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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2471

04/09/2021 Authored by Davnie
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; establishing a culturally responsive teaching, learning,
1.3 integration, and inclusion program; appropriating money; proposing coding for
1.4 new law as Minnesota Statutes, chapter 124F; repealing Minnesota Statutes 2020,
1.5 sections 124D.861; 124D.862; 124D.896; Minnesota Rules, parts 3535.0100;
1.6 3535.0110; 3535.0120; 3535.0130; 3535.0140; 3535.0150; 3535.0160; 3535.0170;
1.7 3535.0180.

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

1.9 Section 1. 124F.01 DEFINITIONS.

1.10 Subdivision 1. Scope. For the purposes of sections 124F.01 to 124F.07, the following
1.11 terms have the meanings given.

1.12 Subd. 2. Commissioner. "Commissioner" means the commissioner of education.

1.13 Subd. 3. Culturally responsive teaching. "Culturally responsive teaching" means using
1.14 the cultural knowledge, prior experiences, frames of reference, and performance styles of
1.15 ethnically diverse students to make learning encounters more relevant to and effective for
1.16 students.

1.17 Subd. 4. Disparities. "Disparities" means a pattern of educational differences, including
1.18 but not limited to the following, in which historically underserved students:

1.19 (1) underperform academically relative to white students;

1.20 (2) are underrepresented in rigorous courses, gifted and talented programs, and honors
1.21 courses; or

1.22 (3) are overrepresented in exclusionary discipline, including suspensions and expulsions.

2.1 Subd. 5. **Department.** "Department" means the Minnesota Department of Education.

2.2 Subd. 6. **Diverse student body.** "Diverse student body" means a student body containing
2.3 students from a mix of racial and socioeconomic backgrounds.

2.4 Subd. 7. **Historically underserved students.** "Historically underserved students" means
2.5 students of color, indigenous students, and students in poverty.

2.6 Subd. 8. **Inclusion.** "Inclusion" means providing education that recognizes, honors, and
2.7 responds to demographic differences; a school climate that is welcoming of all students and
2.8 their families; curriculum that names and values diversity of many kinds; pedagogical
2.9 practices that explore multiple ways of teaching and learning; staffing and services that
2.10 include a broad range of professionals; and teacher education that prepares educators with
2.11 the skills to create and teach within inclusive environments. Inclusion requires schools to
2.12 ensure historically underserved students may fully participate in all aspects of a school's
2.13 programming, especially access to rigorous courses, and are not subject to discriminatory
2.14 and disproportionate disciplinary practices.

2.15 Subd. 9. **Indigenous students.** "Indigenous students" means students who identify as
2.16 American Indian.

2.17 Subd. 10. **Integration.** "Integration" means uniting students and staff from multiple
2.18 racial, socioeconomic, and cultural backgrounds to create innovative opportunities for
2.19 cross-cultural cooperation and respect for cultural differences within and across schools.

2.20 Subd. 11. **Magnet school.** "Magnet school" means a public elementary, middle, or
2.21 secondary school with a theme, including but not limited to science, technology, engineering,
2.22 and mathematics (STEM); international baccalaureate; dual-language immersion; or a set
2.23 of curricular themes implemented to attract a diverse student body and provide access to
2.24 opportunity. A diverse student body typically is attained through a combination of lottery
2.25 and zoned enrollment.

2.26 Subd. 12. **Positive behavioral interventions and supports.** "Positive behavioral
2.27 interventions and supports" has the meaning given in section 122A.627.

2.28 Subd. 13. **Restorative practices.** "Restorative practices" means a social science that
2.29 studies how to strengthen relationships between individuals as well as social connections
2.30 within communities. Restorative practices includes restorative justice, which is a process
2.31 involving the primary stakeholders in determining how best to repair the harm done by an
2.32 offense.

3.1 Subd. 14. **Social-emotional learning.** "Social-emotional learning" means a process
 3.2 whereby students and teachers build strong, respectful relationships grounded in collaborative
 3.3 solutions to community building and participatory democracy in the classroom.

3.4 Subd. 15. **Students of color.** "Students of color" means students who identify as Asian,
 3.5 Black, Hawaiian or Pacific Islander, Hispanic, or two or more races.

3.6 Subd. 16. **Students in poverty.** "Students in poverty" means students eligible for free
 3.7 or reduced-price meals in the federal National School Lunch Program.

3.8 **Sec. 2. [124F.02] TIERED MODEL TO IDENTIFY STUDENTS.**

3.9 (a) By the beginning of the 2022-2023 school year, the commissioner must develop a
 3.10 tiered model using census data and multiple measurements to identify areas where students
 3.11 live in the most challenging environments. Multiple measurements must include but are not
 3.12 limited to:

3.13 (1) median household income;

3.14 (2) percent of home ownership;

3.15 (3) percent of single-parent households; and

3.16 (4) average educational attainment of population.

