services,
 14.23 if appropriate;

14.24 (8) managing the early intervention record and submitting additional information to
 14.25 the local primary agency at the time of periodic review and annual evaluations; and

14.26 (9) notifying a local primary agency when disputes between agencies impact service
 14.27 delivery required by an IFSP.

14.28 (b) A service coordinator must be knowledgeable about children and families
 14.29 receiving services under this section, requirements of state and federal law, and services
 14.30 available in the interagency early childhood intervention system.

14.31 Sec. 18. Minnesota Statutes 2004, section 125A.48, is amended to read:

14.32 **125A.48 STATE INTERAGENCY AGREEMENT.**

14.33 (a) The commissioners of the Departments of Education, Health, and Human
 14.34 Services must enter into an agreement to implement this section and Part H C, Public
 14.35 Law ~~102-119~~ 108-446, and as required by Code of Federal Regulations, title 34, section
 14.36 303.523, to promote the development and implementation of interagency, coordinated,

15.1 multidisciplinary state and local early childhood intervention service systems for serving
 15.2 eligible young children with disabilities, birth through age two, and their families and
 15.3 to ensure the meaningful involvement of underserved groups, including children with
 15.4 disabilities from minority, low-income, homeless, and rural families, and children with
 15.5 disabilities who are wards of the state. The agreement must be reviewed annually.

15.6 (b) The state interagency agreement must outline at a minimum the conditions,
 15.7 procedures, purposes, and responsibilities of the participating state and local agencies
 15.8 for the following:

15.9 (1) membership, roles, and responsibilities of a state interagency committee for
 15.10 the oversight of priorities and budget allocations under Part H C, Public Law ~~102-119~~
 15.11 108-446, and other state allocations for this program;

15.12 (2) child find;

15.13 (3) establishment of local interagency agreements;

15.14 (4) review by a state interagency committee of the allocation of additional state and
 15.15 federal early intervention funds by local agencies;

15.16 (5) fiscal responsibilities of the state and local agencies;

15.17 (6) intraagency and interagency dispute resolution;

15.18 (7) payor of last resort;

15.19 (8) maintenance of effort;

15.20 (9) procedural safeguards, including mediation;

15.21 (10) complaint resolution;

15.22 (11) quality assurance;

15.23 (12) data collection;

15.24 (13) an annual summary to the state Interagency Coordinating Council regarding
 15.25 conflict resolution activities including disputes, due process hearings, and complaints; and

15.26 (14) other components of the state and local early intervention system consistent
 15.27 with Public Law ~~102-119~~ 108-446.

15.28 Written materials must be developed for parents, IEIC's, and local service providers
 15.29 that describe procedures developed under this section as required by Code of Federal
 15.30 Regulations, title 34, section 303.

15.31 Sec. 19. Minnesota Statutes 2004, section 125A.515, subdivision 1, is amended to read:

15.32 Subdivision 1. **Approval of education programs.** The commissioner shall
 15.33 approve education programs for placement of children and youth in ~~care and treatment~~
 15.34 residential facilities including detention centers, before being licensed by the Department
 15.35 of Human Services ~~under Minnesota Rules, parts 9545.0905 to 9545.1125 and 9545.1400~~
 15.36 ~~to 9545.1480~~, or the Department of Corrections ~~under Minnesota Rules, chapters 2925,~~

Department of Education Administrative Bill
2006 Legislative Session
SF 2994

Includes references to House 06-1161 Amendment.

Revised 3-13-06

The Department of Education's administrative bill includes both policy and technical changes affecting numerous provisions in Minnesota Statutes. Below is a summary of these proposed changes:

Article 1 – General Education Revenue

*MDE contact for additional information on all provisions in this article:
Tom Melcher 582-8663 or Tom.Melcher@state.mn.us*

Section 1. Age Limitations; Pupils (1702*). Amends Minnesota Statutes, Section 120A.20, subd. 1. Clarifies the upper limit of age eligibility for free public schooling, corresponding to current practice. This clarification is cross-referenced in the changes in “Revenue Calculations for Students Ages 21 and Older,” below.

Section 2. Alternative Compensation Revenue Amount (1761). Amends Minnesota Statutes 2005, Section 122A.415, subd. 1, by requiring school districts to establish reserve accounts for alternative teacher compensation revenue (“Q Comp”), ensuring that unspent balances are set aside for the intended purposes.

Section 3. Revenue Timing - Q-Comp Charter School Funding Cap Technical Correction (#1710). Corrects an error in 2005 laws relating to the calculation of the cap on Q Comp aid for charter schools for FY 2008 and later. Also, the statute would be amended to clarify that allocations to intermediate school districts would count toward the school district portion of the funding. Amend Minnesota Statutes 2005, Section 122A.415, subd. 3.

Sections 4 (See 06-1161 Amendment), 6, 7, 8, and 13. Revenue Calculations for Students Ages 21 and Older (#1702). Clarifies that students ages 21 or older are not eligible to generate pupil units used in calculating general education and other revenues. The proposal would remove obsolete references to adult students ages 21 and older in Minnesota Statutes, Sections 120A.20, subd. 3; 123A.06, subd. 2; and 124D.68, subs. 2 and 3. It would also clarify the definition of pupil unit in Minnesota Statutes, Section 126C.05, subd. 1. In 2003, adult graduation revenue was rolled into the Adult Basic Education (ABE) appropriation. Therefore, adults ages 21 and older were no longer eligible to generate adult graduation aid after FY 2003. However, references to eligible adults remain in statutes. The proposed changes correspond with current interpretation and practice.

Section 5. Expenditures by Building – Q Comp Revenue Reporting Clarification (#1744). Amend Minnesota Statutes, Section 123B.76, subd. 3, to clarify that Q Comp revenue is to be reported at the building level as it is generated under the Q comp

formula, and is not to be reported on a uniform per pupil basis across the entire district. This subdivision of statute specifies how MDE is to report school district revenues by building for the school report cards. It should be updated to reflect the new Q comp revenue provision enacted in 2005.

Section 9. Definitions – Clarify Sparsity Revenue Calculations (1745). Amends Minnesota Statutes, Section 126C.10, subd. 6, to clarify that charter schools are not considered when determining elementary or secondary sparsity revenue for regular public schools. Sparsity aid law predates the charter school law, and funding for each charter school includes the state average sparsity revenue per pupil unit (a relatively small number), rather than what it would generate if considered a school for sparsity aid calculation purposes. This change would be consistent with current practice.

Section 10. Payment to Unemployment Insurance Trust Fund by State and Political Subdivisions. (#1712). Clarifies reemployment insurance levy calculations. Adds language requiring districts to return the unspent portion of their past reemployment levies. The intent is to reduce any remaining reserve balances each year only by the amount of the district's current year levy authority. Amend Minnesota Statutes, Section 126C.43, Subd. 2. The statute as modified would reflect current practice.

Section 11. Safe Schools Levy Clarification (#1701 and 1761). Amends Minnesota Statutes, Section 126C.44 (Safe Schools Levy) to clarify that:

- the requirements to attempt to contract with a county is only for police liaison services; and
- funding may be spent on any of five allowable uses.

In addition, this section would be amended to require each school district to establish a reserve account for the safe school levy to ensure that any unspent balances are set aside for the intended purposes. Finally, a technical change would be made to strike unnecessary language excluding the safe schools levy from a district's levy limitations. The law specifies how the levy limit is to be calculated, so striking this language will eliminate some confusion and have no effect on school district levies.

Sections 12. Payments to School Nonoperating Funds and Aid Payment Percentage (#1703). Amends Minnesota Statutes, Section 127A.45, subd. 10, so that advance payments may be made for state-paid tax credits in the debt service fund as well as for debt service equalization aid currently allowed to districts with negative cash flow in the debt fund.

Section. 13. Repealer (#1702). Repeals Minnesota Statutes, Section 120A.20, subd. 3, "Admission to Public School for Pupils at Least 21 Years of Age – see Sections 4, 6, 7, and 8 above for explanation.

MDE Contact for all Article 1 Provisions: Tom Melcher – 582-8828 or Tom.Melcher@state.mn.us

Article 2 – Education Excellence

Section 1 (06-1161 Amendment). Parent Defined; Residency Determined (#1747).

Amends Minnesota Statutes, Section 120A.22, subd. 3, to ensure that students are not removed from a school over residency disputes without appropriate due process procedures determined by the school board. These procedures must include, at a minimum, notice to the parent and an opportunity for the parent to be heard.

MDE Contact: Amy Roberts – 582-8482 or Amy.Roberts@state.mn.us

Delete (See 06-1161 Amendment). Section 2. Benchmarks; Standards Revision Cycle (#1714).

Amends Minnesota Statutes, Section 120B.023, to lengthen the standards revision cycle from four to six years and change the implementation date from 2006-2007 to 2009-2010. This would extend the standards revision cycle from four years to six years, allowing the commissioner to establish a rotation schedule focusing on one subject area per year. It would also change the date of the revision cycle's implementation from 2006-07 to 2009-10 so that standards in each subject area will be revised after an adequate period of implementation (at least 4 or more years after full implementation).

MDE Contact: Beth Aune – 582-8751 or Beth.Aune@state.mn.us

Section 3. Reimbursement for Examination Fees - College-Level Examination Program (CLEP) (#1715).

Amends Minnesota Statutes 2005, Section 120B.131, subdivision 2. Eliminates a requirement that bases reimbursement of student fees on earning a satisfactory score on one or more CLEP examinations.

MDE Contact: Beth Aune – 582-8751 or Beth.Aune@state.mn.us

Section 4 (06-1161 Amendment). Exclusions and Expulsions (#1753). Assures that all long term removals of students are reported to the Commissioner of Education as required by Minnesota Statutes, Section 121A.53. Amend this statute so that districts must report as expulsions each occurrence of a student being removed for an extended period of time through alternate procedures. The purpose is to give meaning to the intent of the statute by disallowing the current practice of some districts to remove students outside of the formal expulsion process and then not reporting the removal as expulsion. Specifically, the statute should be amended to read that : “The school board shall report each exclusion or expulsion or any other removal action taken in lieu of an exclusion or expulsion within 30 days of the effective date of the action to the commissioner of education.”

MDE Contact: Amy Roberts – 582-8482 or Amy.Roberts@state.mn.us

Section 5. Online Learning Parameters (#1755). Amends Minnesota Statutes, Section 124D.095, subd. 4(c), to ensure that the Online Learning Option Act (OLL) does not discriminate against children with disabilities. Elimination of paragraph (c) would ensure that a student with disabilities may enroll in an OLL course or program without a predetermination by the student's IEP team.

MDE Contact: Amy Roberts – 582-8482 or Amy.Roberts@state.mn.us

Section 6. Transportation (#1700). Amends Minnesota Statutes, Section 124D.10, subd. 16(a), to clarify that a charter school must notify the school district whether or not it will be using the transportation services of the school district in which it is located. The change would conform to current practice.

MDE Contact: Tom Melcher – 582-8828 or Tom.Melcher@state.mn.us

Section 7. General Requirements for Programs (#1759). Amends Minnesota Statutes 2005, Section 124D.61, by establishing clear, minimal expectations for programs serving Limited English Proficiency (LEP) students. Current statute defines several terms, but nowhere specifies the minimum components of service that LEP students should receive. Since LEP students only generate State LEP revenue if they receive services, the service requirements should be specifically laid out.

MDE Contact: Paul Magnuson – 582-8649 or Paul.Magnuson@state.mn.us

{Also a Separate Bill in Senate} Section 8. Laws 2005, First Special Session Chapter 5, Article 2, Section 81; Board of School Administrators Rulemaking Authority (1757). Authorizes general rulemaking authority for the Board of School Administrators (BOSA). “Expedited” rulemaking authority was provided in 2005 (First Special Session Laws, Chapter 5 Article 2, Section 81); however, the board is now planning for more comprehensive rule changes than anticipated when authority was granted last year for technical and clarifying amendments. Effective the day following final enactment.

Board of School Administrators Contact: Marc Boehlke – (651) 999-7387 or Mboehlke@msbsa.org

Section 9 (See Amendment 06-1161). Laws 2005, First Special Session Chapter 5, Article 2, Section 84, subd. 13; AP/IB Examination Fees; Teacher Training and Support Programs (#1716). Amends Laws 2005, First Special Session Chapter 5, Article 2, Section 84, subd. 13, to provide greater flexibility in administering and implementing the Advanced Placement and International Baccalaureate Programs. possible, since registration and other fees vary by institution and the cost is determined by where the training is offered. Original bill would repeal (c), which specifies that, from the appropriations, at least \$500,000 each year must be used for teachers to attend subject matter summer training programs and follow-up support workshops. **Amendment** would permit unused appropriations for teacher training to be used for student exam fees and other support programs.

MDE Contact: Beth Aune – 582-8751 or Beth.Aune@state.mn.us

Section 10 (See 06-1161 Amendment). Science Teachers (#1737). Allows a practicing, tenured licensed science teacher to add a 9-12 science field to their valid science license by taking the relevant Praxis II Science Subject Test and achieving the qualifying score established by the Board of Teaching (BOT). This would allow teachers, especially in rural areas, an additional avenue to obtain the appropriate licenses without insurmountable barriers.

