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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 1918**

02/25/2014 Authored by Newton

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

1.1 A bill for an act  
1.2 relating to education finance; transferring the funding for the achievement and  
1.3 integration program to the basic general education formula allowance beginning  
1.4 in fiscal year 2016; repealing the achievement and integration program and  
1.5 the program rule; amending Minnesota Statutes 2013 Supplement, section  
1.6 126C.10, subdivision 2; repealing Minnesota Statutes 2013 Supplement, sections  
1.7 124D.861; 124D.862; Minnesota Rules, parts 3535.0100; 3535.0110; 3535.0120;  
1.8 3535.0130; 3535.0140; 3535.0150; 3535.0160; 3535.0170; 3535.0180.

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

1.10 Section 1. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 2, is  
1.11 amended to read:

1.12 Subd. 2. **Basic revenue.** ~~For fiscal year 2014, the basic revenue for each district~~  
1.13 ~~equals the formula allowance times the adjusted marginal cost pupil units for the school~~  
1.14 ~~year.~~ For fiscal year 2015 and later, the basic revenue for each district equals the formula  
1.15 allowance times the adjusted pupil units for the school year. ~~The formula allowance for~~  
1.16 ~~fiscal year 2013 is \$5,224. The formula allowance for fiscal year 2014 is \$5,302. The~~  
1.17 ~~formula allowance for fiscal year 2015 is \$5,806. The formula allowance for fiscal year~~  
1.18 ~~2016 and later is \$5,806 \$5,906.~~

1.19 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2016  
1.20 and later.

1.21 Sec. 2. **REPEALER.**

1.22 Minnesota Statutes 2013 Supplement, sections 124D.861; and 124D.862, and  
1.23 Minnesota Rules, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130; 3535.0140;  
1.24 3535.0150; 3535.0160; 3535.0170; and 3535.0180, are repealed.

2.1 **EFFECTIVE DATE.** This section is effective July 1, 2015.

**124D.861 ACHIEVEMENT AND INTEGRATION FOR MINNESOTA.**

Subdivision 1. **Program to close the academic achievement and opportunity gap; revenue uses.** (a) The "Achievement and Integration for Minnesota" program is established to pursue racial and economic integration and increase student academic achievement, create equitable educational opportunities, and reduce academic disparities based on students' diverse racial, ethnic, and economic backgrounds in Minnesota public schools.

(b) For purposes of this section and section 124D.862, "eligible district" means a district required to submit a plan to the commissioner under Minnesota Rules governing school desegregation and integration, or be a member of a multidistrict integration collaborative that files a plan with the commissioner.

(c) Eligible districts must use the revenue under section 124D.862 to pursue academic achievement and racial and economic integration through: (1) integrated learning environments that prepare all students to be effective citizens and enhance social cohesion; (2) policies and curricula and trained instructors, administrators, school counselors, and other advocates to support and enhance integrated learning environments under this section, including through magnet schools, innovative, research-based instruction, differentiated instruction, and targeted interventions to improve achievement; and (3) rigorous career and college readiness programs for underserved student populations, consistent with section 120B.30, subdivision 1; integrated learning environments to increase student academic achievement; cultural fluency, competency, and interaction; graduation and educational attainment rates; and parent involvement.

Subd. 2. **Plan implementation; components.** (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students; increased programmatic opportunities focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds. The plan must contain goals for: (1) reducing the disparities in academic achievement among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and (2) increasing racial and economic integration in schools and districts.

(b) Among other requirements, an eligible district must implement effective, research-based interventions that include formative assessment practices to reduce the disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and as aligned with section 120B.11.

(c) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

Subd. 3. **Public engagement; progress report and budget process.** (a) To receive revenue under section 124D.862, the school board of an eligible district must incorporate school and district plan components under section 120B.11 into the district's comprehensive integration plan.

(b) A school board must hold at least one formal annual hearing to publicly report its progress in realizing the goals identified in its plan. At the hearing, the board must provide the public with longitudinal data demonstrating district and school progress in reducing the disparities in student academic performance among the specified categories of students and in realizing racial and economic integration, consistent with the district plan and the measures in paragraph (a). At least 30 days before the formal hearing under this paragraph, the board must post its plan, its preliminary analysis, relevant student performance data, and other longitudinal data on the district's Web site. A district must hold one hearing to meet the hearing requirements of both this section and section 120B.11.