3.17 The commissioner may include other economic criteria the commissioner determines are
 3.18 likely to disadvantage a student's preparedness and ability to learn.

3.19 (b) The model must include five tiers, with tiers one and two identifying areas with the
 3.20 least challenging environments and tiers four and five identifying areas with the most
 3.21 challenging environments. Development of the tiered model is exempt from the requirements
 3.22 of chapter 14 and section 14.386. Homeless children must be assigned to tier five regardless
 3.23 of where they reside.

3.24 **Sec. 3. [124F.03] CULTURALLY RESPONSIVE TEACHING, LEARNING,**
 3.25 **INTEGRATION, AND INCLUSION PROGRAM.**

3.26 Subdivision 1. **Definitions.** For purposes of sections 124F.01 to 124F.07, the terms
 3.27 defined in section 124F.01 have the same meanings.

3.28 Subd. 2. **Program.** The culturally responsive teaching, learning, integration, and inclusion
 3.29 program is established to improve opportunities, increase student achievement, and reduce
 3.30 disparities for historically underserved students.

4.1 Subd. 3. **Participation.** (a) The commissioner must review all school districts and charter
4.2 schools to determine those districts and charter schools that are required to participate in
4.3 the program.

4.4 (b) The following school districts and charter schools are required to participate in the
4.5 program:

4.6 (1) "isolated districts," which are school districts with an enrollment of historically
4.7 underserved students that is greater than 20 percent variance of an adjoining district's
4.8 enrollment;

4.9 (2) "exempt districts," which are school districts with an enrollment of historically
4.10 underserved students that is between 40 to 60 percent. Exempt districts are not considered
4.11 isolated. These districts must implement a plan under subdivision 4 and comply with all
4.12 provisions of this section, including addressing any identifiable schools within the district,
4.13 other than any requirement to implement an interdistrict plan;

4.14 (3) "identifiable schools," which are schools within a school district with an enrollment
4.15 in one or more grade levels of historically underserved students with greater than 20 percent
4.16 variance of the district average enrollment at the same grade level, or any school within a
4.17 school district with enrollment of historically underserved students over 80 percent; and

4.18 (4) "identifiable charter schools," which are charter schools with an enrollment in one
4.19 or more grade levels of historically underserved students with greater than 20 percent
4.20 variance of the school district average at the same grade level in the district in which the
4.21 charter school is located, or any charter school with enrollment of historically underserved
4.22 students over 80 percent.

4.23 Subd. 4. **Plans for participating school districts.** (a) Plans for participating school
4.24 districts must focus the following on four areas:

4.25 (1) culturally responsive teaching;

4.26 (2) student academic achievement;

4.27 (3) integration; and

4.28 (4) inclusion.

4.29 (b) Plans must be adopted by the school board. A school board must hold at least one
4.30 formal annual hearing to publicly report on progress in realizing the goals identified in the
4.31 culturally responsive teaching, learning, integration, and inclusion plan. At the hearing, the
4.32 board must provide the public with longitudinal data demonstrating district and school

5.1 progress in the four focus areas. At least 30 days before the formal hearing under this
5.2 paragraph, the board must post its plan, its preliminary analysis, relevant student performance
5.3 data, and other longitudinal data on the district's website.

5.4 (c) In developing a plan, a participating school district must identify a leadership team,
5.5 conduct a needs assessment, conduct an equity and diversity impact assessment, and identify
5.6 processes to measure fidelity of implementation, continuously monitor improvement, and
5.7 conduct program evaluation. The plan must be incorporated into the district's comprehensive
5.8 strategic plan under section 120B.11.

5.9 (d) Plans must include evidence-based strategies and measurable goals and outcomes
5.10 in each focus area and for student achievement based on disaggregated data. Plans must
5.11 have clear annual measurable goals and outcomes and three-year targets and measures.

5.12 (1) Evidence-based strategies in district plans must include but are not limited to:

5.13 (i) curricula and programming that has been shown to enhance academic outcomes for
5.14 historically underserved students;

5.15 (ii) recruitment and retention of culturally competent teachers, administrators, and staff
5.16 who have received anti-bias training;

5.17 (iii) increasing the percentages of teachers, administrators, and staff who are of color or
5.18 indigenous to better reflect the composition of the student population;

5.19 (iv) equitable and nonexclusionary disciplinary practices;

5.20 (v) multi-tiered systems of support, including restorative practices, social-emotional
5.21 learning, positive behavioral interventions and supports, and academic interventions;

5.22 (vi) culturally responsive instructional practices;

5.23 (vii) family engagement training through the department, the University of Minnesota
5.24 Urban Research and Outreach-Engagement Center, or an equivalent quality training approved
5.25 by the commissioner; and

5.26 (viii) student engagement and drop-out prevention strategies.

5.27 (2) The plan must identify and increase inclusion within school buildings, including but
5.28 not limited to eliminating disparities.