Effective the day following final enactment.

MDE Contact: Dan Bittman – 582-8807 or Daniel.Bittman@state.mn.us

Add Section 11 (See 06-1161 Amendment) – School Accountability Report

Article 3 – Special Programs

Sections 1-10. Alternative Dispute Resolution – Parental Consent (1748). Amends Minnesota Statutes, Section 125A.091, to bring state law into compliance with recent changes in federal special education due process requirements, part of the Individuals with Disabilities Education Improvement Act of 2004. Following is a brief description of each section:

- **Section 1 (See 06-1161 Amendment). Parental Consent.** Aligns state law with the consent requirements under the new federal law, 20 U.S.C. § 1414(a)(1)(D). Parental consent must be obtained before conducting an initial evaluation to determine whether a child is eligible for special education and related services. When consent for evaluation is obtained, it is not consent for services. If a parent does not consent to an initial evaluation, and because a district will initiate evaluation in order to ensure student success in school, the district is required to seek alternative dispute resolution in order to obtain consent or, if necessary, prove to a state hearing officer that the child should to be evaluated. Once a child is evaluated and demonstrates eligibility for services, parents may be more willing to consent to the initial provision of services. If parents do not consent to the initial provision of special education and related services, the school district may not seek a state hearing officer's order to approve the placement. In such a case, the district will not violate the requirement to provide a free appropriate public education to the child. A district is required to obtain consent before conducting new testing as part of a re-evaluation. A district is permitted to seek a state hearing officer's approval for such testing, if consent is refused, and the district believes the testing is necessary to complete the evaluation. This is to ensure students already receiving special education and related services obtain appropriate programming based on current data.
- **Section 2. Conciliation Conference.** Minnesota has long had provisions for conciliation conferences when a special education dispute arises. These provisions are popular and work well for schools and families. Changes in federal law create a similar process, referred to as a "resolution session," but which has different procedures. This proposed change will help comply with federal law and maintain our current working conciliation process without creating new inefficiencies in hearings.
- **Section 3. Mediation.** The proposed change simply moves a provision from current subdivision 10 to this subdivision. The move is technical and the language, concerning the timing of providing mediation following a hearing request, is more appropriate here than under the subdivision concerning mediation agreements.
- **Section 4. Mediated Agreements.** Aligns state law with federal law concerning who from the school district must sign a mediated agreement and the agreement's enforceability. The change specifically gives parties the right

to use conciliation court to enforce such agreements, thereby ensuring an efficient method to do so and accountability for the agreements.

- **Section 5. Impartial Due Process Hearing.** The proposed changes include the two year period in which to initiate a due process hearing and the exceptions to that rule, in accordance with federal law at 20 U.S.C. § 1415(f)(3)(C).
- **Section 6. Hearing Officer Qualifications.** Aligns Minnesota law with changes in federal law at 20 U.S.C. § 1415(f)(3)(A) concerning the qualifications of hearing officers. Also added is the provision regarding the disqualification of a hearing officer, which is currently located in subdivision 14 (Section 7).
- **Section 7. Request for Hearing and Resolution Meeting.** Aligns Minnesota law with changes in federal law regarding the aforementioned resolution sessions. See 20 U.S.C. § 1415(f)(1). Current provisions detailing the procedure for requesting a hearing are removed since procedural matters are best left to the implementing agency to determine and adjust as necessary to ensure an effective and efficient process. The provision regarding the disqualification of a hearing officer is moved to subdivision 13 (Section 6).
- **Section 8. Prehearing Conference.** The proposed change is necessary to allow for the new 30 day resolution session period. It also includes a change from five business to seven calendar days for the time in which to hold an initial pre-hearing conference, a modification based on comments received from our hearing officers.
- **Section 9. Expedited Due Process Hearings.** Makes all policies in 125A.091 apply to expedited due process hearings to the extent they do not conflict with this subdivision of state statute, rather than federal law. Federal law has been changed to be much more prescriptive, but less effective in terms of having certain hearings occur more quickly. Minnesota currently has a process that works in ensuring expedited hearings are, in fact, prompt. Thus, it continues to comply with federal requirements. But specific alignment with federal law in this case would result in much longer “expedited” hearings since the timelines in federal law rely on school days, not calendar or business days.
- **Section 10. Hearing Officer’s Decision; Time Period.** The proposed change is necessary to align Minnesota law with federal law concerning the 30 day resolution session period.

MDE Contact: Barbara Case – 582-8247 or Barbara.Case@state.mn.us

Section 11. Nonresident Tuition Rate; Other Costs (#1735). Amends Minnesota Statutes 2005, Section 125A.11, subd. 1, to correct an error made in 2005 Laws. This change would reflect the original intent regarding how the tuition rate for students placed in a nonresident district and how the aid adjustment to the resident district should be determined.

MDE Contact: Tom Melcher – 582-8828 or Tom.Melcher@state.mn.us

Sections 12-18. Interagency Early Childhood Intervention System (#1739). Amends Minnesota Statutes, Sections 125A.27 through 125A.30; 125A.32 through 125A.33; and

125A.48. The changes would comply with federal requirements set forth in the reauthorization of the Individuals with Disabilities Education Act (IDEA). These changes are necessary to ensure full approval of Minnesota's FY 2006 Part C state plan, which must be submitted to the federal Office of Special Education Programs (OSEP) no later than June 30, 2006. Minnesota received conditional approval of its FY 2006 application until state policies are revised to meet new federal requirements. Below is a brief summary of each section composing this proposal:

- **Section 12. Interagency Child Find Systems.** Amends Minnesota Statutes 2004, section 125A.27, subdivision 11, , to comply with federal requirements to use rigorous standards in outreach when referring young children, including children under age 3, in substantiated abuse or neglect cases or as affected by illegal substance abuse and exposure.
- **Section 13. State Interagency Coordination Council.** Amends Minnesota Statutes 2005, section 125A.28, by eliminating specific council membership requirements and duties. Also, federal law references would be updated.
- **Section 14. Responsibilities of County Boards and School Boards.** Amends Minnesota Statutes 2004, section 125A.29, to specify services for Indian infants and toddlers with disabilities and their families and for infants and toddlers and their families who are homeless or wards of the state as required by federal law.
- **Section 15. Interagency Early Intervention Committees.** Amends Minnesota Statutes 2004, section 125A.30, as required in federal law to provide outreach to parents with premature infants or infants with other risk factors, including substantiated case of abuse and illegal substance abuse, in order to reduce need for future services. Also, federal law references are updated.
- **Section 16. Individualized Family Service Plan.** Amends Minnesota Statutes 2004, section 125A.32, to specify as required by federal law that the dedicated service coordinator coordinate with other agencies. Also, services are to produce measurable results for children in the areas of preliteracy and language skills based on peer research to the extent practicable. A conference must be held at least 90 days but not more than nine months prior to transition from early intervention services to other appropriate services. Federal law references are also updated.
- **Section 17. Service Coordination.** Amends Minnesota Statutes 125A, 33, to develop, not more than nine months prior to the child's eligibility for preschool services, a transition plan for a child no longer eligible for early intervention services This additional time period, which would be at the discretion of all parties, is required by federal law.
- **Section 18. State Interagency Agreement.** Amends Minnesota Statutes 125A.48, to update federal citations and specify involvement at the state and local level of underserved groups, as specified in federal law.

MDE Contact: Barbara O'Sullivan – 582-8422 or Barbara.Osullivan@state.mn.us

Sections 19-25, 28, and 29. Placement of Students-Care and Treatment (1722). Amends Minnesota Statutes, Section 125A.515, which directs MDE to approve education programs in certain care and treatment facilities. The goal of this legislative initiative is

to clarify Section 125A.515 to improve the statute's efficiency, to resolve an existing conflict between the statute and Minnesota Rule, Part 3525.2325, and to reduce existing confusion among school districts. Most importantly, the initiative will clarify school district responsibilities for the children affected by the statute and make clear that all children unable to attend school due to accident or illness, including those placed in their homes, must receive at least the minimum required education services provided for in Minnesota Rule, Part 3525.2325. Following is a brief description of each section:

- **Section 19 (See 06-1161 Amendment). Approval of Education Programs.** Amends Minnesota Statutes 125A.515, subdivision 1 to eliminate outdated and unnecessary citations and clarifies that the statute applies only to Department of Human Services (DHS) or Department of Corrections (DOC) licensed facilities.
- **Section 20 (See 06-1161 Amendment). Responsibilities for Providing Education.** Amends Minnesota Statutes 125A.515, subdivision 3, to eliminate redundant recitation of fact that placement in licensed facility does not alter a student's eligibility for special education be they eligible or ineligible.
- **Section 21 (See 06-1161 Amendment). Education Programs for Students Placed in Licensed facilities.** Amends Minnesota Statutes section 125A.515, subdivision 5, to clarify that the statute applies only to DHS or DOC licensed facilities.
- **Section 22. Exit Report Summarizing Educational Progress.** Amends Minnesota Statutes section 125A.515, subdivision 6, to clarify that the statute applies only to DHS or DOC licensed facilities.
- **Section 23. Minimum Educational Services Required.** Amends Minnesota Statutes section 125A.515, subdivision 7, to clarify that the statute applies only to DHS or DOC licensed facilities.
- **Section 24. Reimbursement for Education Services.** Amends Minnesota Statutes section 125A.515, subdivision 9, to clarify that the statute applies only to DHS or DOC licensed facilities.
- **Section 25. Students Unable to Attend School but Not Covered by this Section.** Amends Minnesota Statutes 125A.15, subdivision 10, to make clear that students who are unable to attend school for 15 or more days due to accident or illness are entitled to education services as set forth in Minnesota Rule 3525.2325.
- **Section 28. Department of Education Rules.** Requires MDE to amend rules to conform to this section of statutes as amended.
- **Section 29. Repealers.** Repeals 125A.515, subd. 2, the current definition of care and treatment placement since the statute is limited to facilities licensed by DHS or DOC and care and treatment is a broader definition found in Minnesota Rule 3525.2325. See below, Section 29, for description of 125A.10.

MDE Contact: Barbara Case – 582-8247 or Barbara.Case@state.mn.us

Section 26. Advisory Committees (#1723). Amends Minnesota Statutes, Section 125A.63, Subd. 4, to require that these advisory committees submit annual reports on a form prescribed by the commissioner. The reports will provide MDE with needed information for the new federally required State Performance Plan (SPP) and will establish a system of accountability. The amendment would also authorize the

department, rather than the Special Education Advisory Council, to establish an advisory committee for each resource center.

MDE Contact: Eric Kloos – 582-8268 or Eric.Kloos@state.mn.us

Section 27. Travel Aid (#1740). Amends Minnesota Statutes, Section 125A.75, subd. 1, to clarify that district reimbursement for “necessary travel of essential personnel” is defined as mileage reimbursement rather than the capital costs of vehicles purchased or leased for use of essential personnel providing home-based services. A recent inquiry raises the question as to whether this aid could be used for reimbursing the cost of vehicle purchase or lease. This aid program, which reimburses districts for staff travel costs, was not intended as a capital funding tool.

MDE Contact: Tom Melcher – 582-8828 or Tom.Melcher@state.mn.us

Section 29. Repealers

- **125A.10 (#1726).** This provision relates to a 1999-enacted incentive for local interagency program planning to occur for students with disabilities, ages 3-21. This provision is deemed obsolete. Minnesota Statutes, Sections 125A.23 and 125A.027, now address the implementation and development of a statewide interagency coordinated service system for students with disabilities, ages birth through 21.

MDE Contact: Robyn Widley – 582-1143 or Robyn.Widley@state.mn.us

- **125A.515, subd. 2 (1722).** This subdivision defines “care and treatment placement,” which is no longer needed because of changes proposed above, Sections 19-25; 28, and 29 – “Placement of Students-Care and Treatment.”

MDE Contact: Barbara Case – 582-8247 or Barbara.Case@state.mn.us

Article 4 – Nutrition and Accounting

Section 1 (See 06-1161) Amendment). Repealer (1752). Repeals Minnesota Statutes, Section 123B.10, eliminating a requirement for school districts to publish a budget summary for the current and prior fiscal years in the newspaper by October 1 each year. This change is recommended by MDE’s Advisory Committee on Financial Management, Accounting, and Reporting. Among the reasons for this repeal: Data are not considered accurate (October 1 is two months before the deadline for submitting final audited UFARS data); similar information is now available on the report card; budget information is now presented in truth and taxation hearings; and many districts publish the information on their Websites. **Amendment** would modify this reporting requirement, not repeal it. The report due date would be moved to a more reasonable date and districts could publish it on their Web sites.