(c) The district must submit a detailed budget to the commissioner by March 15 in the year before it implements its plan. The commissioner must review, and approve or disapprove the district's budget by June 1 of that year.

(d) The longitudinal data required under paragraph (a) must be based on student growth and progress in reading and mathematics, as defined under section 120B.30, subdivision 1, and

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student performance data and achievement reports from fully adaptive reading and mathematics assessments for grades 3 through 7 beginning in the 2015-2016 school year under section 120B.30, subdivision 1a, and either (i) school enrollment choices, (ii) the number of world language proficiency or high achievement certificates awarded under section 120B.022, subdivision 1, paragraphs (b) and (c), or (iii) school safety and students' engagement and connection at school under section 120B.35, subdivision 3, paragraph (d). Additional longitudinal data may be based on: students' progress toward career and college readiness under section 120B.30, subdivision 1; or rigorous coursework completed under section 120B.35, subdivision 3, paragraph (c), clause (2).

**Subd. 4. Timeline and implementation.** A board must approve its plan and submit it to the department by March 15. If a district that is part of a multidistrict council applies for revenue for a plan, the individual district shall not receive revenue unless it ratifies the plan adopted by the multidistrict council. Each plan has a term of three years. For the 2014-2015 school year, an eligible district under this section must submit its plan to the commissioner for review by March 15, 2014. For the 2013-2014 school year only, an eligible district may continue to implement its current plan until the commissioner approves a new plan under this section.

**Subd. 5. Evaluation.** The commissioner must evaluate the efficacy of district plans in reducing the disparities in student academic performance among the specified categories of students within the district, and in realizing racial and economic integration. The commissioner shall report evaluation results to the kindergarten through grade 12 education committees of the legislature by February 1 of every odd-numbered year.

#### **124D.862 ACHIEVEMENT AND INTEGRATION REVENUE.**

**Subdivision 1. Initial achievement and integration revenue.** (a) An eligible district's initial achievement and integration revenue equals the sum of (1) \$350 times the district's adjusted pupil units for that year times the ratio of the district's enrollment of protected students for the previous school year to total enrollment for the previous school year and (2) the greater of zero or 66 percent of the difference between the district's integration revenue for fiscal year 2013 and the district's integration revenue for fiscal year 2014 under clause (1).

(b) In each year, 0.3 percent of each district's initial achievement and integration revenue is transferred to the department for the oversight and accountability activities required under this section and section 124D.861.

**Subd. 2. Incentive revenue.** An eligible school district's maximum incentive revenue equals \$10 per adjusted pupil unit. In order to receive this revenue, a district must be implementing a voluntary plan to reduce racial and economic enrollment disparities through intradistrict and interdistrict activities that have been approved as a part of the district's achievement and integration plan.

**Subd. 3. Achievement and integration revenue.** Achievement and integration revenue equals the sum of initial achievement and integration revenue and incentive revenue.

**Subd. 4. Achievement and integration aid.** For fiscal year 2015 and later, a district's achievement and integration aid equals 70 percent of its achievement and integration revenue.

**Subd. 5. Achievement and integration levy.** A district's achievement and integration levy equals its achievement and integration revenue times 30 percent. For Special School District No. 1, Minneapolis; Independent School District No. 625, St. Paul; and Independent School District No. 709, Duluth, 100 percent of the levy certified under this subdivision is shifted into the prior calendar year for purposes of sections 123B.75, subdivision 5, and 127A.441.

**Subd. 6. Revenue uses.** (a) At least 80 percent of a district's achievement and integration revenue received under this section must be used for innovative and integrated learning environments, school enrollment choices, family engagement activities, and other approved programs providing direct services to students.

(b) Up to 20 percent of the revenue may be used for professional development and staff development activities and placement services.

(c) No more than ten percent of the total amount of revenue may be spent on administrative services.

**Subd. 7. Revenue reserved.** Integration revenue received under this section must be reserved and used only for the programs authorized in subdivision 2.

**Subd. 8. Commissioner authority to withhold revenue.** (a) The commissioner must review the results of each district's integration and achievement plan by August 1 at the end of the third year of implementing the plan and determine if the district met its goals.

