

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.

Statutory Authority: *MS s 124D.896*

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