MDE Contact: Tom Melcher – 582-8828 or Tom.Melcher@state.mn.us

Article 5 – Self-Sufficiency and Lifelong Learning {Also Included in Separate Senate Bill}

Section 1. First Prior Program Year (1728). Amends Minnesota Statutes, Section 124D.518, subd. 4, to adjust the Adult Basic Education (ABE) reporting year so that it conforms to the ABE academic year. The definition of “first prior program year” would be changed to mean “the specific time period defined by the commissioner of education that aligns to a program academic year.” Under current definitions, ABE program administrators do not have an opportunity to record annual performance outcomes, such as GED completions that often occur in the last two months of the academic year. Providing the commissioner with flexibility to establish the reporting year dates precludes the need for future date changes in law.

MDE Contact: Barry Shaffer – 582-8442 or Barry.Shaffer@state.mn.us

Section 2. Program Requirements (1730). Amends Minnesota Statutes, Section 124D.52, subd. 1, to establish student eligibility and competency requirements for attaining a high school diploma in Adult Basic Education programs. The commissioner would establish student eligibility and competency demonstration requirements.

MDE Contact: Barry Shaffer – 582-8442 or Barry.Shaffer@state.mn.us

Article 6 – Early Childhood Education {Also Included in Separate Senate Bill}

Sections 1-6. Head Start (1725). Amends Minnesota Statutes 2005, Sections 119A.50, 119A.52, 119A.53, and 119A.545 to reflect legislative intent and current agency practice in administering Head Start after the 2003 legislature consolidated appropriations for the program into a single line item. Also, revisions are necessary to bring state statutes up-to-date with recent changes in federal law, and allow state funds to be used to supplement services provided by new Head Start grantees.

- **Section 1. Department of Education.** Amends Minnesota Statutes, Section 119A.50, subdivision 1, to reflect agency practice of allocating funds rather than making grants.
- **Section 2. Distribution of Appropriation.** Amends Minnesota Statutes, Section 119A.52, to include all federally designated Head Start programs. Changes the term grantees to programs to more accurately align with department methods of allocating funds. Eliminates unnecessary language resulting from the addition of Minnesota Statutes, Section 119A.535.
- **Section 3. Federal Requirements.** Amends Minnesota Statutes, Section 119A.53, to change the term “grantees” to “programs” and clarify under which section innovative initiatives are allowed.
- **Section 4. Application Requirements.** Adds a new section (119A.535) to describe the process under which programs must apply for funds. Includes specific requirements for applications.
- **Section 5. Authority to Waive Requirements During Disaster Periods.** Amends Minnesota Statute 2004, section 119A.545, to reflect renumbered and

new statutes. Changes the term “grantees” to “programs.” Eliminates specific legislative committee names due to committee changes.

- **Section 6. Head Start Program.** Amends 2005 Session Laws (First Special Session Chapter 5, Article 7, Section 20, Subdivision 5) by providing carryover authority within the biennium for Head Start appropriations.
- **Section 7. Repealer.** Repeals definitions in Minnesota Statutes, Section 119A.51, which are no longer applicable to Head Start programs.

MDE Contact: Michelle Weber – 582-8880 or Michelle.Weber@state.mn.us

Article 7 – State Agencies

Section 1. Out-of-State Admissions – Minnesota State Academies. Amends Minnesota Statutes, Section 125A.69, subdivision 3. Effective beginning in fiscal year 2001, requires the academies to deposit in the special revenue fund any money received from another state for costs of out-of-state admission. This money is credited to the general operating account of the academies. A recent audit of the state academies revealed that they incorrectly deposited \$102,000 of general education grant revenue in the Special Revenue Fund instead of the General Fund. The academies received the revenue in lieu of out-of-state tuition. A retroactive statutory change would correct this problem.

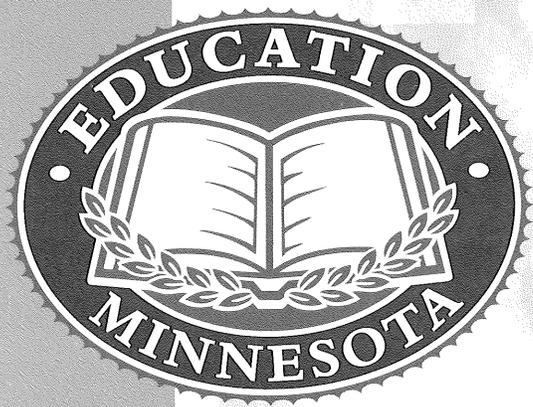
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*Legislative tracking numbers used by Executive Branch

3-13-06

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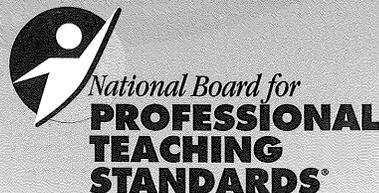


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Teachers who are National Board Certified outperformed their peers on every one of 13 key dimensions of good teaching and the differences were statistically significant on 11 of them. In addition, students of National Board Certified Teachers were twice as likely as students with non-National Board Certified Teachers to have a deep understanding of content.

Bond, L. et al. (2000) *The Certification System of the National Board for Professional Teaching Standards: A Construct and Consequential Validity Study.*
Center for Educational Research and Evaluation: University of North Carolina at Greensboro.

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The National Board for Professional Teaching Standards is rooted in the belief that the single most important action this country can take to improve schools and student learning is to strengthen the teaching profession. Learn about National Board Certification on the NBPTS Web site.

National Board Certification— A Research Based Process

National Board Certification, a voluntary process, provides a choice for experienced teachers who seek advanced certification and validation of their skills. National Board Certification measures a teacher's practice against high and rigorous research-based standards. The process is an extensive series of performance-based assessments that includes teaching portfolios, student work samples, videotapes and thorough analyses of the teacher's classroom teaching and student learning. In addition, teachers must successfully complete a series of written exercises that probe the depth of their subject-matter knowledge. As a result, National Board Certified Teachers have demonstrated that they know their content area, how to teach it, and how to reach all children, leaving none behind—they are highly accomplished teachers.

NBPTS began in 1987, following recommendations on improving the teaching profession from the Carnegie Reports "A Nation at Risk" and "A Nation Prepared." The Board—

representing teachers (the majority), other educators, elected officials, parents and business persons—has developed standards for 24 certificate areas in different subject matter areas and at different developmental levels, all centered around five core propositions.

The National Board work is based on long established research that identifies and recognizes sound educational practices resulting in improved student achievement. Additionally, NBPTS has commissioned more than 140 studies, reports and papers on the value of the National Board Certification process, as well as its standards and assessments. NBPTS has subjected itself to a higher standard of research and validation than any other certifying board in the United States; and it continues its research agenda through a recently launched aggressive and well-funded research initiative to obtain further knowledge and evidence of the most effective ways to increase student achievement and improve our schools.

The National Board's mission is to advance the quality of teaching and learning by:

- Maintaining high and rigorous standards for what accomplished teachers should know and be able to do,
- Providing a national voluntary system certifying teachers who meet these standards, and
- Advocating related education reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers.

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Merle Price, Deputy Superintendent for Instruction
L.A. Unified School District, CA

The Five Core Propositions: The Foundation for Excellence

The NBPTS research-based core propositions—examples of research are listed below—are expressions of the effectiveness, knowledge, skills, dispositions and commitments of the accomplished teacher. NBPTS standards for each field and developmental level are centered on the propositions, and have direct applicability in the classroom.

Core Proposition 1:

Teachers are committed to students and their learning.

What this means: National Board Certified Teachers (NBCTs) know that all students can learn. NBCTs recognize individual differences in their students and adjust their practices accordingly. They treat students equitably, knowing that each student needs different tools and support to learn effectively. NBCTs mission extends beyond developing the cognitive capacity of their students. Teachers are also concerned with their students' self-concept, with their motivation, with the effects of learning on peer relationships, and with the development of character, aspiration and civic virtues.

What it looks like in the classroom: NBCTs get to know each student in their classrooms as individuals. To respond to individual differences, teachers must know many things about the particular students they teach: Alex has a stutter, Maria loves science fiction, Toby is anxious about mathematics, Marcus is captivated by jazz. Accomplished teachers also know much more—whom their students go home to every night, how they have previously performed on standardized tests, what sparks their interest. This kind of specific understanding is used constantly in deciding how to best tailor instruction.

What research shows:

- Expert teachers know the abilities, experiences and backgrounds of students and the facility in which they teach. *Housner L.D. & Griffey D.C (1985). Teacher cognition: differences in planning and interactive decision making between experienced and inexperienced teachers. Research Quarterly for Exercise and Sport, 56, 45-54.*
- Expert teachers know their students personally in order to know what variations are needed in teaching. *Berliner, D.C. (1987, April). Expert and novice interpretations of classroom data. Paper presented at the annual meeting of the American Educational Research Association, Washington, D.C.*
- Expert teachers have “extensive, accessible knowledge that is organized for use in teaching; and knowledge of the political & social context in which teaching occurs.” *(Sternberg, R.J. & Horavath, J.A. (1995). A prototype of expert teaching. Educational Researcher. 24(6), 9-17.*

“It is clear that teachers certified by NBPTS are dedicated and talented individuals who genuinely care about their profession ... and I have found them to be at the top of their profession. Most importantly, they care about their students.”

U.S. Senator Larry Craig, Idaho

“The success of any school is firmly rooted in the expertise of its staff, and by achieving National Board Certification, our teachers have shown that they embrace high standards both for themselves and their students. The state of Virginia is proud to support National Board Certification, a professional development experience grounded in research and helping to place a highly qualified teacher in every classroom throughout the state.”

Gov. Mark Warner, Virginia

Core Proposition 2:

Teachers know the subjects they teach and how to teach those subjects to students.

What this means: Accomplished teachers have mastery over all the subject matter content they are responsible for teaching—as well as a deep and rich contextual knowledge and an understanding of the history, structure and real-life applications

of those subjects. NBCTs have skill and experience in teaching these subjects; they are familiar with the preconceptions and skill gaps students typically bring to this particular discipline, and fluently use multiple, diverse teaching strategies to teach for understanding.

How it looks in the classroom: NBCTs are passionate about the subjects they teach! They work tenaciously with students of all abilities and interest levels—and demonstrate their conviction that *everyone* can do algebra, or write a persuasive letter. They are not afraid to try something new or unusual; what counts is capturing interest, engaging students, and reaching for depth and excellence. An NBCT finds alternate teaching methods and strategies when the student is struggling with a subject.

“We [Maryland] are at a point where we are working harder than ever to ensure that highly qualified teachers are in every classroom. The work that the National Board for Professional Teaching Standards is doing in this area is exceptional and greatly benefits our nation’s students.”

Nancy S. Grasmick

State Superintendent of Schools, Maryland

What research shows:

- Expert teachers are more able to deal with the multidimensionality of the classroom. Sabers, D.S., Cushing, K.S., & Berliner, D.C. (1991). *Differences among teachers in a task characterized by simultaneity, multidimensionality, and immediacy.* American Educational Research Journal, 28(1), 63-88.
- Expert teachers have more understanding of the how and why of student success and identify and use the most relevant information in decision-making. Leinhardt, G. (1983). *Novice and expert knowledge of individual student's achievement.* Educational Psychology, 18(3), 165-179.
- Expert teachers set challenging student goals and structure situations so students can achieve them. Locke, E.A., & Latham, G.P.P. (1992). *A theory of goal setting and task performance.* Englewood Cliffs, NJ: Prentice Hall.

March 2004 University of Washington Study on National Board Certified Teachers

An independent, multi-year study of more than 600,000 student records from students in North Carolina schools has found that children learn more from National Board Certified Teachers (NBCTs). The scientifically based study, by the University of Washington which was funded by the U.S. Department of Education, adds to the growing body of evidence demonstrating that National Board Certification identifies teachers who enhance student achievement.

This performance differential was most pronounced for younger and lower-income students whose gains were as high as 15 percent.

“This independent research is welcome news and it confirms what we have always known: National Board Certification is the gold standard in teaching and teachers who earn this distinction are among the most effective teachers in our classrooms today,” says NBPTS Board Chair Roy E. Barnes. “The study provides state and national policymakers with proof that National Board Certification is a smart investment.”

Core Proposition 3:

Teachers are responsible for managing and monitoring student learning.

What it Means: NBCTs deliver instruction effectively, in a climate expressly created for maximum learning. They use multiple and varied instructional resources—print, media, audio and human. These teachers move fluently through a range of instructional techniques, keeping students engaged and focused. They are expert assessors, and know how to keep students motivated.

How it Looks in the Classroom: Each hour is different! You will see students in multiple configurations—working in pairs or alone, enthusiastically and exuberantly, using technology or creating “by hand.” The classroom climate is warm and accepting—students understand that mistakes are opportunities for learning, and every child makes a contribution. NBCTs assess by observing, analyzing student work, informally evaluating and formally testing—and when the results show gaps, new instructional techniques are tried.

What research shows:

- Expert teachers use different strategies for solving problems—they see situations in broader contexts, are flexible and use information that appears meaningless to others. *Larkin, J.H., McDermott, J., Simon, D.P., & Simon, H.A. (1980). Expert and novice performance in solving physics problems. Science, 208, 1335-1342.*

“One of the beautiful things about National Board [Certification] is its focus on student learning ... These are [teachers] who will boost student learning and contribute toward narrowing the achievement gap.”

