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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3543

03/23/2016 Authored by Hertaus, Erickson, Bennett and Anderson, P.,
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; clarifying the commissioner of education's authority
1.3 to adopt desegregation and integration rules for Minnesota's public schools;
1.4 defining eligible districts in statute; amending Minnesota Statutes 2014, sections
1.5 124D.861, subdivision 1, by adding a subdivision; 124D.896; repealing
1.6 Minnesota Rules, part 3535.0110, subparts 6, 7, 8.

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

1.8 Section 1. Minnesota Statutes 2014, section 124D.861, subdivision 1, is amended to
1.9 read:

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

1.15 (b) For purposes of this section and section 124D.862, "eligible district" ~~means a~~
1.16 ~~district required to submit a plan to the commissioner under Minnesota Rules governing~~
1.17 ~~school desegregation and integration, or be a member of a multidistrict integration~~
1.18 ~~collaborative that files a plan with the commissioner~~ has the meaning given in subdivision
1.19 1a.

1.20 (c) Eligible districts must use the revenue under section 124D.862 to pursue
1.21 academic achievement and racial and economic integration through: (1) integrated
1.22 learning environments that prepare all students to be effective citizens and enhance
1.23 social cohesion; (2) policies and curricula and trained instructors, administrators, school
1.24 counselors, and other advocates to support and enhance integrated learning environments
1.25 under this section, including through magnet schools, innovative, research-based

2.1 instruction, differentiated instruction, and targeted interventions to improve achievement;
 2.2 and (3) rigorous career and college readiness programs for underserved student
 2.3 populations, consistent with section 120B.30, subdivision 1; integrated learning
 2.4 environments to increase student academic achievement; cultural fluency, competency,
 2.5 and interaction; graduation and educational attainment rates; and parent involvement.

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

2.7 Sec. 2. Minnesota Statutes 2014, section 124D.861, is amended by adding a
 2.8 subdivision to read:

2.9 **Subd. 1a. Definitions.** (a) "Racially identifiable school within a district" means a
 2.10 school where the enrollment of protected students at the school within a district is more
 2.11 than 20 percentage points above the enrollment of protected students in the entire district
 2.12 for the grade levels served by that school.

2.13 (b) "Racially isolated school district" means a district where the districtwide
 2.14 enrollment of protected students exceeds the enrollment of protected students of any
 2.15 adjoining district by more than 20 percentage points.

2.16 (c) "School" means a site in a public school district serving any of kindergarten
 2.17 through grade 12. For purposes of sections 124D.861 and 124D.862, school does not mean:

2.18 (1) a charter school under chapter 124E;

2.19 (2) an area learning center under section 123A.05;

2.20 (3) a public alternative program under section 126C.05, subdivision 15;

2.21 (4) a contracted alternative program under section 124D.69;

2.22 (5) a school site specifically designed to address limited English proficiency;

2.23 (6) a school site specifically designed to address the needs of students with an
 2.24 individualized education program (IEP); or

2.25 (7) a secure or nonsecure treatment facility licensed by the Department of Human
 2.26 Services or the Department of Corrections.

2.27 (d) "Eligible district" means a racially isolated independent, common, or special
 2.28 school district and any adjoining independent, common, or special school district.

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

2.30 Sec. 3. Minnesota Statutes 2014, section 124D.896, is amended to read:

2.31 **124D.896 DESEGREGATION/INTEGRATION AND INCLUSIVE**
 2.32 **EDUCATION RULES.**

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

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

3.6 (c) The commissioner must not adopt or enforce by rule a definition of "eligible
3.7 district" that expands or conflicts with the statutory definition of "eligible district."

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

3.9 Sec. 4. **REPEALER.**

3.10 Minnesota Rules, part 3535.0110, subparts 6, 7, and 8, are repealed.

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

3535.0110 DEFINITIONS.

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.

3535.0110 DEFINITIONS.

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.

3535.0110 DEFINITIONS.

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.