(b) If a district met its goals, it may submit a new three-year plan to the commissioner for review.

(c) If a district has not met its goals, the commissioner must:

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(1) develop a district improvement plan and timeline, in consultation with the affected district, that identifies strategies and practices designed to meet the district's goals under this section and section 120B.11; and

(2) use up to 20 percent of the district's integration revenue, until the district's goals are reached, to implement the improvement plan.

**3535.0100 PURPOSE.**

The purpose of parts 3535.0100 to 3535.0180 is to:

- A. recognize that the primary goal of public education is to enable all students to have opportunities to achieve academic success;
- B. reaffirm the state of Minnesota's commitment to the importance of integration in its public schools;
- C. recognize that while there are societal benefits from schools that are racially balanced, there are many factors which can impact the ability of school districts to provide racially balanced schools, including housing, jobs, and transportation;
- D. recognize that providing parents a choice regarding where their children should attend school is an important component of Minnesota's education policy;
- E. recognize that there are parents for whom having their children attend integrated schools is an essential component of their children's education;
- F. prevent segregation, as defined in part 3535.0110, subpart 9, in public schools;
- G. encourage districts to provide opportunities for students to attend schools that are racially balanced when compared to other schools within the district;
- H. provide a system that identifies the presence of racially isolated districts and encourage adjoining districts to work cooperatively to improve cross-district integration, while giving parents and students meaningful choices; and
- I. work with rules that address academic achievement, including graduation standards under chapter 3501 and inclusive education under part 3500.0550, by providing equitable access to resources.

**3535.0110 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 3535.0100 to 3535.0180, the terms defined in this part have the meanings given them.

Subp. 2. **Enrolled American Indian students.** "Enrolled American Indian students" means students who live on or off a reservation and are enrolled in a federally recognized tribe. Enrolled American Indian students have dual status as protected students under subpart 4 and members of sovereign nations.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Education.

Subp. 4. **Protected students.** "Protected students" means:

- A. students who self-identify or are identified in the general racial categories of African/Black Americans, Asian/Pacific Americans, Chicano/Latino Americans, and American Indian/Alaskan Native; and
- B. multiracial students who self-identify or are identified as having origins in more than one of the categories described in item A or as having origins in one of the categories described in item A and in the category of Caucasian.

Subp. 5. **Racial balance.** "Racial balance" means the increased interaction of protected students and white students within schools and between districts that is consistent with the purposes of parts 3535.0160 to 3535.0180.

Subp. 6. **Racially identifiable school within a district.** "Racially identifiable school within a district" means a school where the enrollment of protected students at the school within a district is more than 20 percentage points above the enrollment of protected students in the entire district for the grade levels served by that school.

Subp. 7. **Racially isolated school district.** "Racially isolated school district" means a district where the districtwide enrollment of protected students exceeds the enrollment of protected students of any adjoining district by more than 20 percentage points.

Subp. 8. **School.** "School" means a site in a public school district serving any of kindergarten through grade 12. For purposes of parts 3535.0160 to 3535.0180 only, school does not mean:

- A. charter schools under Minnesota Statutes, section 124D.10;
- B. area learning centers under Minnesota Statutes, section 123A.05;
- C. public alternative programs under Minnesota Statutes, section 126C.05, subdivision 15;
- D. contracted alternative programs under Minnesota Statutes, section 124D.69;

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- E. school sites specifically designed to address limited English proficiency;
- F. school sites specifically designed to address the needs of students with an individualized education program (IEP); and
- G. secure and nonsecure treatment facilities licensed by the Department of Human Services or the Department of Corrections.

Subp. 9. **Segregation.** "Segregation" means the intentional act or acts by a school district that has the discriminatory purpose of causing a student to attend or not attend particular programs or schools within the district on the basis of the student's race and that causes a concentration of protected students at a particular school.

A. It is not segregation for a concentration of protected students or white students to exist within schools or school districts:

- (1) if the concentration is not the result of intentional acts motivated by a discriminatory purpose;
- (2) if the concentration occurs at schools providing equitable educational opportunities based on the factors identified in part 3535.0130, subpart 2; and
- (3) if the concentration of protected students has occurred as the result of choices by parents, students, or both.