Elizabeth Burmaster

State Superintendent of Public Instruction, Wisconsin

- Expert teachers problem solve with respect to each student's performance in the class. *Houser, L.D., & Griffey, D.C. (1985). Teacher cognition: differences in planning and interactive decision making between experienced and inexperienced teachers. Research Quarterly for Exercise and Sport, 56, 45-53.*
- Expert teachers engage all students in tasks and feedback, and monitor their progress. *Clarridge, P. (1989, March) Alternative perspectives for analyzing expertise in teaching. Paper presented at the annual meeting of the American Education Research Association, San Francisco, CA.*
- Expert teachers can detect when students lose interest and are not understanding. *Berliner, D.C. (1988). The development of expertise in pedagogy. Paper presented at the annual meeting of the American Association of Colleges for Teacher Education, New Orleans, LA.*

“Throughout the district, we found that students generally scored higher with teachers who are National Board Certified compared to students with non-board certified teachers.”

John Deasy, Superintendent
Santa Monica-Malibu Unified School District, California

“I am convinced that the process promotes improved teaching practices. In turn, student learning is improved.”

Mendel Steward, Superintendent
Pickens County Schools, South Carolina

Core Proposition 4:

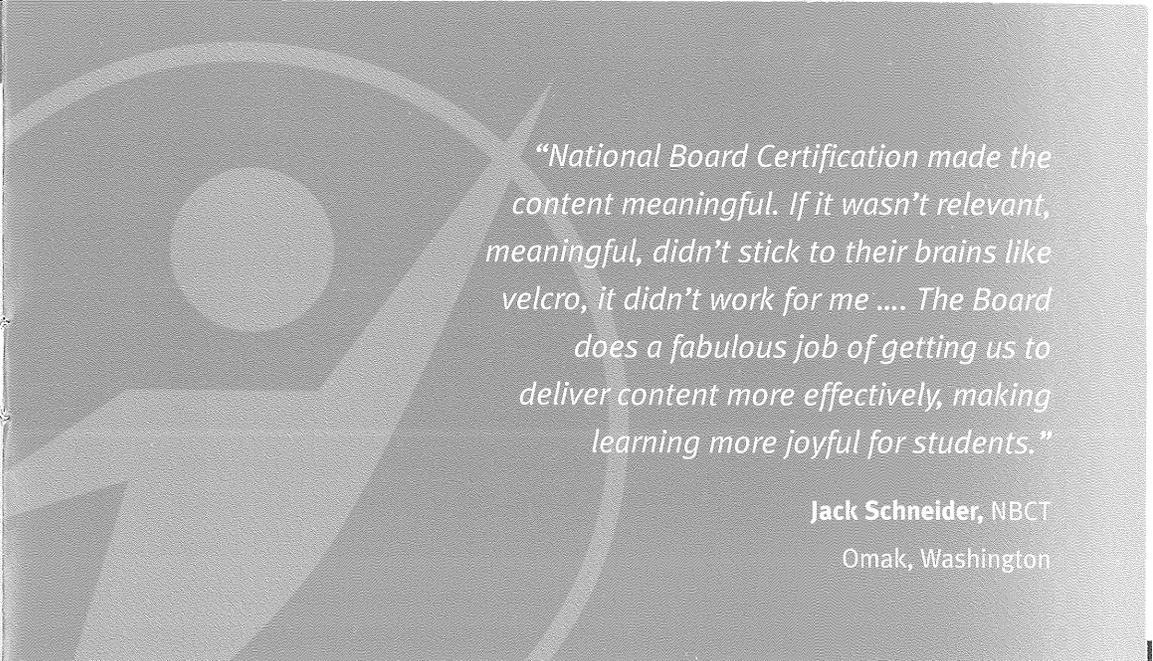
Teachers Think Systematically about Their Practice and Learn from Experience

What it Means: NBCTs model what it means to be an educated person—they read, they question, they are curious about and willing to try new things. They are familiar with learning theories and instructional strategies and stay abreast of current issues in American education. They respect the cultural and family differences students bring to their classroom. These accomplished teachers critically examine their practice on a regular basis, to deepen knowledge, expand their repertoire of skills, and incorporate new findings into their practice.

How It Looks in the Classroom: NBCTs use today's results to structure lessons for tomorrow. They have mastered the art of analysis: they spend time, every day, thinking about what went well, and what needs to be re-done—always with specific learning goals for these particular students in mind. NBCTs have flexible and adaptable lesson plans! They are excited about new ideas and challenges in their field, and thrive on thoughtful change. They love learning new ideas with and from their students. They strive to teach for understanding and mastery, not mere memorization or coverage. They make it clear to their students and colleagues that they care, deeply, about being top-notch teachers.

“You can’t make progress in student achievement unless you have excellent teachers. So we have placed a major emphasis on encouraging our staff to become National Board Certified Teachers. That’s how we’ve increased student achievement, and we have the gains to prove it.”

Dr. Daniel A. Domenech, Senior Vice President, McGraw-Hill Education,
Former Superintendent, Fairfax County (Virginia) Public Schools



“National Board Certification made the content meaningful. If it wasn’t relevant, meaningful, didn’t stick to their brains like velcro, it didn’t work for me The Board does a fabulous job of getting us to deliver content more effectively, making learning more joyful for students.”

Jack Schneider, NBCT
Omak, Washington

What research shows:

- Expert teachers adopt a deep approach to learning that has consequential effects on what and how students learn. *Biggs, J.B. (1987). The Study Process Questionnaire (SPQ) users’ manual. Hawthorn, Victoria: ACER.*
- Expert teachers evaluate possible strategies while getting further data and knowledge, thus prioritizing and reprioritizing intervention strategies. *Leinhardt, G. & Green, J (1986). The cognitive skill of teaching. Journal of Educational Psychology, 78, 75-95.*
- Expert teachers display a passion for teaching and a sense of responsibility; they inspire students to become more excited about learning. *Berliner, D.C. (1988, Feb) The development of expertise in pedagogy. Paper presented at the annual meeting of the American Association of Colleges for Teacher Education, New Orleans, LA.*

Core Proposition 5:

Teachers are Members of Learning Communities

“McNeill Elementary is like a home away from home—not only for my children, but for me as well. They welcome me as a friend when I walk through the door and help me be a part of my kids’ school life. Nothing means more to me as a parent than knowing that my kid’s teacher considers me a partner in the educational process.”

Antony Norman, Parent
Bowling Green, Kentucky

“The more expertise we bring into the classroom door, the better our kids are going to be. We need to be looking at ways to go in that direction. Maybe corporations can begin to sponsor a given number of teachers in their communities for this level of certification, as a way of getting involved.”

Dr. Leviticus Roberts, Businessman
Atlanta, Georgia

What It Means: NBCTs are active participants in collaborations with others to improve student learning. They work effectively with their teacher-colleagues in departments, buildings and districts, and act as teacher leaders in policy, curriculum and staff development projects, locally and beyond their school district. They actively seek partnerships with community groups and businesses. These accomplished teachers work creatively with their students’ parents and other family members to improve learning opportunities.

How it looks in the classroom: The door is always open in an NBCT’s classroom—open for family members, teacher-colleagues, and members of the community. Students are used to visitors, and welcome business leaders and local speakers, who have been discovered and invited by their teacher. Older and younger students may drop by to tutor or share a special skill, and families feel respected and valued as partners. Students know that their teacher works closely with other teachers and staff because those people are also familiar faces and are as likely to teach the math lesson as the “regular” teacher. There are regular and innovative means of communication with parents and family—and channels for parents to speak openly to teachers.

What research shows:

- Parental involvement positively affects eighth-grade student achievement. *Keith, T.Z., & Keith, P.B. (1993) School Psychology Review, 22(3), 474-496. EJ486048.*
- Hispanic parental involvement increases student learning. *Schribner, J.D., Young, M.D., & Pedroza, A. (1999). Lessons from high-performing Hispanic schools: Creating learning communities (pp.36-60). New York, NY: Teachers College Press.*
- Business and community involvement increases student achievement. *Hughes, K.L., Bailey, T.R., & Mechur, M.J. (2001). School-to-work: Making a difference in education. A research report to America. New York, NY: Institute on Education and the Economy, Teachers College, Columbia University. ED4493654.*

“The National Board helped me to realize the importance of families as allies in educating their children.”

Beth Poole, NBCT
Cumming, Georgia

“The connection with parents is highly stressed. We know as teachers we only have the students for a certain part of the day. They have to go home and practice what we’ve taught, and the parents have them for the rest of their lives.”

Susie Chow, NBCT
Los Angeles, California

“NBPTS has raised the standard of the teaching profession. The business community will continue to recognize and support the National Board because it succeeds in advancing the profession and in helping our children become the productive citizens we need them to be.”

Kerry Killinger, Chairman, President and CEO
Washington Mutual Insurance Companies

How do NBCTs address key educational issues?

Here's what policymakers, educational leaders and parents are saying about National Board Certification.

NBCTs improve student learning for all children.

- ▶ *"The most important variable in improving student learning is the teacher."*

Dan Fallon

Carnegie Foundation

- ▶ *"We have allied with NBPTS because we support high quality teaching that provides immediate benefits to students in the classroom."*

Sue Zurvalec, President

American Association of School

Personnel Administrators

NBCTs meet high and rigorous standards in subject area and teaching performance in the same manner that students meet state standards.

- ▶ *"The best way I know to improve student learning is to improve the standards for educators—they are the ones who make it happen."*

Dick Niemyer, Superintendent

Omak Schools, Washington

- ▶ *"Teachers who attempt the demanding National Board assessments have signaled their willingness to hold themselves to the highest professional standard."*

Reg Weaver, President

National Education Association

- ▶ *"National Board Certification is an important part of our effort to improve student achievement and professionalize teaching."*

Sandra Feldman, Past President

American Federation of Teachers

NBCTs understand and know how to teach to standards and know how to individualize that instruction to every student.

- ▶ *"She uses different strategies ... Her strategies have helped not only my son but many children in this classroom who would not have excelled if they were in a regular class environment."*

Susanna Lovermi, Parent

Dade County, Florida

- ▶ *"What it really says is I'm holding my students up to standards they'll find anywhere else in the country."*

Rusty Curtis, NBCT

Social Studies and Government

Ripley Union Lewis

Huntington High School, Kentucky

NBCTs tend to remain in the classroom and in their profession.

- ▶ *“Attracting new teachers and retaining the talented teachers already living in Florida remains a top priority for Florida. National Board Certification is one of the best ways we can both reward our talented teachers and meet new state and federal mandates for quality teaching.”*

Gov. Jeb Bush, Florida

- ▶ *“National Board Certification ... aids our retention efforts by allowing accomplished, experienced teachers an opportunity for recognition and additional compensation while staying in the classroom where we need them most.”*

Gov. Paul Patton, Kentucky

NBCTs as teacher leaders help raise the quality of teaching in schools and districts as school improvement plans are implemented across America.

- ▶ *“With high expectations and greater public accountability for academic achievement, it is imperative that schools are staffed with the best trained, most capable faculty possible. It is through National Board Certification that principals can best support and develop the teachers in their schools, and thus greatly improve teaching and learning.”*

Dr. Gerald N. Tirozzi

Executive Director
National Association of
Secondary School Principals

- ▶ *“The power of National Board Certification is that it not only provides the foundation to develop and maintain a focus on quality teaching and instruction and the development of a professional and collegial learning community in our buildings for all staff; but it also enhances the opportunity to engage NBCT staff as emerging leaders of school reform that is meaningful and sustainable.”*

Paul McMahan, Principal
Patrick Henry High School
Minneapolis, Minnesota

- ▶ *“National Board Certified Teachers set a standard of excellence in teaching and are emerging as strong leaders in their schools and communities.”*

Sylvia Auton, Director
Staff Development, Fairfax County, Virginia

- ▶ *“The professional development aspects of the National Board Certification application process help good teachers become better teachers and also role models for less-experienced educators in every state.”*

Sandy Garrett
State Superintendent of Public Instruction,
Oklahoma

- ▶ *“There is no greater priority than to ensure that there is a qualified teacher in every classroom to help our children reach their full potential, and I applaud the NBPTS for their work in helping us reach that goal.”*

U.S. Senator Edward Kennedy, Massachusetts

“When I entered this program, I heard scores of testimonies from NBCTs saying that I would never be the same teacher, or even person, when I completed this endeavor. Truthfully, I scoffed at this. I was, or so I thought, a great teacher and could not imagine a program that would or even could change me so dramatically.

“I was wrong. I now look at my teaching differently and more thoroughly every single day. My views of children, their parents, and each individual situation go directly to my heart. I search myself, and yes, I search all around me, pulling from each and everyone I run into for ways to ensure each child experiences success and reaches his or her potential.

“The journey through this program will forever be outweighed by the outcome of my growth of my love for teaching and my desire for each of my children in my class to be the best they can be.

“Thank you for providing a program to the teachers of our country that challenges us, prods us, stretches us, and then assures us that we make the greatest difference of all.”