5.29 (3) The plan may include use of technology to provide integrated learning opportunities
5.30 for students.

6.1 (e) Plans for school districts with identifiable schools must include strategies that use
 6.2 clear and measurable goals and timetables to eliminate the identifiable status of the schools
 6.3 within three years. Plans in these districts must also demonstrate that identifiable schools
 6.4 are equitably funded within the district. Strategies for reducing the number of identifiable
 6.5 schools may include redrawing school attendance zones.

6.6 (f) Plans for isolated districts must include strategies that use clear and measurable goals
 6.7 and timetables to reduce or eliminate isolation, including integration and inclusion strategies
 6.8 with students from other school districts or charter schools.

6.9 (1) Strategies for isolated districts in the seven-county metropolitan area must include
 6.10 participation in the voluntary metro-wide interdistrict integration program in section 124F.04.

6.11 (2) Strategies for isolated districts outside the seven-county metropolitan area may
 6.12 participate in the voluntary metro-wide interdistrict integration program in section 124F.04.

6.13 (3) Isolated districts may collaborate with one or more adjoining school districts, charter
 6.14 schools within the isolated district, or charter schools within an adjoining district to develop
 6.15 a three-year integration plan.

6.16 (g) Exempt districts are not required to accept students from the voluntary metro-wide
 6.17 interdistrict integration program in section 124F.04, but must allow resident students to
 6.18 enroll in other districts participating in the program.

6.19 Subd. 5. **Plans for identifiable charter schools.** (a) Plans must be approved by the
 6.20 charter school board. The charter school board must hold at least one formal annual hearing
 6.21 to publicly report on progress in realizing the goals identified in the culturally responsive
 6.22 teaching, learning, integration, and inclusion plan. At the hearing, the board must provide
 6.23 the public with longitudinal data demonstrating district and school progress in the four focus
 6.24 areas. At least 30 days before the formal hearing under this paragraph, the board must post
 6.25 its plan, its preliminary analysis, relevant student performance data, and other longitudinal
 6.26 data on the charter school's website. Plans for identifiable charter schools must include
 6.27 measurable goals to eliminate the identifiable status of the school within three years. The
 6.28 plan must be incorporated into the charter school's comprehensive strategic plan under
 6.29 section 120B.11.

6.30 (b) Plans for identifiable charter schools must include the following components:

6.31 (1) marketing, lottery, and other strategies to increase the racial and socioeconomic
 6.32 diversity of the student body. A charter school may devise a weighted or controlled choice

7.1 lottery or use other enrollment strategies that would increase the diversity of the student
7.2 body, subject to department approval;

7.3 (2) partnerships with other school districts and charter schools designed to provide
7.4 students with meaningful, integrated learning opportunities while the school works to
7.5 eliminate the identifiable status of the schools;

7.6 (3) an equity and diversity impact assessment;

7.7 (4) identifying and increasing inclusion within the school building, including but not
7.8 limited to eliminating disparities; and

7.9 (5) evidence-based strategies in each focus area, including but not limited to:

7.10 (i) curricula and programming that will enhance academic outcomes for historically
7.11 underserved students;

7.12 (ii) recruitment and retention of culturally competent teachers, administrators, and staff
7.13 who have received anti-bias training;

7.14 (iii) increasing the percentages of teachers, administrators, and staff who are of color or
7.15 indigenous to better reflect the composition of the student population;

7.16 (iv) multi-tiered systems of support, including restorative practices, social-emotional
7.17 learning, positive behavioral interventions and supports, and academic interventions;

7.18 (v) culturally responsive instructional practices;

7.19 (vi) family engagement training through the department, the University of Minnesota
7.20 Urban Research and Outreach-Engagement Center, or an equivalent quality training approved
7.21 by the commissioner; and

7.22 (vii) student engagement and dropout prevention strategies.

7.23 Subd. 6. **Accountability and enforcement.** (a) Participating school districts and charter
7.24 schools must submit a detailed budget to the commissioner by March 15 in the year before
7.25 plan implementation. The commissioner must review and approve or disapprove a district
7.26 or charter school budget by June 1 of that year.

7.27 (b) The department must evaluate district and charter school plans after the first year to
7.28 determine whether the districts and charter schools are on track to achieve the outcomes,
7.29 goals, and strategies identified in their respective plans. The department may conduct a
7.30 second year review if it determines such a review is necessary. If a school district or charter
7.31 school does not meet its plan goals after three years, the department must complete a
7.32 comprehensive evaluation of the school district's or charter school's performance under the

8.1 plan. The commissioner must report evaluation results to the legislative committees with
 8.2 jurisdiction over kindergarten through grade 12 education by February 1 of every
 8.3 odd-numbered year.