B. In addition to the factors in item A, it is not segregation for concentrations of enrolled American Indian students to exist within schools or school districts:

- (1) if the concentration exists as a result of attempting to meet the unique academic and culturally related educational needs of enrolled American Indian students through programs developed pursuant to the federal government's trust relationship with American Indian tribes or through an agreement with an American Indian tribal government; and
- (2) the concentration exists as the result of voluntary choices made by American Indian parents, enrolled American Indian students, or both.

**3535.0120 DUTIES OF DISTRICTS.**

Subpart 1. **Report.** A school district shall annually submit to the commissioner, concerning each school site within its district, a report that includes:

- A. the racial composition of each school within its district; and
- B. the racial composition of the grade levels served by each of the schools.

The report shall be submitted according to the Minnesota Automated Reporting Student System (MARSS) deadlines as established annually by the commissioner and noticed to all districts.

Subp. 2. **Data collection.** A district shall collect for all students except American Indian students in subpart 3, the information required in subpart 1 by using one of the following racial identification procedures in the following order:

- A. parent or guardian identification;
- B. age-appropriate student self-identification, when parent or guardian identification is not an option;
- C. if parent, guardian, or student self-identification methods are not possible, sight counts administered by the principal or designee, pursuant to written guidelines developed by the district.

Subp. 3. **American Indian students.** In districts where the American Indian population is ten or more students, the parent education committee under Minnesota Statutes, section 124D.78, subdivision 1, in consultation with the American Indian parents the committee represents, may select as their identification procedure one of the following:

- A. parent or guardian self-identification;
- B. the process for identification specified in United States Code, title 20, section 7881; or
- C. the racial identification procedure used by the district for other students.

**3535.0130 DUTIES OF COMMISSIONER.**

Subpart 1. **Review of data.** The commissioner shall review the data provided by a school district under part 3535.0120 within 60 days of its receipt. If the commissioner determines that there is a racially identifiable school within a district, or if the commissioner receives a complaint alleging that a district is engaged in acts of segregation, the commissioner shall request further information to determine whether the racial composition at the school or schools in question results from acts motivated at least in part by a discriminatory purpose. The commissioner's

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finding of a discriminatory purpose must be based on one or more of the following except that the commissioner shall not rely solely on item D or E, or both:

A. the historical background of the acts which led to the racial composition of the school, including whether the acts reveal a series of official actions taken for discriminatory purposes;

B. whether the specific sequence of events resulting in the school's racial composition reveals a discriminatory purpose;

C. departures from the normal substantive or procedural sequence of decision making, as evidenced, for example, by the legislative or administrative history of the acts in question, especially if there are contemporary statements by district officials, or minutes or reports of meetings that demonstrate a discriminatory purpose;

D. whether the racial composition of the school is the result of acts which disadvantage one race more than another, as evidenced, for example, when protected students are bused further or more frequently than white students; and

E. whether the racially identifiable composition of the school was predictable given the policies or practices of the district.

Subp. 2. **District information.** In order to determine whether a racially identifiable school exists as the result of acts motivated by a discriminatory purpose, the commissioner shall request and the district shall provide the following information related to the factors described in subpart 1:

A. information about how students are assigned to schools within the district, including:

(1) for schools which have been newly added or renovated or if attendance zones have changed, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;

(2) a description of the assignment and transfer options at each of the schools serving the grade levels in question, and the outreach efforts that were made to ensure parents received information about and were able to understand the availability of those options; and

(3) a comparison of the racial composition of the attendance area of the school in question as it relates to the composition of the district as a whole;

B. a list of curricular offerings;

C. a list of the extracurricular options available at each of the schools serving the grade levels in question;

D. a list that breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question and, considering the average percentage of teachers of color in the district, an explanation of any concentration of teachers of color assigned at a school at issue;

E. a list that shows how the qualifications and experience of the teachers at the racially identifiable school compares to teachers at the sites which are not racially identifiable;

F. evidence that the racially identifiable school has been provided financial resources on an equitable basis with other schools which are not racially identifiable;

G. a comparison of the facilities, materials, and equipment at the racially identifiable school with schools that are not racially identifiable;

H. information that would allow the commissioner to determine whether the extent of busing is disproportionate between white students and protected students; and

I. any nondiscriminatory circumstances that explain why a particular school has exceeded the districtwide enrollment of protected students by more than 20 percentage points.