Peggy Kessler

NBCT

Dry Prong, Louisiana

This project is funded in part with grants from the U.S. Department of Education and the National Science Foundation. Through September 2004, NBPTS has been appropriated federal funds of \$139.2 million, of which \$127.1 million was expended. Such amount represents approximately 35 percent of the National Board Certification project. More than \$237 million (65 percent) of the project's cost was funded by non-federal sources.

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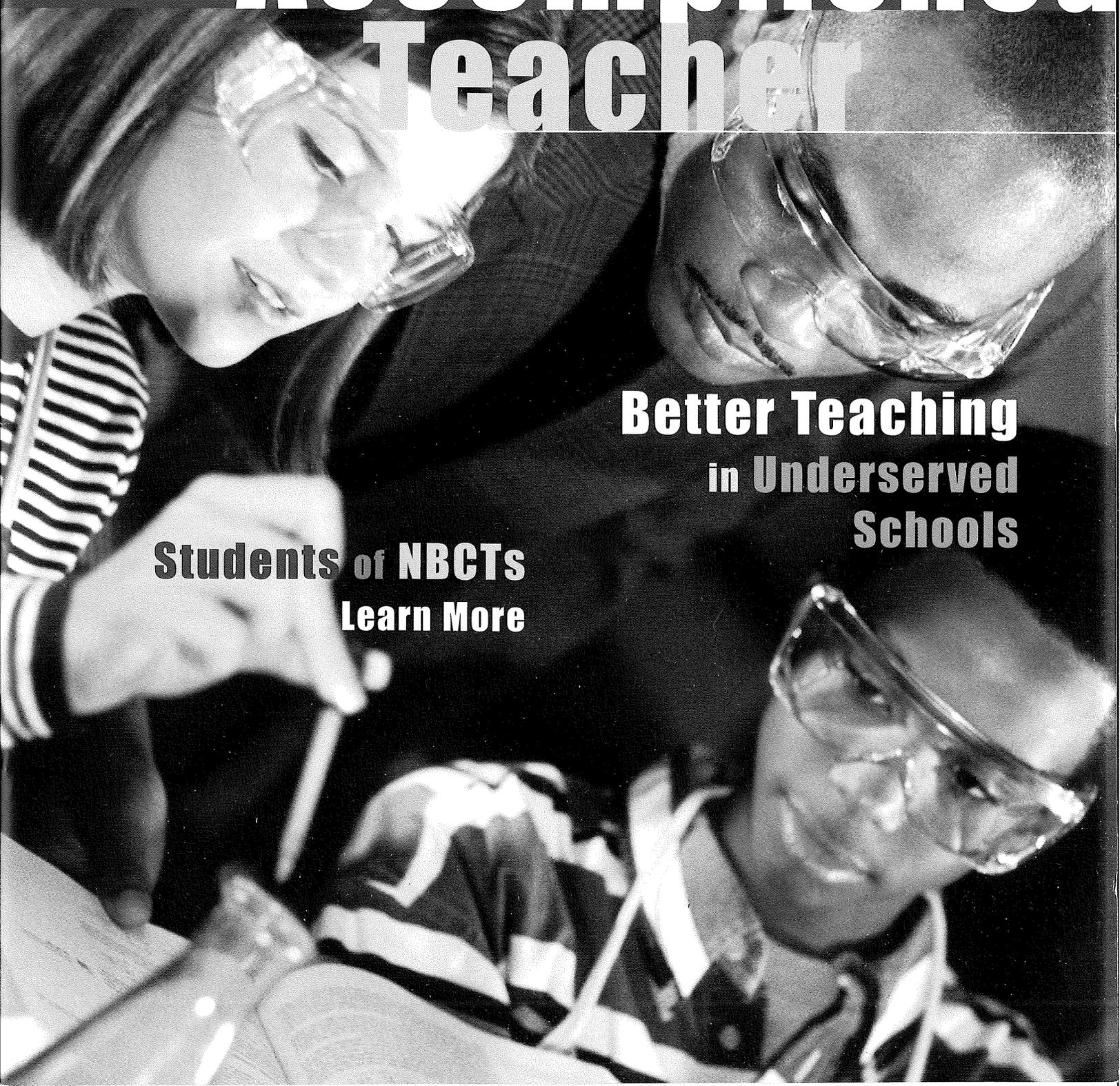


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Accomplished Teacher

**Better Teaching
in Underserved
Schools**

**Students of NBCTs
Learn More**



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From The President



Encouraging More NBCTs, Proving Their Value

In November 2004, the National Board for Professional Teaching Standards® (NBPTS) passed a significant milestone. The 8,000 teachers who achieved National Board Certification® that month brought the total number of National Board Certified Teachers® (NBCTs) to more than 40,000.

Considering that the first “class” of NBCTs in 1995 had just 86 members, growth like that is worth celebrating. But we know that the true value of having highly accomplished teachers lies in the learning that takes place in their classrooms. And we know that even 40,000 NBCTs is still far too few.

This special edition of *Accomplished Teacher* explores two topics of vital interest to all who value National Board Certification as a route to genuine education reform:

- How NBPTS is working to grow the number of NBCTs in the schools that need them most, schools in urban and rural communities where high poverty can limit student learning opportunities.
- How research is documenting the very real learning gains that students experience when NBCTs are their teachers.

We know that highly accomplished teachers — NBCTs included — are often under-represented in America’s most needy schools. NBPTS is committed to improving the quality of teaching and learning in schools serving poor urban and rural communities, and is doing something about it.

Our Targeted High Need Initiative (THNI) program aims to increase the number of teachers seeking and achieving National Board Certification. It has been in operation for over three years in more than 20 high-poverty communities nationwide. Currently, there are 18 THNI sites.

The program is based on the simple idea that local education challenges can best be met with local solutions. Rather than “importing” highly accomplished teachers from outside, the THNI program cultivates the talent of teachers already at work in high-need schools. The Appalachia Educational Laboratory in December 2004 issued a report that validates this approach, arguing that locally based teacher professional development programs hold the greatest promise for improving local schools. Significantly, some of the THNI program’s most important work is happening in rural Appalachia.

In the following pages, five case studies spell out how NBPTS’s THNI program builds community and professional coalitions to leverage National Board Certification as a tool for education reform in high-need schools.

Elsewhere in this issue of *Accomplished Teacher*, you will read about three major research studies that confirm what many have long believed — that National Board Certified Teachers do a measurably better job of helping their students learn more. All released in 2004 and all based on the highest research standards, the studies document impressive learning gains among diverse groups of students. Those gains span locales — from Arizona to Miami to North Carolina — and grade levels as well, covering students in both elementary and secondary schools. Researchers analyzed data from both state and national tests to conclude that students of NBCTs experience greater learning gains than students of non-NBCTs.

NBPTS has always been committed to a rigorous program of research on the effectiveness of National Board Certification as an education reform strategy. As you will learn, proof of its effectiveness is accumulating.

That is good news for NBPTS and National Board Certified Teachers. But it is even better news for America’s school children. NBCTs — all 40,207 of them — are hard at work bringing better teaching, better learning and better schools to communities across our nation.

Dr. Joseph A. Aguerrebere
President

National Board for Professional
Teaching Standards



Bringing

Better

Teaching

and Learning

to underserved schools

The National Board for Professional Teaching Standards' Targeted High Need Initiative (THNI) is designed to increase the number of teachers seeking and achieving National Board Certification in high-poverty urban and rural schools. Operating at sites across the United States, the THNI program's ultimate goal is to ensure that students in all schools have the opportunity to learn from highly accomplished teachers.

It's no secret that, too often, students most in need are the least likely to have access to our most capable teachers. However, research shows that National Board Certified Teachers are particularly effective when teaching lower-income students, and there is evidence that African-American and Hispanic students may experience important gains when they have NBCTs as teachers.

For underserved students and those who teach them, National Board Certification represents a genuine opportunity to provide a better education in communities that need it most.

Students in schools served by THNI sites often suffer from extremely high levels of poverty. In some Appalachian communities where THNI programs operate, as many as 90 percent of students are eligible for free or reduced-price lunches. In Milwaukee, 87 percent of students get such assistance, while 69 percent do in New Orleans.

It is well documented that teachers in high-need schools often lack the opportunity, time and resources to pursue in-depth professional development such as National Board Certification. The THNI program aims to remove many of those barriers. At each THNI location, a site coordinator works closely with state education officials, school districts, local colleges and universities, and the business community to encourage teachers to seek National Board Certification and support them while they go through the process.

At all THNI sites, teachers can take advantage of standards-based professional development workshops, and master teachers offer peer mentoring and candidate support. At virtually all sites, partnerships with higher education institutions (including many historically black colleges and universities) provide an environment in which teachers focus on

achieving their professional development goals. Local affiliates of the American Federation of Teachers and National Education Association provide support at several THNI sites.

On the following pages, you'll learn about five of NBPTS's THNI sites, including program goals, indicators of success and lessons learned. Although these THNI sites differ geographically and demographically — ranging from the urban schools of New Orleans to the rural settings of Appalachian Ohio and West Virginia — they all share an unwavering focus.

By bringing the National Board Certification process to where the highest need exists, NBPTS's THNI program promises to improve teaching and learning for a student population that is too often left behind. 

THE THNI PROGRAM CURRENTLY OPERATES IN:

ARKANSAS
(LITTLE ROCK)

CALIFORNIA
(BERKELEY, OAKLAND)

GEORGIA
(ATLANTA)

ILLINOIS

KENTUCKY

MARYLAND
(BALTIMORE,
PRINCE GEORGE'S COUNTY)

LOUISIANA
(NEW ORLEANS)

MISSISSIPPI

NEW YORK
(ROCHESTER)

NORTH CAROLINA

OHIO

PENNSYLVANIA

TENNESSEE

TEXAS
(CORPUS CHRISTI)

VIRGINIA

WEST VIRGINIA

WISCONSIN
(MILWAUKEE)

Building Infrastructure for Rural Teachers in Illinois

In Illinois, NBPTS's Targeted High Need Initiative builds on an existing statewide infrastructure to bring the benefits of the National Board Certification process to teachers in traditionally underserved rural areas. The initiative relies on strategic outreach efforts and careful tracking to ensure that teachers from rural communities have access to the process and the high-quality professional development it embodies. Teachers who have already achieved National Board Certification play an important role in recruiting and supporting others who want to become National Board Certified Teachers.

National Board Certification has a long history of success in Illinois, and the state ranks eighth nationwide in total number of NBCTs. But most of the state's NBCTs teach in the Chicago Public Schools and a few suburban districts that have strong National Board Certification programs in place. This project extends the program into all of the state's communities, especially some of the most rural.

The program involves several key components. It trains and promotes collaboration of NBCT leaders to deliver awareness sessions, pre-candidacy recruitment sessions, candidate support and mentor training. It also develops and disseminates materials, resources and curricula to NBCTs who provide candidate support. A Web site and other online resources increase access for teachers in locations throughout the state.

KEY GOALS

NBPTS teamed with the National Board Resource Center at Illinois State University to extend National Board Certification opportunities throughout the state. The university is known nationwide as a strong teacher-education institution, and the THNI program is a natural extension of the university's work. Four key goals guide the project:

- Ensure equity and access across the state by allowing local NBCT consultants to develop individual and customized programs that respond to local needs within their communities.
- Build NBCTs' capacity to mentor candidates and assume other leadership roles to improve education in the state. The program makes a variety of resources available to NBCTs to support them in their roles.
- Engage large numbers of NBCTs in the program — at least half of those in the state — and offer a range of ways in which NBCTs could get involved.
- Support overall state educational goals by marshalling NBCTs to help address particular challenges in literacy instruction. This positions NBCTs as resources for improving education throughout the state.

INDICATORS OF SUCCESS

- Increasing numbers of minority teachers and teachers from previously underserved communities are becoming candidates for National Board Certification.
- Candidate volume in rural Illinois — the project's targeted area — doubled in the first year and continues to grow.

- Policymakers and stakeholders in the business community now demonstrate greater support for National Board Certification as a valuable route toward improving teaching and learning in Illinois schools.

LESSONS LEARNED

- **Personal relationships make a critical difference in building support for the THNI program and delivering it.** Program coordinators and NBCT consultants continue to reach out to stakeholders across Illinois, at both the state and local levels. Those relationships have helped maintain support for the program, even as tough economic conditions have forced schools to reduce or eliminate professional development resources.
- **One-to-one marketing works.** Increasing candidate participation from teachers in minority populations also relies on building personal relationships. Teacher-to-teacher outreach works better than broader, less direct

recruitment strategies such as putting flyers in teachers' mailboxes. Teachers feel welcomed into the process when they hear about it personally from NBCTs.

- **Get real.** Communications about the program work best when they focus on solving problems and fulfilling the needs of particular individuals and organizations. Program coordinators and other leaders need to be able to answer when a skeptic asks, "NBCTs, so what?" The most effective communications position Illinois NBCTs and the services of the National Board Resource Center as resources that satisfy emerging needs in Illinois education.