8.4 (c) School districts and charter schools that fail to meet the goals identified in their plans
 8.5 in the four focus areas may be subject to corrective action at the discretion of the
 8.6 commissioner. Corrective action may include but is not limited to:

8.7 (1) peer assistance and review from a group of school districts or charter schools who
 8.8 are experiencing success;

8.9 (2) formative evaluations from peer districts or charter schools and summative evaluations
 8.10 from the department;

8.11 (3) redirection of funding to implement evidence-based practices identified by the
 8.12 commissioner; or

8.13 (4) restructuring of school programming.

8.14 Identifiable schools that meet department criteria for a state-approved alternative program
 8.15 may not be subject to corrective action solely based on academic proficiency and four-year
 8.16 graduation rates.

8.17 (d) Charter school authorizers who authorize an identifiable charter school must review
 8.18 and evaluate the identifiable charter school's performance under the charter school's plan,
 8.19 including goals to eliminate identifiability. Charter school authorizers must include charter
 8.20 school performance under this section as a factor when making decisions to renew, not
 8.21 renew, or terminate the charter school's contract. Compliance with this section must be
 8.22 included as a review criteria under section 124E.05, subdivision 5.

8.23 (e) Complaints alleging intentional segregation must be referred to the Department of
 8.24 Human Rights or the Office for Civil Rights at the United States Department of Education.

8.25 (f) The department must publish annually the number of historically underserved students
 8.26 and the subsets of students of color and students in poverty for each school and district
 8.27 based on the October 1 enrollment count for that academic year.

8.28 **Sec. 4. [124F.04] CULTURALLY RESPONSIVE TEACHING, LEARNING,**
 8.29 **INTEGRATION, AND INCLUSION PROGRAM REVENUE.**

8.30 **Subdivision 1. Culturally responsive teaching, learning, integration, and inclusion**
 8.31 **program revenue.** (a) A participating district's, including exempt district's, or charter
 8.32 school's culturally responsive teaching, learning, integration, and inclusion program revenue

9.1 equals the sum of (1) \$350 times the district or charter school's adjusted pupil units for that
 9.2 year times the ratio of the district or charter school's unduplicated enrollment of historically
 9.3 underserved students for the previous school year to total enrollment for the previous school
 9.4 year, and (2) the greater of zero or 66 percent of the difference between the district's
 9.5 integration revenue for fiscal year 2013 and the district's integration revenue for fiscal year
 9.6 2014 under clause (1).

9.7 (b) In each year, an amount equal to 0.3 percent of each district's initial achievement
 9.8 and integration revenue for the second prior fiscal year is transferred to the department for
 9.9 the oversight and accountability activities required under this section and section 124F.03.

9.10 **Subd. 2. Culturally responsive teaching, learning, integration, and inclusion program**
 9.11 **aid.** (a) A participating school district's culturally responsive teaching, learning, integration,
 9.12 and inclusion program aid equals 70 percent of its culturally responsive teaching, learning,
 9.13 integration, and inclusion program revenue.

9.14 (b) A participating charter school's culturally responsive teaching, learning, integration,
 9.15 and inclusion program aid equals 100 percent of its culturally responsive teaching, learning,
 9.16 integration, and inclusion program revenue.

9.17 **Subd. 3. Culturally responsive teaching, learning, integration, and inclusion program**
 9.18 **levy.** A participating school district's culturally responsive teaching, learning, integration,
 9.19 and inclusion program levy equals 30 percent of its culturally responsive teaching, learning,
 9.20 integration, and inclusion program revenue. For Special School District No. 1, Minneapolis;
 9.21 Independent School District No. 625, St. Paul; and Independent School District No. 709,
 9.22 Duluth, 100 percent of the levy certified under this subdivision is shifted into the prior
 9.23 calendar year for purposes of sections 123B.75, subdivision 5, and 127A.441.

9.24 **Subd. 4. Revenue uses.** (a) At least 75 percent of culturally responsive teaching, learning,
 9.25 integration, and inclusion program revenue must be spent on culturally responsive teaching,
 9.26 integration, and inclusion strategies.

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

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

9.31 **Subd. 5. Exempt districts.** Exempt districts, as defined in section 124F.03, may continue
 9.32 to receive culturally responsive teaching, learning, integration, and inclusion program
 9.33 revenue even when they no longer are racially isolated or have racially identifiable schools.

10.1 In order for an exempt district to continue to receive revenue under this section, the exempt
 10.2 district must continue to have and implement an approved plan under section 124F.03,
 10.3 subdivision 4.

10.4 Subd. 6. **Exit revenue.** Except as defined in subdivision 5, school districts and charter
 10.5 schools that meet program plan goals and are no longer required to participate in the program
 10.6 are eligible to receive 50 percent of the district or charter school's culturally responsive
 10.7 teaching, learning, integration, and inclusion program revenue generated in the final year
 10.8 of program participation for three additional years.

