

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1620

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DATE	D-PG	OFFICIAL STATUS
04/19/2013	2493	Introduction and first reading Referred to Education

A bill for an act
relating to education finance; prohibiting unfunded mandates; proposing coding
for new law in Minnesota Statutes, chapter 126C.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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

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

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

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

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

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

(d) This section does not apply to:

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

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

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

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