NEXT STEPS

As the number of NBCTs across the state continues to grow and NBCTs build their capacity to influence change and improve education, program supporters have come to understand the critical role strong teachers play in improving education. 



VOICES FROM THE FIELD...

"This was a very rewarding experience for me. I felt like I was giving back to my community by exposing educators to the possibilities that exist with NBPTS. I was thrilled at the level of participation at all of the meetings that I held. I am still receiving kudos from those who attended."

Gwendolyn Lee, Ph.D.
Associate Superintendent of Schools
Thornton Township, District 205, Illinois

"The National Board Certification process has profoundly changed the way my professional community views accomplished teaching by focusing teachers on best practice as it directly relates to student learning. Because of what they have learned through this process, NBCTs in my area have been able to impact the quality of professional development activities in their own schools, resulting in positive changes for student learning."

Becky Hatch-Prochaska
NBCT Coordinator, Kindergarten Teacher
Goodrich School, Woodridge, Illinois

Kentucky's Goal: At Least One NBCT in Every School

Kentucky is one of several Appalachian region states in which NBPTS is focusing its Targeted High Need Initiative.

Within Kentucky, support for National Board Certification was growing as a result of statewide incentives and support. Kentucky legislation passed in 2000 set a goal of having at least one National Board Certified Teacher in every public school by 2010. Building on that momentum, the THNI program enables state coordinators to expand outreach, provide systematic mentoring to candidates and target some of the state's most rural areas.

The Kentucky program is led by NBCTs who work outside of school hours to conduct informational meetings, offer pre-candidacy programs, mentor candidates and expand support for the program through outreach to potential partners. Well-defined and planned program structures and systems ensure that all candidates have equal access to quality support opportunities.

KEY GOALS

To help increase the number of Kentucky teachers seeking National Board Certification, NBPTS and its partner, Western Kentucky University, set six goals:

- Provide NBCTs with significant and meaningful professional development opportunities to support them in their roles as mentors, keep them connected and give them ways to continue growing professionally.
- Carefully track participation to ensure that teachers in all schools and counties are involved in the program.
- Seek the commitment of NBCTs to help lead and plan the program. NBCTs worked as a group to write a strategic plan for the state's program.

- Establish a strong, well-organized candidate-support process that includes consistent mentor training and a well-defined series of support activities and opportunities. The process ensures a quality program and guarantees equity across the state.
- Obtain uniquely collaborative support from universities in the area. Several universities offer candidate support and technical assistance and recognize NBCTs as professional leaders by involving them in key university roles.
- Establish a Statewide Advisory Group including NBCTs, education leaders, legislators and business representatives. The group provides input and direction for all components of the program.

INDICATORS OF SUCCESS

- There has been significant growth in candidate participation. When the THNI program began in the 2002–03 school year, 113 teachers participated. The average number of candidates has more than doubled in the following two years.
- Support from partners — including businesses, banks and universities — is increasing, and a number of new partners have signed on.
- District leaders report a change in school climate, including improved attitude and improved teacher ability.
- Teachers who have participated in the National Board Certification process believe they are becoming more effective. Surveys of candidates show that 85 percent say they develop stronger curricula, 93 percent say they are better teachers, 96 percent have developed better ways to evaluate student learning and 84 percent report greater collaboration with other teachers.

LESSONS LEARNED

- **The long view matters.** Coordinators and other THNI program leaders have found that it pays to emphasize supporting advanced candidates (those teachers who do not achieve on their first attempt and choose to continue their pursuit of certification over the next two years).
- **Keep score.** Accountability measures for mentors, put in place by THNI coordinators, help ensure quality candidate support.
- **Pre-candidacy support is critical.** Initially, a large percentage of teachers withdrew from the process before completing their portfolios. Program coordinators stemmed the tide by refining the pre-candidacy program to make sure candidates entered the process with the best information possible.
- **Use the personal touch.** Coordinators use an instructional process that recognizes the individual needs of involved teachers — both the mentors and the candidates.

Participants complete a self-reflection document that helps coordinators and support providers better understand each teacher's learning style, previous professional development experiences and teaching philosophy and approach.

NEXT STEPS

A number of activities have been established to help coordinators maintain the momentum and integrity of the program. Coordinators are working to increase school districts' commitments to provide professional development funds that will pay for candidate support. In addition, they are seeking out more partners from the business community. Coordinators have also secured commitments from universities to provide direct support to candidates, institutionalize NBPTS standards into teacher education programs and engage NBCTs as adjuncts and teachers-in-residence. They are also working with educational cooperatives and consortiums to provide mentoring programs, provide informational meetings and host pre-candidacy workshops. 



VOICES FROM THE FIELD...

"All the teachers at our school — National Board Certification candidates and others — experienced benefits. The candidates had increased confidence in their abilities to do what's right for kids. Other teachers were able to see new ways to do things. They learned, along with the candidates, to question what they were doing to do a better job for their kids."

*Cecilia Stephens, Elementary Supervisor
Monroe County Schools, Kentucky*

"National Board Certification is the epitome of what professional development should be. There's nothing out there that will make a greater impact on classroom teaching than this process. Educators can't help but become more effective classroom teachers simply by going through the process. I think of National Board Certification as 'the great equalizer'... all teachers, regardless of being in a rural, inner city or model school must meet the same requirements and standards for exemplary performance. Through this process, leaders are created in classroom teachers."

*Holly Ross, NBCT
Russell Independent School District, Kentucky*

New Orleans Builds Support Systems for Candidates

Although Louisiana had 172 National Board Certified Teachers when the THNI program began three years ago, only six taught in New Orleans, the state's largest urban district. To help boost those numbers, NBPTS and its partners in the New Orleans Public Schools built a program that takes advantage of Louisiana's strong statewide program to recruit and support urban candidates for National Board Certification. The program draws upon the expertise and resources of the state program to support THNI activities.

In the first year, program coordinators hoped to involve 25 candidates, but response was so strong that 59 candidates participated. With so few NBCTs in the district, the challenge was to develop a system that would enable that small handful to support many candidates. Using the state's candidate support program as a model, program coordinators found that they could offer monthly candidate-support meetings organized around in-depth and authentic professional development topics. Online interactions between mentors and candidates augmented the meetings. As a result, almost 100 percent of the candidates who started the program completed it.

The district is now expanding its menu of professional development options to support National Board Certification and offers a series of NBPTS standards-based workshops. Additionally, district leaders have discovered hidden talents within the teachers who participated; they are tapping those teachers' expertise to improve overall teaching and learning across the system.

KEY GOALS

In addition to building upon successful strategies already in place at the state level — including a candidate-selection process, mentor training programs and the candidate-support process — the New Orleans THNI program had these goals:

- Offer rich, authentic professional development content through candidate-support sessions.
- Develop significant and consistent support from the district, especially with marketing efforts.
- Collaborate with the University of New Orleans, which offers an introductory course taught by an NBCT. The district pays the tuition for teachers to participate in that course. Xavier University also offers continuing education workshops for candidates.
- Extend learning opportunities to all teachers in the district by developing and offering standards-based professional development around such topics as learning styles, multiple intelligences, authentic assessment and differentiated instruction.

INDICATORS OF SUCCESS

- District principals now frequently request NBPTS standards-based professional development workshops for entire school staffs. They have noticed better teaching and learning in the classrooms of participating teachers.
- In the first year, candidate participation was more than double the recruitment goal of 25 teachers. Almost every teacher who started the process completed it.

- Teachers participating in the process have formed new professional collaborations and partnerships, breaking down long-standing social patterns and connections.

LESSONS LEARNED

- **Capacity counts.** Because of greater than expected demand, the project did not have enough NBCTs to mentor all the candidates in the first year. Project coordinators successfully looked beyond the district for mentors. While NBCTs from across the state stepped up to help, coordinators found that candidates didn't utilize them enough. After the first year, the district project was able to draw expertise from the newly certified local teachers.
- **State resources can make up local gaps.** Instead of reinventing the wheel, New Orleans program coordinators utilized the expertise and resources of the existing statewide

program. The state offers workshops for candidates, including a two-day mandatory writing institute and required training for mentors.

- **Make proactive plans.** A strong plan to help candidates manage the details and demands of the process is essential to their success. In addition to a comprehensive timeline for candidates, mentors make it a priority to keep in touch with candidates instead of waiting for candidates to call them.

NEXT STEPS

The New Orleans THNI program is a true success story. The New Orleans Public Schools now boast 42 NBCTs, up from six when the program began. The district plans to continue supporting the program and has allocated professional development money to the effort. National Board Certification is part of the district's formal professional development program. 



VOICES FROM THE FIELD...

"Supporting teachers through National Board Certification is one way we seek to grow our educators. To help educators reach the global standard for teaching in America — National Board Certification — our educators are afforded opportunities to interact with high-end content, state-of-the-art technology and high-touch personal support through online or face-to-face professional development modules. The jewel in the crown for this effort is the development of highly qualified educators in New Orleans that will impact teaching and learning in our high-needs district."

*Anthony Amato, Superintendent
New Orleans Public Schools, Louisiana*

Web is a Winner for West Virginia Candidates

Using Web-based instructional tools and a network of regional training sites, the West Virginia Targeted High Need Initiative program provides opportunities for teachers from the state's most rural areas to access National Board Certification. The online approach makes sense in West Virginia, which is located entirely within the Appalachian region, where mountainous terrain makes it challenging for teachers to meet and collaborate in person.

The Marshall University Graduate School of Education and Professional Development and the State Department of Education collaborate to run the project. The program draws on a previously established online instructional platform to provide National Board Certification candidates with professional development and 24-hour access to support and resources. National Board Certified Teachers serve as candidate mentors, and receive powerful professional development to help them help other teachers seeking National Board Certification. Mentor training focuses on coaching techniques and a support model called "Critical Friends." Additional training helps mentors understand the impact of poverty on teaching and learning.

Strategic recruitment strategies ensure that teachers from all of the state's counties and communities have opportunities to participate. Public-information initiatives spread the word to underrepresented areas. The program places special emphasis on recruiting and supporting candidates from low-achieving schools and school systems.

KEY GOALS

NBPTS has a valued partner in Marshall University's Graduate School of Education and Professional Development. University faculty and staff champion the THNI project, which has five goals:

- Engage strong instructors and mentors to lead candidate support courses.
- Employ a comprehensive marketing plan and communication strategies.
- Involve NBCTs as regional leaders who take responsibility for local communication efforts in addition to mentoring.
- Engage partners from various communities — education and business, for example — to support the program and provide facilities for regional training. The State Farm Insurance Companies provide financial support for the project.
- Use a well-established, existing online delivery platform. The program allows candidates and mentors to collaborate by region or by content area and provides information on demand.

INDICATORS OF SUCCESS

- There has been a dramatic increase in interest in National Board Certification throughout the state, with frequent requests from new counties to get involved.
- NBCTs have turned out in strong numbers to serve as mentors to candidates for National Board Certification. In fact, there were more NBCT volunteers than the program could use.
- After participating in the THNI program, West Virginia teachers were more likely to achieve National Board Certification than the national average.

LESSONS LEARNED

- A large and geographically dispersed program requires good record keeping. Coordinators quickly learned that the magnitude of the project and the number of people involved meant a strong database was essential. The project continues to grow, now involving three sites, 30 mentors and more than 40 candidates. Two new regional training sites, independently established and run, also support the program. Project coordinators developed a database to track all of the pieces of the complex initiative.
- Mentors and candidates benefit from a matchmaker. Coordinators developed a formal system for pairing mentors with candidates. They connect mentors and candidates based on personality as well as certification field and geographic area.

- Successful candidate recruitment begins with good communication. Coordinators have seen a direct relationship between communication efforts and interest. Outreach efforts include distributing information at statewide professional conferences, district staff development sessions, faculty senates and boards of education. Newspaper advertising, the statewide Web site and distribution of recruitment materials all played a role in attracting NBCT mentors and new candidates. Additionally, NBCTs local to each area have taken responsibility for coordinating meetings with administrators and organization leaders.

NEXT STEPS

Marshall University remains committed to supporting the program and already has lined up additional organizations to sponsor new regional training sites. 



VOICES FROM THE FIELD...

"Marshall University has provided the teachers in Mercer County with a framework and a support system that has enabled them to seek National Board Certification without traveling great distances to do so. The support group has provided teachers with guidance and mentoring. Continual monitoring during the process provided the constructive feedback. In addition, teachers had the opportunity to work collaboratively with colleagues who had varied expertise and an array of teaching styles.

"The impact on the local school system has been great. Teachers have focused on research-based instructional practices that increase student performance. It has provided them with the forum to discuss educational issues with other professionals. The professional growth resulting from this effort is well worth the time and effort devoted to this endeavor."

*Pat East, Title I Reading Supervisor
Mercer County Schools, West Virginia*

"The teachers who completed the program, to the person, all agreed it was the best thing they have done to strengthen their teaching skills. It's just so important with today's emphasis on accountability and demand for high-quality instruction that we encourage teachers to go through National Board Certification. I know that it has improved student achievement in Greenbrier County and we will continue to encourage our teachers to participate."