10.9 Sec. 5. **[124F.05] VOLUNTARY METRO-WIDE INTERDISTRICT INTEGRATION**
 10.10 **PROGRAM.**

10.11 Subdivision 1. **Establishment.** The commissioner must establish a program to create
 10.12 pathways and incentivize voluntary inter-district enrollment that contributes to integration
 10.13 and inclusion. The program must utilize the tiered model in section 124F.02. Students living
 10.14 in tier four or five areas in participating districts may transfer to a school in another
 10.15 participating school district if the school has a majority of student enrollment living in tier
 10.16 one or two areas. Students living in tier one or two areas in participating districts may
 10.17 transfer to a school in another participating school district if the majority of the receiving
 10.18 school's students live in tier four or five areas.

10.19 Subd. 2. **Application and approval.** A school district must apply to the commissioner
 10.20 for approval to participate in the program. The application must demonstrate the following:

10.21 (1) evidence of a plan to develop and implement culturally responsive staff, programming,
 10.22 and curricula;

10.23 (2) evidence of inclusive practices, policies, and curricula;

10.24 (3) evidence of integrative practices within the school and district;

10.25 (4) how curricula and programming will enhance academic outcomes for historically
 10.26 underserved students;

10.27 (5) recruitment and retention of culturally competent teachers, administrators, and staff
 10.28 who have received anti-bias training;

10.29 (6) recruitment and retention of teachers, administrators, and staff of color and indigenous
 10.30 teachers, administrators, and staff;

10.31 (7) equitable and nonexclusionary disciplinary policies and practices;

11.1 (8) restorative practices, social-emotional learning, and positive behavioral interventions
 11.2 and supports; and

11.3 (9) family engagement training through the department, the University of Minnesota
 11.4 Urban Research and Outreach-Engagement Center, or an equivalent quality training approved
 11.5 by the commissioner.

11.6 Subd. 3. **Funding.** (a) A serving district must provide transportation to participating
 11.7 students. A serving district may submit transportation costs under this section to the
 11.8 department for reimbursement.

11.9 (b) A serving district must receive an additional 25 percent of the per pupil basic
 11.10 education revenue formula allowance for each participating student served under this
 11.11 program. The additional funding must be used to enhance programming. At least 85 percent
 11.12 of this additional revenue must be spent at the school in which the participating student is
 11.13 enrolled.

11.14 (c) A resident district must receive an additional 25 percent of the per pupil basic
 11.15 education revenue formula allowance for each participating student who is served by another
 11.16 district for up to three years under this program. A resident district must report to the
 11.17 department the number of resident students being served by other districts under this program.

11.18 Subd. 4. **Accountability.** (a) The commissioner must collect longitudinal data on students
 11.19 participating in the program. Longitudinal data must include:

11.20 (1) consistent attendance;

11.21 (2) retention of transfer students;

11.22 (3) academic achievement and growth;

11.23 (4) Minnesota student survey responses about teachers caring for students;

11.24 (5) four- and seven-year graduation rates;

11.25 (6) discipline disparities;

11.26 (7) parent satisfaction;

11.27 (8) access and participation in rigorous courses, including in gifted and talented programs;

11.28 and

11.29 (9) special education referral representation and disparities.

11.30 The department must also analyze data to identify districts that are utilizing the program
 11.31 to push students out into other districts.

12.1 (b) After initial approval, participating districts must be re-evaluated by the commissioner
 12.2 every three years to ensure the districts meet the eligibility criteria in subdivision 2.

12.3 **Sec. 6. [124F.06] DIVERSE MAGNET SCHOOL PROGRAM.**

12.4 Subdivision 1. **Definitions.** For purposes of sections 124F.01 to 124F.07, the terms
 12.5 defined in section 124F.01 have the same meanings.

12.6 Subd. 2. **Establishment.** The commissioner must establish, using the process described
 12.7 in this section, four initial magnet schools designed to attract a diverse student body and
 12.8 excel with historically underserved students. The magnet schools must be operational and
 12.9 servicing students by the 2023-2024 school year.

12.10 Subd. 3. **Enrollment.** (a) The magnet schools must be schools of choice, open to any
 12.11 student in the seven-county metropolitan area. A magnet school must enroll any eligible
 12.12 student who submits a timely application, unless the number of applications exceeds the
 12.13 capacity of a program, class, grade level, or building. In this case, pupils must be accepted
 12.14 by lot. A magnet school must develop and publish, including on its website, a lottery policy
 12.15 and process that it must use when accepting pupils by lot. The magnet schools are prohibited
 12.16 from using as criteria for establishing enrollment preferences: (1) any academic assessment
 12.17 or measure of achievement; (2) parent or student interviews; or (3) commitment forms.

12.18 (b) A magnet school must give enrollment preference first to students residing in tier
 12.19 four and five areas, as defined by the commissioner under section 124F.02. A magnet school
 12.20 must also give enrollment preference to a sibling of an enrolled pupil and to a foster child
 12.21 of that pupil's parent or guardian. A magnet school must enroll no less than 40 percent and
 12.22 no more than 60 percent of students from tier four and five areas.

