

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1793

04/22/2013 Authored by Woodard; Erickson, S.; Johnson, B.; Dean, M.; Hoppe and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education finance; prohibiting unfunded mandates; proposing coding
1.3 for new law in Minnesota Statutes, chapter 126C.

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

1.5 Section 1. [126C.24] UNFUNDED MANDATES PROHIBITED.

1.6 (a) No school district, charter school, or private school is obligated to comply with
1.7 the following types of mandates unless a separate appropriation has been enacted into law
1.8 providing full funding for the mandate for the school year during which the mandate is
1.9 required:

1.10 (1) any mandate enacted into law by the Minnesota legislature after the effective
1.11 date of this section except as provided in paragraph (d); and

1.12 (2) any regulatory mandate promulgated by the commissioner of education or the
1.13 Board of Teaching and adopted by rule after the effective date of this section other than
1.14 those promulgated with respect to this section or laws already enacted on or before the
1.15 effective date of this section.

1.16 (b) If the amount appropriated to fund a mandate described in paragraph (a) does
1.17 not fully fund the mandated activity, then the school district, charter school, or private
1.18 school may choose to discontinue or modify the mandated activity to ensure that the costs
1.19 of compliance do not exceed the funding received under the procedure in paragraph (c). If
1.20 a school district, charter school, or private school discontinues or modifies a mandated
1.21 activity due to lack of full funding from the state, then the school district, charter school,
1.22 or private school shall annually maintain and update a list of discontinued or modified
1.23 mandated activities. The list shall be provided to the commissioner of education upon
1.24 request.

2.1 (c) Before discontinuing or modifying the mandate, the school district or charter
2.2 school shall petition the commissioner on or before February 15 of each year to request to
2.3 be exempt from implementing the mandate in a school or schools in the next school year.
2.4 The petition shall include all legitimate costs associated with implementing and operating
2.5 the mandate, the estimated reimbursement from state and federal sources, and any unique
2.6 circumstances the school district or charter school can verify that exist that would
2.7 cause the implementation and operation of such a mandate to be cost prohibitive. The
2.8 commissioner shall review the petition. In accordance with the open meetings law under
2.9 chapter 13D, the commissioner shall convene a public hearing to hear testimony from the
2.10 school district or charter school and interested community members. The commissioner
2.11 shall, on or before March 15 of each year, inform the school district or charter school of
2.12 the commissioner's decision, along with the reasons why the exemption was granted or
2.13 denied, in writing. If the commissioner grants an exemption to the school district or
2.14 charter school, then the school district or charter school is relieved from the requirement
2.15 to establish and implement the mandate in the school or schools granted an exemption for
2.16 the next school year. If the commissioner does not grant an exemption, then the school
2.17 district or charter school shall implement the mandate in accordance with the applicable
2.18 law or rule by the first student attendance day of the next school year.

2.19 (d) This section does not apply to:

2.20 (1) any new statutory or regulatory mandates related to revised learning standards
2.21 under sections 120B.02 to 120B.024;

2.22 (2) new statutory or regulatory mandates required under federal law including
2.23 mandates implementing the waiver from the Elementary and Secondary Education Act; or

2.24 (3) new statutory or regulatory mandates implementing judicially created mandates
2.25 as certified by the attorney general.

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