*Charles Callison, Personnel Director
Greenbrier County Schools, West Virginia*

Many Stakeholders Support Milwaukee's Model

In Milwaukee, the Targeted High Need Initiative is bolstered by a number of different organizations and groups that work together to provide a comprehensive program of teacher support and growth.

The continuum of support begins with a teacher preparation program that is aligned with state standards that mirror the National Board Standards. It links new teachers with skilled mentors. It provides veteran teachers with opportunities for meaningful, practical professional development through the National Board Certification process. Finally, it supports NBCTs in their continued professional growth as they assume new roles as teacher leaders and peer mentors. The program was designed to close the circle for teachers, supporting them at every stage of their careers.

Milwaukee, one of the 30 largest urban school districts in the United States, has more than 100,000 students and 6,800 teachers. A specialist with the Milwaukee Public Schools coordinates the THNI program. It has the support of Milwaukee Mayor Tom Barret, and significant participation from local colleges and universities, state unions, the Milwaukee Public Schools Foundation, the Wisconsin Department of Public Instruction and the Parent-Teacher Association.

Stakeholders provide support by posting information on their Web sites and sharing information through conferences, newsletters and other publications. They provide training and support for NBCTs in their roles as mentors and candidate recruiters, while also tying existing professional development programs to candidate-recruitment activities.

KEY GOALS

Starting with the support of a broad range of stakeholders allowed THNI coordinators to focus on four goals:

- Develop support for the program by increasing awareness among school principals.
- Build on a successful, grant-funded pre-candidacy course offered through Alverno College, which gives teachers the option of registering for college credit.
- Coordinate program activities with other professional development efforts already underway.
- Offer a support network (online and in conjunction with regular candidate-support workshops) for advanced candidates who are retaking portions of the assessment.

INDICATORS OF SUCCESS

- The number of National Board Certification candidates has increased. When the Milwaukee project started, the district had six NBCTs. During the project's first year, 11 candidates participated, and 35 teachers completed the process in the second year.
- The percentage of minority teachers participating in the process also increased. During the second year, 50 percent of the candidates were from minority populations.
- Feedback from candidates, mentors and facilitators is very positive, often speaking to the transformational aspects of the certification process.
- The project has captured the attention and support of the mayor's office, and the mayor is taking a lead role in helping to ensure the project's long-term viability.

LESSONS LEARNED

- **Expectations need to be managed.** Because so many different organizations and groups were involved in the program, it was important to make sure everyone understood their roles and how the process would work. Setting clear expectations made sure that coordinators were aware of each group's requirements, understandings and expectations.
- **Pre-candidacy programs pave the way.** Candidates were strongly encouraged to participate in the pre-candidacy course. It helps them understand the National Board Certification process and start knowing exactly what it requires.
- **Look far and wide for qualified mentors.** Because the district started with only six National Board Certified Teachers, the program did not have

enough mentors. When coordinators asked NBCTs from throughout Wisconsin to consider serving as mentors, about 90 percent of those contacted agreed to help.

- **Teamwork works.** Because coordinators wanted to promote collaboration, teachers were encouraged to work in teams of two or more, either within a school or across different schools, to create a professional learning community.

NEXT STEPS

The city of Milwaukee has made a commitment to promote National Board Certification for three years, with the goal of supporting 100 candidates over that time. The mayor's office is working with various foundations and other possible donors to find funding for the extended and increased effort. 



VOICES FROM THE FIELD...

"National Board Certification has provided me with the ability to reflect on my teaching practices — not just reflect in a passive manner, but to really reflect in a systematic and meaningful way that is very essential for effective teaching. This reflection allows my teaching to continuously improve and has a much larger impact on the success of all of my students. In this same respect, I have noticed that the experience also has taught me to tackle much larger issues in our school-wide community. I am able to review and analyze student data much more effectively and use the information to guide my practices."

*Deborah Kuether, NBCT
Milwaukee School District, Wisconsin*

"Particularly with newer and younger teachers, it's important to have good mentoring in place and I think the certification process trains teachers to be master teachers and provide that mentoring guidance."

*Tom Barret, Mayor
City of Milwaukee*



Research Shows Students of NBCTs Learn More!

Since its inception in 1987, the National Board for Professional Teaching Standards (NBPTS) has been based on—and welcomed—a higher standard of research than any other professional board in the United States. NBPTS research has examined the impact of National Board Certification and National Board Certified Teachers on the quality of teaching and student learning in America's schools, and explored the use of NBPTS standards and assessments.



In July 2002, NBPTS asked the RAND Corporation, one of the nation's most respected research firms, to review more than 100 submitted proposals for new research on National Board Certification. Based on recommendations from RAND, NBPTS began sponsoring a large body of independent research using federal and private funds totaling nearly \$6 million. While some of those studies have been released, more will be completed and published in 2005. The studies focus on a number of critical teaching and learning topics:

- Student achievement and performance
- Standards-based professional development
- Certification's impact on low-performing schools
- Minority teacher participation in National Board Certification
- NBCTs as teacher leaders
- NBCTs' teaching styles.

For more information, please visit the NBPTS Research Web page at www.nbpts.org/research/index.cfm.

Many have long suspected that National Board Certified Teachers (NBCTs) help students learn more — raising student performance, achieving particularly notable gains among lower-income students and driving meaningful changes in their classrooms and throughout their schools.

NOW THERE'S PROOF.

Three independent research studies released in 2004 confirm that having NBCTs in the classroom improves student achievement. You will read about them in the following pages. They add to the growing body of evidence that National Board Certification is a smart investment in our schools and our children. 

North Carolina NBCTs' Students Make Greater Academic Gains

An independent, multi-year study of more than 600,000 student records from North Carolina schools has found that children learn more from National Board Certified Teachers. The scientifically based study, funded by the U.S. Department of Education, adds to the growing body of evidence demonstrating that National Board Certification identifies teachers who enhance student achievement.

"Our findings appear to confirm that NBPTS is in fact succeeding at identifying those teachers who are more effectively producing student learning gains," write Dan Goldhaber of the University of Washington and The Urban Institute, and Emily Anthony of The Urban Institute.

Their study, "Can Teacher Quality Be Effectively Assessed?" was released in March 2004. The full report is available online at www.crpe.org/workingpapers/pdf/nbptsquality_report.pdf

Goldhaber and Anthony measured the effectiveness of NBCTs by studying the annual test scores of North Carolina students in grades three, four and five from three academic years: 1996-97, 1997-98 and 1998-99. Data for the project came from the North Carolina Department of Public Instruction, which has an accountability system that allows researchers to link student and teacher records over time. The researchers successfully linked more than 600,000 student reading and math records to individual teachers, thus yielding pre-test and post-test scores. The study found:

- Teachers who achieve National Board Certification do a measurably better job in the classroom.

- Students of NBCTs improved an average of 7 percent more on their year-end math and reading tests than students whose teachers attempted but failed to gain certification.
- This performance differential was most pronounced for younger and lower-income students, whose gains were as high as 15 percent.

"This independent research is welcome news and it confirms what we have always known: National Board Certification is the gold standard in teaching and teachers who earn this distinction are among the most effective teachers in our classrooms today," says NBPTS Board Chair Roy E. Barnes. "The study provides state and national policymakers with proof that National Board Certification is a smart investment."

"We now have clear evidence of how the nation can truly leave no child behind: National Board Certified Teachers are the way. Now we need the will and wherewithal to make good on that commitment," says NBPTS President Joseph A. Aguerrebere. "This study is welcome news to NBPTS as well as the 50 states and more than 500 school districts across the nation that have implemented policies and regulations to recruit, reward and retain National Board Certified Teachers."

The researchers say their study has important public policy implications. "To begin with, this is the first large-scale student study that appears to confirm the NBPTS assessment process is effectively identifying those teachers who contribute to relatively larger student learning gains," they say. "This finding is important both because it provides some indication of a positive return on the investment in NBPTS, and, on a more fundamental level, it demonstrates that it is actually possible to identify teacher effectiveness through NBPTS-type assessments." 



“As a business leader, I recognize education as the foundation of a strong economy. That is why State Farm® and the State Farm Companies Foundation have contributed more than \$4 million to the National Board for Professional Teaching Standards. I am very pleased to see the results of the University of Washington study because it confirms our belief that the single most important factor in student success is quality teachers. We will continue to support the National Board. We know that creating more opportunities for teachers to attain this credential will help lead to a stronger teacher force, higher student achievement and an economy that benefits from skilled and productive workers.”

*Edward B. Rust, Jr., Chairman and CEO
State Farm Insurance Companies®*

“This University of Washington report verifies what principals have suspected all along: National Board Certified Teachers not only increase achievement but also are able to motivate even the most difficult-to-reach student.”

*Vincent Ferrandino, Executive Director
National Association of Elementary School Principals*

“We are proud of the increased number of teachers in our district who are applying for National Board Certification. This program is one of the best professional development activities to actualize the full potential of all faculty. A rise in student achievement is a direct benefit of our teachers’ participation. National Board Certification is an instrumental lever of change for school improvement.”

*John Deasy, Superintendent
Santa Monica–Malibu Unified School District, California*

“This large-scale scientific study provides further evidence that NBPTS is meeting its goal of identifying the nation’s best teachers. The findings show that students learn better when they are taught by National Board Certified Teachers and that the effect is even greater for disadvantaged students. The implication for policymakers is clear: If you care about improving education and closing the achievement gap, you must support teachers who have risen to the top of their profession.”

*Edward J. McElroy, President
American Federation of Teachers*

Students of Arizona NBCTs Outperform Peers on National Test

Confirmation that students of National Board Certified Teachers learn more than students whose teachers do not hold this prestigious credential can be found in research released in September 2004.

“National Board Certified Teachers and Their Students’ Achievement” demonstrates that third, fourth, fifth, and sixth graders taught by NBCTs in 14 Arizona school districts outperformed their schoolmates on the nationwide Stanford Achievement Test 9th Edition in almost 75 percent of reading, math and language arts measures. The Stanford Achievement Test is one of the nation’s most widely used standardized educational tests.

What’s more, researchers Leslie Vandevort, Audrey Amrein-Beardsley and David Berliner of Arizona State University found that those gains went beyond higher test scores, adding up to learning improvements equivalent to more than a month’s worth of additional time in the classroom.

“It’s as if these kids spent an extra 25 days in school each year,” says former Georgia Gov. Roy E. Barnes, chair of the National Board for Professional Teaching Standards, which administers the National Board Certification process.

“As school districts across the country search for new ways to make sure every child benefits from the best possible education, having National Board Certified Teachers in the classroom has again been shown to be among the most effective means of improving student learning. This study is more proof that investing in National Board Certification pays off,” Barnes says.

The report was published in *Education Policy Analysis Archives*, an international peer-reviewed online journal. The full text of the study is available online at <http://epaa.asu.edu/epaa/v12n46/>.

When the Arizona researchers compared 1999–2003 SAT-9 scores in classes of 35 NBCTs with those of non-NBCTs, they found that the certified teachers’ students scored higher than other students in 35 of 48 key measures.

“This study adds to the body of evidence that professional development, in this case National Board Certification, improves teacher effectiveness and therefore student achievement,” says Arizona Gov. Janet Napolitano. “Everything we do should be done with an eye towards improved student achievement, which is why I plan to help grow the number of Arizona teachers who are National Board Certified.”

As they analyzed their findings, the Arizona researchers calculated the value of the learning gains in terms of time spent in the classroom. In other words, they determined how many additional days of instruction it would take for non-NBCTs to produce similar improvements.

The average gain posted by students of NBCTs added up to 1.12 months of additional schooling, or about 25 more days in class. In Arizona, which spends nearly \$7,000 per year per student, that extra classroom time is the equivalent of \$960 worth of additional learning for each student. With an average class size of 21 students, the 35 NBCTs whose work the study evaluated delivered more than \$700,000 worth of additional instruction.

In some cases, the additional-instruction effect was even more dramatic. In 1999–2000, students of NBCTs gained three-and-a-half months more in math achievement than students of non-NBCTs.

This was also true in 2000–2001, when the NBCTs' students gained two months more in language arts achievement compared to students of non-NBCTs.

“Those are encouraging results for school systems working to raise student achievement, comply with the requirements of the federal No Child Left Behind Act and do it all in tight budgetary times,” says NBPTS President Joseph A. Aguerrebere. “This study suggests that NBCTs not only help students learn more; they do so in ways that help schools make the most of their resources.”

While the study focused primarily on student achievement, the researchers also investigated the views of Arizona school principals whose staffs include NBCTs.

Eighty-five percent of principals surveyed said NBCTs in their schools were among the best teachers they had ever supervised. Three-quarters reported observing positive changes in the practices of teachers who sought National Board Certification; 91 percent said they believe NBPTS contributes to improvement of teacher quality.

“The National Board for Professional Teaching Standards takes placing highly qualified teachers in every classroom to the next level,” said Tom Horne, Arizona’s superintendent of public instruction. “Research study after research study shows that NBCTs have a significant positive impact on student learning.” 