Subp. 3. **Integrated alternatives.** If the enrollment of protected students at a school is more than 25 percent above the enrollment of protected students in the entire district, or if the enrollment of protected students exceeds 90 percent at any given school, whichever is less, the district must provide affirmative evidence to the commissioner that all students in that school have alternatives to attend schools with a protected student enrollment that is comparable to the districtwide average.

**3535.0140 RESPONSE OF DISTRICTS.**

School districts shall respond to the commissioner's request for information under part 3535.0130 within 60 days of its receipt. If supplemental information is requested by the commissioner, the district must respond within 30 days of the receipt of the request.

**3535.0150 DEVELOPMENT OF PLAN FOR MANDATORY DESEGREGATION; ENFORCEMENT.**

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Subpart 1. **District plan.** If the commissioner determines that segregation exists, the district shall provide a plan within 60 days that proposes how it shall remedy the segregation. The plan shall address the specific actions that were found by the commissioner to contribute to the segregation. The plan shall be developed in consultation with the commissioner. If the commissioner rejects any or all of the plan, the commissioner shall provide technical assistance to help the district revise the plan. However, if the district and the commissioner cannot agree on a plan within 45 days after the original plan was rejected, the commissioner shall develop a revised plan to remedy the segregation that the district shall implement in the time frame specified by the commissioner. A finding of segregation, or a finding that the district's initial plan is inadequate, shall be based on written findings of fact and conclusions of law issued by the commissioner.

Subp. 2. **Remedy.** If the commissioner has made a finding of segregation, student assignments based on race that are made to remedy the finding of segregation are permissible in a plan for mandatory desegregation, so long as they are narrowly tailored to remedy the act of segregation.

Subp. 3. **Extension.** The commissioner may extend the time for response from a district under parts 3535.0140 and 3535.0150 if compliance with the deadline for response would impose an undue hardship on the district, for example, if the information is not easily ascertainable or the plan requires a complex remedy that includes consultation with outside sources.

Subp. 4. **Enforcement of desegregation.** If the district fails to submit data required by the commissioner, fails to provide or implement a plan to remedy the segregation, or fails to implement a plan developed by the commissioner as provided in subpart 1, the commissioner must:

A. notify the district that its aid shall be reduced pursuant to Minnesota Statutes, section 127A.42;

B. refer the finding of segregation to the Department of Human Rights for investigation and enforcement; and

C. report the district's actions to the education committees of the legislature by March 15 of the next legislative session with recommendations for financial or other appropriate sanctions.

**3535.0160 INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS NOT THE RESULT OF SEGREGATION.**

Subpart 1. **Notice to district of plan including voluntary measures.**

A. If a racially identifiable school reviewed under part 3535.0130 is not the result of segregation, the district shall be notified that it must develop and submit a plan to the commissioner for review that provides options to help integrate the racially identifiable school. The format of the plan shall be determined by the commissioner.

B. A racially identifiable school is not required to develop and submit a plan if the school is racially identifiable only as a result of:

(1) a concentration of enrolled American Indian students that exists as a result of attempting to meet the unique academic and culturally related educational needs of enrolled American Indian students through programs developed pursuant to the federal government's trust relationship with American Indian tribes or through an agreement with an American Indian tribal government; and

(2) the concentration exists as the result of voluntary choices made by American Indian parents, enrolled American Indian students, or both.

A racially identifiable school with a concentration of enrolled American Indian students is required to develop and submit a plan if the school is also racially identifiable as a result of the enrollment of other protected students excluding the enrollment of American Indian students.

Subp. 2. **Community collaboration council.** The district shall establish and use a community collaboration council to assist in developing the district's plan under this part. The council shall be reasonably representative of the diversity of the district. In communities with ten or more American Indian students, representation from the American Indian parent committee under Minnesota Statutes, section 124D.78 is required on the community collaboration council. If a district has an existing committee whose composition reasonably reflects the diversity of the district, for example, school site councils or district curriculum advisory councils, that committee may be used to provide the planning required by this part. The community collaboration council shall identify ways of creating increased opportunities for interracial contact, and establish goals for meeting this objective. After identifying these opportunities and goals, the council shall

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develop a plan for integration at each school that may include, for example, options under subpart 3.

