

A bill for an act

relating to education; clarifying the appeals process for adequate yearly progress designations; amending Minnesota Statutes 2007 Supplement, section 120B.36, subdivision 1.

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

Section 1. Minnesota Statutes 2007 Supplement, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance report cards.** (a) The commissioner shall use objective criteria based on levels of student performance to report at least student academic performance, school safety, two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios, and staff characteristics, with a value-added component added no later than the 2008-2009 school year. The report must indicate a school's adequate yearly progress status, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards.

(c) The commissioner must make available the first performance report cards by November 2003, and during the beginning of each school year thereafter.

(d) A school or district may appeal its adequate yearly progress or other status determination in writing to the commissioner within 30 days of receiving the notice of its status: determination. The commissioner must give the affected school or school district notice and the opportunity for a hearing before an appeals advisory committee within 30 days after the commissioner receives the written appeal. The commissioner must notify

the school or district of the date, time, and place of the hearing at least 21 days before the hearing date. Within 30 days after the hearing, the appeals advisory committee must submit a written recommendation to the commissioner regarding whether to grant or deny the appeal and include the reasons for its recommendation. The commissioner must finally decide an appeal based on an objective evaluation and must make and transmit to the school or district the commissioner's evaluation and final decision within 15 days of receiving the advisory committee recommendation. The commissioner, after consulting with the appeals advisory committee, may postpone the hearing date under special circumstances. The appeals advisory committee is composed of five members:

(1) a representative of a statewide professional teachers' organization selected by the organization;

(2) a representative of a statewide organization of school administrators selected by the organization;

(3) a representative of a statewide parent and teachers organization selected by the organization;

(4) a representative of a statewide commerce organization having a significant interest in K-12 education selected by the organization; and

(5) a representative of a statewide school boards association selected by the organization.

Three members of the appeals advisory committee shall serve two-year terms and two members of the appeals advisory committee shall serve three-year terms beginning July 1, 2008. Appeals advisory committee members' terms and other matters are subject to section 15.059. The commissioner must reimburse appeals advisory committee members from federal revenue the department receives under the No Child Left Behind Act. The appeals advisory committee does not expire.

The commissioner must seek the advice of the appeals advisory committee before deciding an appeal. The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report cards data are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.