12.23 Subd. 4. **Magnet Innovation Oversight Board.** (a) The Magnet Innovation Oversight
 12.24 Board members must serve four-year terms unless otherwise indicated in this subdivision.
 12.25 Subsequent appointment terms must be for four years unless otherwise indicated in this
 12.26 subdivision. The board reports to the commissioner and must be comprised of the following
 12.27 members:

12.28 (1) two members appointed by the governor. Initial terms of the governor's appointees
 12.29 must be three year terms;

12.30 (2) one member appointed by the chancellor of the Minnesota State Colleges and
 12.31 Universities;

12.32 (3) three members appointed by the board of the Association of Metropolitan School
 12.33 Districts. The board must select two of the three members to serve an initial three-year term;

13.1 (4) one member appointed by the Tribal Nations Education Committee; and
 13.2 (5) one member appointed by the board of the Minnesota Business Partnership or
 13.3 Minnesota Chamber of Commerce. The Minnesota Business Partnership must appoint the
 13.4 member for the initial term. The Minnesota Chamber of Commerce must appoint the member
 13.5 for the subsequent term, and subsequent terms must rotate between the Minnesota Business
 13.6 Partnership and the Minnesota Chamber of Commerce.

13.7 (b) The commissioner must appoint a student advisory panel that must provide advice
 13.8 and student input to the board. The student advisory panel must include one member from
 13.9 Special School District No. 1, Minneapolis, one member from Independent School District
 13.10 No. 625, St. Paul, and one member from each magnet school established in this section.

13.11 (c) The department must employ an adequate number of staff to coordinate state-level
 13.12 magnet school operations and provide technical assistance and support to the board and
 13.13 magnet schools. One staff member must serve as executive director of the diverse magnet
 13.14 school program. The commissioner may establish minimum and preferred qualifications.
 13.15 The executive director reports directly to the board chair and the other staff members report
 13.16 to the executive director.

13.17 Subd. 5. **Magnet school selection.** (a) The commissioner must create an application
 13.18 process and review rubric in consultation with the Magnet Innovation Oversight Board and
 13.19 staff. The board must identify priority regions in the seven-county metropolitan area and
 13.20 suggested themes, and must solicit applications from school districts. No less than two of
 13.21 the four magnet schools must be established within the boundaries of Special School District
 13.22 No. 1, Minneapolis, or Independent School District No. 625, St. Paul.

13.23 (b) The oversight board and staff must complete an initial review of district applications
 13.24 and recommend up to six sites, in ranked order, for commissioner and department review.
 13.25 The commissioner must approve four magnet school sites.

13.26 (c) Magnet innovation applications must:

13.27 (1) propose a theme and clear rationale for selecting that theme;

13.28 (2) have a plan for student enrollment consistent with criteria in subdivision 3;

13.29 (3) demonstrate how the school will be separate from other district schools. Magnet
 13.30 schools must not be programs within an existing school or a school-within-a-school model;

13.31 (4) demonstrate community support and a market demand for the magnet theme. This
 13.32 may include enlisting the support of one or more nonprofit partners;

14.1 (5) identify a viable site suitable for the grades served and magnet school theme; and
14.2 (6) demonstrate how the school's programming will focus on four areas: culturally
14.3 responsive teaching, achievement, integration, and inclusion. This must include a description
14.4 of how the programming will attract a diverse student body and excel with historically
14.5 underserved students, an equity and diversity impact assessment, evidence of culturally
14.6 responsive staff, and equitable disciplinary policies and practices.

14.7 (d) Once an application is approved by the commissioner, the magnet school shall operate
14.8 as a district-operated, site-governed school under section 123B.045. The requirement of 60
14.9 percent support of teachers in section 123B.045, subdivision 1, does not apply to the diverse
14.10 magnet schools.

14.11 Subd. 6. **Accountability and oversight.** (a) All magnet schools in the program must
14.12 have an annual performance review, completed by the oversight board and staff, for each
14.13 of the first four years of operation to ensure evidence-based practices are implemented with
14.14 fidelity. After the first four years of operation, the oversight board and staff must review
14.15 and re-authorize magnet schools in year five of operation and every three years thereafter.
14.16 School performance must be evaluated under the criteria set forth by the commissioner and
14.17 the oversight board, including both academic and nonacademic measures. The oversight
14.18 board may require a review of a school to be conducted at any time if the board determines
14.19 one is warranted.

14.20 (b) If a review concludes that a magnet school is not meeting the performance
14.21 expectations of the board and commissioner, the board, in consultation with the
14.22 commissioner, must issue findings and corrective action. The magnet school must have one
14.23 year to complete the corrective action. If corrective action is not satisfied, the commissioner,
14.24 in consultation with the board, may revoke the authorization of the magnet school to operate.