**Subp. 3. District plan.**

A. After receiving the plan required under subpart 2 from its community collaboration council, the district shall provide a plan to the commissioner that describes how the goal of increased opportunities for interracial contact between students will be met, and the integration efforts the district plans to implement at each racially identifiable school. The plan shall be written and adopted by the end of the academic year in which the district received notice under subpart 1, or six months later, whichever is longer. The plan shall include:

- (1) the extent of community outreach that preceded the plan;
- (2) integration issues identified;
- (3) action goals of the integration effort;
- (4) how the action goals will be or are being accomplished.

B. All plans under this part must be educationally justifiable and contain options for intradistrict integration that may include, for example:

(1) duplicating programs that have demonstrated success in improving student learning at schools that are racially identifiable;

(2) providing incentives to help balance racially identifiable schools, for example, providing:

(a) incentives to low-income students to transfer to schools that are not racially identifiable;

(b) transportation; and

(c) interdistrict opportunities and collaborative efforts with other districts;

(3) providing incentives to teachers to improve the distribution of teachers of all races at schools across the district, including:

(a) staff development opportunities;

(b) strategies for attracting and retaining staff who serve as role models; and

(c) strategies for attracting and retaining staff who have a record of success in teaching protected students, low-income students, or both;

(4) greater promotion of programs provided at racially identifiable schools designed to attract a wide range of students;

(5) providing smaller class sizes, greater counseling and support services, and more extracurricular opportunities and other resources at racially identifiable schools as compared to schools that are not racially identifiable or at schools with a higher concentration of low-income students; and

(6) providing programs promoting instruction about different cultures, including options uniquely relevant to American Indian students, including, for example, American Indian language and culture programs under Minnesota Statutes, section 124D.74.

The format of the integration plan shall be consistent with, and if possible included into, a district's comprehensive plan.

**Subp. 4. Commissioner's duties.**

A. The commissioner shall:

(1) evaluate any plans developed under this part at the end of each academic year after which a plan is implemented to determine whether the collaboration plan was implemented and whether the goals have been substantially met;

(2) each academic year after a plan is implemented, report to the house and senate education committees any reduction in the percentage of protected students at racially identifiable schools; and

(3) each academic year after a plan is implemented, report to the house and senate education committees if the enrollment of protected students remains constant or increases at racially identifiable schools.

B. The commissioner may recommend financial incentives that are aimed at compensating or rewarding districts for programs or activities that have been successful.

C. The commissioner may recommend legislative action to address the condition of racially identifiable schools within the district.

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Subp. 5. **Timeline.** Each integration plan shall remain in place for three years from the date of review by the commissioner, unless earlier modified by the district and reviewed by the commissioner. Schools that are newly identified as racially identifiable or that were included in a plan under this part but remain racially identifiable after three years from the date of review by the commissioner shall be subject to the procedures outlined in parts 3535.0130 to 3535.0160.

Subp. 6. **Schools that did not meet earlier goals.** Schools that were included in a plan under this part but remain racially identifiable after three years from the date of review by the commissioner shall work in consultation with the commissioner to develop a new plan that shall include an analysis of why the previous plan did not achieve its goals, a list and explanation of new or continuing barriers to achieving the plan's goals, and a new plan and rationale for achieving the goals of the plan.

**3535.0170 INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS.**

Subpart 1. **Evaluation.**

A. The commissioner shall annually evaluate the enrollment of protected students in each district to determine whether the district as a whole is racially isolated. If the commissioner determines that a district is racially isolated, as defined in part 3535.0110, subpart 7, the commissioner shall immediately notify the district and its adjoining districts. The commissioner may also send notice to other districts that are not adjoining if the commissioner determines that it would be geographically feasible for such districts to participate in cross-district planning. Districts that are not adjoining may choose whether to participate in the cross-district planning.

B. A racially isolated district shall not be required to follow subparts 2 to 8 if the district is isolated only as a result of the enrollment of American Indian students whose unique academic and culturally related educational needs are being addressed by district programs and the district has established a parent committee under Minnesota Statutes, section 124D.78. A district racially isolated as a result of the enrollment of American Indian students shall be required to follow subparts 2 to 8, if the district is also racially isolated as a result of the enrollment of other protected students excluding the enrollment of American Indian students.