PRINCIPAL PERSPECTIVES

“We, as principals, need to educate our communities about what National Board Certification is and how it will help improve our schools. The process changes the way teachers think about their practice, and achieving certification says, ‘Yes, they are outstanding teachers because they went the extra mile in their profession.’ I am working on encouraging business leaders in our community to embrace and endorse the National Board Certification process. National Board Certified Teachers are among the best teachers out there.”

*Jana Miller, Principal
Desert Willow Elementary School
Cave Creek, Arizona*

“Identifying quality teachers to hire, as well as helping existing teachers to improve, can be the most challenging aspects of a principal’s job. This new research clearly demonstrates that teachers who have achieved National Board Certification are more effective in the classroom and are able to effect change that goes beyond higher test scores. This is significant because it demonstrates that National Board Certification can be used as a reliable measure to inform hiring decisions, as well as [serving as] an effective professional development tool.”

*Gerald N. Tirozzi, Executive Director
National Association of Secondary School Principals*

“Having a National Board Certified Teacher in my school serves as a motivator to other teachers who have just as much tenure but have never entered a master’s level program. I would encourage other teachers on staff to seek out National Board Certification.”

*Patrick Yenni, Principal
Anthem School
Anthem, Arizona*

Higher Test Scores for Students of Miami High School Math NBCTs

Students of National Board Certified Teachers did a measurably better job than other ninth- and 10th-graders on year-end math tests in Miami-Dade County (Fla.) Public Schools, according to a November 2004 study that accounted for other factors that could have resulted in high scores.

All else being equal — student characteristics, school environment and teacher preparation — Miami-Dade math teachers who had achieved National Board Certification helped their students achieve larger testing gains than did colleagues who had not earned certification.

The study of more than 100,000 student Florida Comprehensive Assessment Test records found that NBCTs are particularly effective with students who have special needs, and provides some evidence that African-American and Hispanic students may also receive extra benefits.

“If parents are asking ‘What class do I want my child in?’ you want your child in a class taught by an NBCT,” says Linda Cavalluzzo, chief investigator of the study, and a senior researcher at the non-profit CNA Corporation’s Education Center, which conducted the Miami-Dade research. “We find robust evidence that National Board Certification is an effective indicator of teacher quality.”

The National Science Foundation funded the study, along with NBPTS. The paper, “Is National Board Certification an Effective Signal of Teacher Quality?” is available online at www.cna.org.

The Miami-Dade research was unique in several ways. It focused on high school math teachers in an urban school system serving a diverse student population. Many previous studies have looked at the effect of National Board Certification on elementary school teachers in less diverse suburban and rural districts.

Most important, Cavalluzzo’s methodology isolated the effects of National Board Certification from other factors that could influence student learning and testing gains, such as teacher experience and education levels, per-pupil spending, school size, student performance above or below grade level and student motivation.

“This study should put to rest many of the doubts that well-intentioned skeptics may have harbored about National Board Certification’s ability to pinpoint what makes an exceptional teacher,” says NBPTS Chair and former Georgia Gov. Roy E. Barnes. “It factors in the student and school-environment variables that might skew our perceptions of what NBCTs bring to their classrooms. We are left to conclude that National Board Certification is indeed a true and valid indicator of teaching excellence.”

The Miami-Dade research found that National Board Certification had a greater effect in student math achievement than did state certification to teach math or relatively more teaching experience. The most effective teachers had a combination of attributes: achieving National Board Certification, holding a state certificate in mathematics instruction and having responsibilities focused entirely on math teaching.

"This research points to two critical conclusions," says NBPTS President Joseph A. Aguerreberere. "First, National Board Certification is a reliable indicator of accomplished teaching. School districts and states can confidently offer incentives to encourage teachers to pursue it, knowing that such investments yield high returns." All 50 states and more than 500 school districts provide some sort of incentive for teachers to seek National Board Certification.

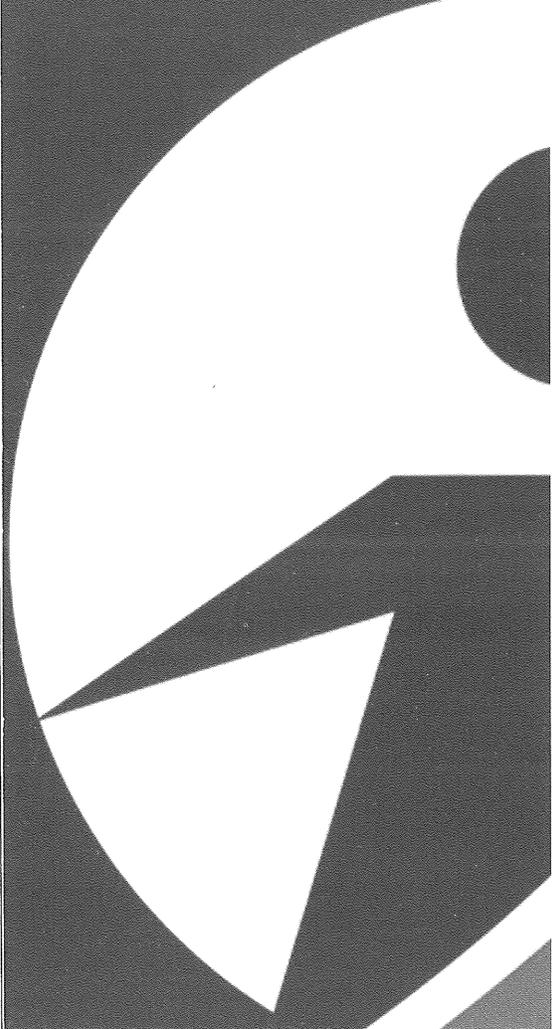
"Second, NBCTs exemplify best teaching practices that all teachers could use to become more effective," Aguerreberere says. "Schools would do well to base instructional strategies and teacher professional-development programs on what NBCTs do in their classrooms every day."

Cavalluzzo agrees. "If we want to raise the bar for all teachers," she said, "we ought to encourage them to do what NBCTs do." 

**FOR MORE INFORMATION ON NBPTS, NATIONAL BOARD
CERTIFICATION AND NATIONAL BOARD CERTIFIED TEACHERS,
VISIT US ON THE WEB AT WWW.NBPTS.ORG**

YOU WILL FIND OUT HOW:

- National Board Certification is transforming teaching and learning in schools nationwide.
- National Board Certified Teachers improve student learning.
- NBPTS standards are influencing teacher professional development.
- National Board Certified Teachers are serving as leaders in their schools and school districts.
- States and school districts support teachers who pursue National Board Certification.
- Teachers in your community can achieve National Board Certification.



NBPTS MISSION

The mission of the National Board for Professional Teaching Standards is to advance the quality of teaching and learning by:

- *maintaining high and rigorous standards for what accomplished teachers should know and be able to do,*
- *providing a national voluntary system certifying teachers who meet these standards, and*
- *advocating related education reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers.*

NBPTS'S FIVE CORE PROPOSITIONS

- *Teachers are committed to students and their learning.*
- *Teachers know the subjects they teach and how to teach those subjects to students.*
- *Teachers are responsible for managing and monitoring student learning.*
- *Teachers think systematically about their practice and learn from experience.*
- *Teachers are members of learning communities.*



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Reward Teachers for National Board Certification

Through proposed legislation, Minnesota has an opportunity to provide modest recognition for teachers seeking National Board Certification and those who have already achieved this rare distinction. Many other states, including Wisconsin and Iowa, provide significant financial recognition for National Board Certification.

What is National Board Certification?

It is the highest credential in the teaching profession. Certification through the National Board for Professional Teaching Standards is achieved through a rigorous, performance-based assessment that can take up to three years to accomplish.

What is proposed?

- A one-time grant of \$1,000 to assist with the application process for those seeking certification.
- A one-time grant of \$2,000 upon completion of the process and a one-time grant of \$1,000 for classroom supplies or those who achieve certification.
- Additional funding for one coordinator and three facilitators to assist and support those who apply for certification.

What is the value of certification for students and the general public?

- National Board Certification demonstrates a teacher's professionalism, commitment and passion for teaching.
- Research proves that students of board certified teachers achieve greater improvement on a variety of standardized tests.
- This is particularly helpful for special needs students and aids in closing the achievement gap.
- Evidence validates that students of board certified teachers achieve test scores as if they received an additional month of instruction in a school year, translating to an approximate value of \$1,000 per student.

How are other states rewarding teachers for National Board Certification?

- Wisconsin reimburses teachers up to \$2,000 for application fees plus an annual \$2,500 stipend for board certified teachers.
- Iowa offers reimbursement of \$1,150 for application fees plus an additional \$1,150 upon certification. Teachers who achieve certification also receive an annual \$2,500 stipend.

Rewarding teachers for National Board Certification is a powerful way for Minnesota to retain some of the state's best and brightest teachers. More information about National Board Certification can be found at www.nbpts.org.



*An organization of 70,000 members
doing what it takes to help students succeed.*



Grounded in Research

NBPTS is committed to supporting an independent research agenda that:

- Assures the technical measurement quality of the assessments.
- Demonstrates the impact of National Board Certification.
- Collects and disseminates important information to National Board staff, directors, and other constituency groups.

National Board Certification is the most thoroughly grounded, in research terms, of any assessment program in the teaching profession.

- There have been more than 150 studies, reports and papers commissioned on the National Board Certification process.
- An independent review committee made up of the nation's leading measurement experts and statisticians monitors the measurement quality of the National Board's assessments.

Documenting the Impact of NBPTS

- In January 2002, the National Board hosted more than 220 of the nation's top researchers to identify a broad range of research issues and studies about the National Board.
- In March 2002, more than 110 proposals were submitted in response to the RFP issued by the National Board. The research firm RAND Corp., designed and managed the proposal review process to maintain the independence and integrity of the research.
- 18 research studies were funded as a result of this process, representing nearly \$6 million in research. These studies will be completed within the next 24 months.

CNA/Miami-Dade Research (November 2004)

The study of more than 100,000 student Florida Comprehensive Assessment Test (FCAT) records found that:

- All else being equal — student characteristics, school environment and teacher preparation — Miami-Dade math teachers who had achieved National Board Certification helped their students achieve larger testing gains than did colleagues who had not earned certification
- NBCTs are particularly effective with students who have special needs, and provides some evidence that Black and Hispanic students may also receive extra benefits.

Arizona State University Study (September 2004)

Based on four years of data from the Stanford-9 achievement test, this study found that:

- On average, students of NBCTs scored as if they had received more than a month's worth of additional instruction, equivalent to nearly \$1,000 per student.
- 85% of principals surveyed said NBCTs in their schools were among the best teachers they had ever supervised.
- 75% of principals surveyed reported observing positive changes in the practices of teachers who sought National Board Certification.
- 91% said they believe NBPTS contributes to the improvement of teacher quality.

University of Washington/Urban Institute (March 2004)

An independent, multi-year study of more than 600,000 student records from students in North Carolina schools found that:

- Teachers who achieve National Board Certification do a measurably better job in the classroom.
- Students of NBCTs improved an average of 7 percent more on their year-end math and reading tests than students whose teachers attempted but failed to gain certification.
- This performance differential was most pronounced for younger and lower-income students whose gains were as high as 15 percent.

The Center for the Future of Teaching and Learning (June 2002)

A research study of more than 500 National Board Certified Teachers (NBCTs) in California, conducted by the research firm of Belden, Russonello and Stewart, concluded that: 93% of NBCTs perceived the process as a professional development opportunity

- 92% of NBCTs reported it was personally challenging
- 86% of NBCTs reported they benefited personally
- 82% of NBCTs reported they benefited professionally

Education Resources Group (Fall 2001)

A national survey of certification candidates conducted in September 2001 demonstrated that the National Board Certification process helped teachers improve their teaching and their interactions with students and parents as well as having a positive impact on schools and communities.

- 92% of candidates reported the process has made them a better teacher
- 96% of candidates rated the process as an “excellent,” “very good,” or “good” professional development

Yankelovich Partners (February 2001)

A survey of close to 2,500 National Board Certified Teachers found that nearly all of these teachers share an overwhelming desire to be active outside of the classroom and to improve teaching and learning.

- On average, NBCTs are involved in 10 leadership activities.
- 89% of respondents agree that increased involvement in leadership activities makes them more effective as educators.
- 99.6% of respondents are involved in at least one leadership activity.
- 94% report increased career satisfaction.
- 85% describe an increased desire to remain in the profession.

University of North Carolina at Greensboro (October 2000)

The Accomplished Teaching Validation Study, conducted by a team of researchers based at the University of North Carolina at Greensboro, is the first comprehensive study to compare the teaching practices of National Board Certified Teachers (NBCTs) with other teachers, and to compare samples of student work from classrooms of the two groups of teachers.

- NBCTs scored higher on all 13 dimensions of teaching expertise than did teachers who sought but did not achieve National Board Certification.
- The differences were statistically significant on 11 of the 13 dimensions.
- The include attributes such as: having an extensive knowledge of subject matter; the ability to adapt and improvise instruction; formulating lessons that are challenging and engaging; and promoting academic achievement by emphasizing both personal accomplishment and intellectual engagement.



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