14.25 (c) The oversight board must provide an annual report to the commissioner by October
14.26 1 of each year. The commissioner must provide a report to the relevant committees of the
14.27 legislature by February 1 of each year. The report may include a recommendation to expand
14.28 the magnet program if the oversight board demonstrates to the legislature that the existing
14.29 magnets are successfully attracting a diverse student body and excelling with historically
14.30 underserved students.

14.31 Subd. 7. **Funding.** (a) Districts approved to start a diverse magnet school are eligible
14.32 for one-year start-up grants to upgrade facilities, purchase equipment, and hire initial staff
14.33 to develop curricula and programming.

15.1 (b) Districts hosting a state-approved diverse magnet school receive an additional 25
15.2 percent of the per pupil basic education revenue formula allowance to allow the magnet
15.3 school to provide enhanced programming. At least 85 percent of this additional funding
15.4 must be spent at the school level.

15.5 (c) The revenue allocated to the site includes the general education revenue generated
15.6 by the students at the site from state, local, and private sources; referendum revenue; and
15.7 federal revenue from the Elementary and Secondary Education Act, Individuals with
15.8 Disabilities Education Act, Carl Perkins Act; and other federal programs as agreed to by
15.9 the school board and site council.

15.10 (d) The district may retain an administrative fee for managing the federal programs,
15.11 private revenues, and general administrative functions including the school board,
15.12 superintendent, district legal counsel, finance, accountability and self-governed school
15.13 contract oversight, facilities maintenance, districtwide special education programs, and
15.14 other such services as agreed to by the site and school board. The administrative fee, if
15.15 retained, must be included in the agreement.

15.16 (e) As part of the agreement, the district may provide specific services for the site and
15.17 may specify the amount to be paid for each service and retain the revenues for that amount.
15.18 The formula or procedures for determining the amount of revenue to be allocated to the site
15.19 each year must be consistent with this subdivision and incorporated in the site budget
15.20 annually following a timeline and process that is included in the agreement with the school
15.21 board. The site is responsible for allocating revenue for all staff at the site and for the other
15.22 provisions of the agreement with the district board.

15.23 (f) All unspent revenue may be carried over to following years for the sole use of the
15.24 site.

15.25 (g) Resident districts receive an additional 25 percent of the per pupil basic education
15.26 revenue formula allowance for each participating student served by a magnet school district
15.27 under this section. Those districts must report to the department the number of resident
15.28 students being served by other districts under this program.

15.29 (h) The state must reimburse resident districts the cost of transporting students to and
15.30 from the magnet schools. This includes after-hours transportation needed due to sports and
15.31 other extracurricular activities.

16.1 **Sec. 7. [124F.07] EVIDENCE-BASED STRATEGIES AND FAMILY**
 16.2 **INFORMATION SYSTEM.**

16.3 (a) The department must develop a repository of evidence-based strategies that focuses
 16.4 on improving outcomes and eliminating disparities for historically underserved students.

16.5 These strategies may include but are not limited to:

16.6 (1) increasing the percentages of teachers of color and indigenous teachers;

16.7 (2) working with full-service community schools;

16.8 (3) implementing equitable and nonexclusionary disciplinary practices. The Department
 16.9 of Human Rights must continue its work to ensure that districts are implementing discipline
 16.10 in an equitable manner. The department must provide technical assistance;

16.11 (4) hiring additional school support staff, including counselors, nurses, social workers,
 16.12 psychologists, and chemical health counselors;

16.13 (5) working with programs focused on addressing homelessness and housing instability,
 16.14 such as the Homework Starts with Home program;

16.15 (6) requiring all districts to take a social-emotional learning assessment;

16.16 (7) offering multi-tiered systems of behavioral support, including restorative practices,
 16.17 social-emotional learning, and positive behavioral interventions and supports;

16.18 (8) providing access to culturally relevant and inclusive programming and curricula;

16.19 (9) prioritizing recruitment and retention of culturally competent staff who have received
 16.20 anti-bias training;

16.21 (10) promoting training on family engagement strategies through the department, the
 16.22 University of Minnesota Urban Research and Outreach-Engagement Center, or an equivalent
 16.23 quality training approved by the commissioner;

16.24 (11) improving student engagement and dropout prevention strategies; and

16.25 (12) using technology and other resources to provide equitable distance learning.