Subp. 2. **Establishment of multidistrict collaboration council.** Upon receiving notice under subpart 1, the isolated and adjoining districts shall establish a multidistrict collaboration council, as provided in subpart 3, to develop a plan under this part. The council shall work as provided under subpart 5 to identify ways to offer cross-district opportunities to improve integration.

Subp. 3. **Membership of multidistrict collaboration council.** Each isolated district and each of its adjoining districts shall appoint individuals to participate in the multidistrict collaboration council. The council shall be reasonably representative of the diversity of the participating districts. If any of the participating districts have an American Indian parent committee formed under Minnesota Statutes, section 124D.78, a representative of those committees shall also be appointed.

Subp. 4. **Alternatives to a multidistrict collaboration council.**

A. Participating districts that are members of joint powers boards that have advisory councils meeting the requirements of subpart 3 may use those joint powers boards and advisory councils in lieu of creating a new council under subpart 2.

B. Participating districts that have an existing committee whose composition reflects the membership requirements of subpart 3, may use this committee in lieu of creating a new council under subpart 2.

Subp. 5. **Council cooperation and plan.** The multidistrict collaboration council shall identify ways of creating increased opportunities for interracial contact and establish goals for meeting this objective. After identifying these opportunities and goals, the council shall develop a joint collaboration plan for cross-district integration that may include the incentives contained in subpart 6, item B.

Subp. 6. **District plan.**

A. After receiving the plan required in subpart 5 from its council, each district shall review, modify if necessary, and ratify the integration plan. Each district shall provide a plan to the commissioner that describes how the goal of greater opportunities for interracial contact between students will be met and that describes the interdistrict integration efforts the district plans to implement. The plan shall be completed and ratified no longer than 12 months after the district receives notice under part 3535.0180, subpart 1. The plan shall include:

- (1) the extent of community outreach that preceded the interdistrict plan;

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- (2) cross-district integration issues identified;
- (3) goals of the integration effort; and
- (4) how the goals will be or are being accomplished.

B. All collaboration plans under this part must be educationally justifiable and contain options for interdistrict integration that may include, for example:

- (1) providing cooperative transportation that helps balance racially isolated districts;
- (2) providing incentives for low-income students to transfer to districts that are not racially isolated;
- (3) developing cooperative magnet programs or schools designed to increase racial balance in the affected districts;
- (4) designing cooperative programs to enhance the experience of students of all races and from all backgrounds and origins;
- (5) providing cooperative efforts to recruit teachers of color, and encouraging teacher exchanges, parent exchanges, and cooperative staff development programs;
- (6) encouraging shared extracurricular opportunities, including, for example, community education programs that promote understanding, respect, and interaction among diverse community populations; and
- (7) documenting, in districts with ten or more American Indian students, how American Indian students are able to participate in program options uniquely relevant to American Indian students, including, for example, language and culture programs under Minnesota Statutes, section 124D.74, and how the students may participate in the district's voluntary integration efforts.

Subp. 7. **Limits on participation in multidistrict collaboration councils.** Notwithstanding subpart 2:

- A. an isolated school district shall not be required to be part of two or more collaboration councils;
- B. adjoining districts shall not be required to be part of two or more collaboration councils;
- C. two adjoining racially isolated school districts shall not be required to participate together on the same collaboration council;
- D. if a racially isolated district is a member of a joint powers board under subpart 4, its adjoining districts shall not be required to participate on the joint powers board; and
- E. if an adjoining district is a racially isolated district exempted from subparts 2 to 8 under subpart 1, item B, the district shall not be required to be part of an interdistrict collaboration council and shall not be required to provide a plan of interdistrict integration efforts to the commissioner.

Subp. 8. **Timeline for reports.** Once a multidistrict collaboration plan has been filed with the commissioner, it does not need to be renewed for a period of four years from the date of filing.

**3535.0180 EVALUATION OF COLLABORATIVE EFFORTS.**

The commissioner shall biennially evaluate the results of collaborative efforts under part 3535.0170 to determine whether the collaboration plan was implemented and whether the action goals have been substantially met. After reviewing the results, the commissioner shall report to the house and senate education committees whether a district implemented its collaboration plan and substantially met its action goals. The commissioner may also make recommendations for appropriate legislative action.