16.26 (b) The commissioner must develop and maintain a web-based, state-level family
 16.27 information system that allows user-friendly, school-by-school comparisons as well as easy
 16.28 to understand district and statewide data in multiple languages. To the extent allowable
 16.29 under chapter 13, the system must include the ability to disaggregate student data by race
 16.30 and ethnicity, disability status, free and reduced-price lunch eligibility, housing status

- 17.1 including homeless and foster care settings, and English learner status. Data to be included
- 17.2 in the information system may include:
- 17.3 (1) consistent attendance;
- 17.4 (2) student survey responses about teachers caring about students;
- 17.5 (3) academic achievement and growth;
- 17.6 (4) four- and seven-year graduation rates;
- 17.7 (5) rigorous courses availability and completion rates in high schools;
- 17.8 (6) preschool enrollment and participation data in prekindergarten through grade 5;
- 17.9 (7) progress toward English language proficiency;
- 17.10 (8) college-acceptance rates and need for remedial coursework;
- 17.11 (9) access to effective, experienced, and in-field teachers;
- 17.12 (10) progress toward teachers, administrators, and staff of color and indigenous teachers,
- 17.13 administrators, and staff matching statewide student demographics;
- 17.14 (11) fiscal transparency regarding how funds are allocated from districts to schools and
- 17.15 students;
- 17.16 (12) course offerings and participation in career and technical education; arts education;
- 17.17 and science, technology, engineering, and mathematics courses;
- 17.18 (13) discipline disparities;
- 17.19 (14) retention of paraprofessionals, teachers, and administration staff broken down by
- 17.20 gender and race; and
- 17.21 (15) grade 9 course completion.

17.22 Sec. 8. **APPROPRIATIONS.**

17.23 Subdivision 1. Culturally responsive teaching, learning, integration, and inclusion

17.24 **program.** (a) For culturally responsive teaching, learning, integration, and inclusion program

17.25 under Minnesota Statutes, section 124F.04:

17.26 \$ 2022

17.27 \$ 2023

17.28 (b) The base appropriation for fiscal year 2024 and later is \$.....

18.1 Subd. 2. Voluntary metro-wide interdistrict integration program. (a) For voluntary
 18.2 metro-wide interdistrict integration program under Minnesota Statutes, section 124F.05:

18.3 \$ 2022

18.4 \$ 2023

18.5 (b) Of the amounts appropriated, \$..... is reserved for the Department of Education for
 18.6 administration. The base appropriation for fiscal year 2024 and later is \$.....

18.7 Subd. 3. Diverse magnet school program. (a) For diverse magnet school program under
 18.8 Minnesota Statutes, section 124F.06:

18.9 \$ 2022

18.10 \$ 2023

18.11 (b) Of the amounts appropriated, \$..... annually is for the Magnet Innovation Oversight
 18.12 Board for administration.

18.13 (c) Of the amounts appropriated, \$..... is for the Department of Education for
 18.14 administration. The base appropriation for fiscal year 2024 and later is \$.....

18.15 Subd. 4. Evidence-based strategies and family information system. (a) For the
 18.16 evidence-based strategies and family information system under Minnesota Statutes, section
 18.17 124F.07:

18.18 \$ 2022

18.19 \$ 2023

18.20 (b) Of the amounts appropriated, the Department of Education may retain up to
 18.21 percent for costs of administration.

18.22 **Sec. 9. REPEALER.**

18.23 (a) Minnesota Statutes 2020, sections 124D.861; 124D.862; and 124D.896, are repealed.

18.24 (b) Minnesota Rules, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130; 3535.0140;
 18.25 3535.0150; 3535.0160; 3535.0170; and 3535.0180, are repealed.

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 give students improved and equitable access to effective and more diverse teachers, 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, improved and equitable access to effective and diverse teachers, and targeted interventions to improve achievement; and

(3) rigorous career and college readiness programs and effective and more diverse instructors 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.

(d) Consistent with paragraph (c), eligible districts may adopt policies to increase the diversity of district teachers and administrators using the revenue under section 124D.862 for recruitment, retention, and hiring incentives or additional compensation.

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, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors 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 and in equitable access to effective and more diverse teachers 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 diversity and 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, in improving students' equitable access to effective and more diverse teachers, and in realizing racial and economic diversity and 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 website. 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 (b) must be based on student growth and progress in reading and mathematics, as defined under section 120B.30, subdivision 1, and 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 1a, or the number of state bilingual and multilingual seals issued under section 120B.022, subdivision 1b, 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, improving students' equitable access to effective and diverse teachers, and in realizing racial and economic diversity and 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 lesser of 100.3 percent of the district's expenditures under the budget approved by the commissioner under section 124D.861, subdivision 3, paragraph (c), excluding expenditures used to generate incentive revenue under subdivision 2, or 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, an amount equal to 0.3 percent of each district's initial achievement and integration revenue for the second prior fiscal year 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. A district's incentive revenue equals the lesser of the maximum incentive revenue or the district's expenditures for 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 under the budget approved by the commissioner under section 124D.861, subdivision 3, paragraph (c).

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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:

(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.

124D.896 DESEGREGATION/INTEGRATION AND INCLUSIVE EDUCATION RULES.

(a) The commissioner shall propose rules relating to desegregation/integration and inclusive education, consistent with sections 124D.861 and 124D.862.

(b) In adopting a rule related to school desegregation/integration, the commissioner shall address the need for equal educational opportunities for all students and racial balance as defined by the commissioner.

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, chapter 124E;
- 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;
- 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 7491; 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 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:

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(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.

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 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.

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;
- (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.