

2021 Legislative Summary

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Indicates significant MSBA advocacy effort

Executive Summary



Dear School Board Members and Superintendents,

The 2021 MSBA Legislative Summary is a guide to the actions impacting E-12 education during the regular and special legislative session in the Minnesota Legislature.

With an unprecedented year behind us, which included a worldwide pandemic, economic uncertainty, heightened racial unrest, a contentious presidential election, impeachment trials, organized opposition to government and breakthrough vaccinations, the 92nd legislature convened on January 5, 2021. The regular session ended on the constitutionally mandated date of May 17th with no budget, only to be called back into special session by Governor Walz on June 14th and special session ending on June 30th to finalize the budget.

The Capitol was closed to the public and the legislature working both remotely and in a hybrid capacity, the Government Relations team began their work from home. Zoom meetings with individual members, remote committee hearings and floor sessions made for an arduous process. Amid change, oftentimes at a moment's notice, our legislative agenda remained unchanged. We focused on local control, eliminating or stopping mandates and, in the area of finance, we focused on stable and equitable funding prioritizing at least an additional two percent on the per pupil formula, closing the digital divide and increasing the number of teachers of color.

Despite a year of challenges for Minnesota's divided legislature, the work became more complex as federal funding from three COVID relief bills flowed to the state and local schools, the 2021 education bill delivered good news for public schools with historic state and federal funding. And quite notably, after more than 80 mandates appeared in the House regular session education bill, only a handful remained in the final bill.

Some highlights include:

- Basic education formula increased: 2.45% (FY22) and 2% (FY23) \$462.947 million
- Voluntary PreK: \$45.892 million (FY22-23)
- Teachers of Color and Indigenous provisions: \$16 million (on-going and one-time)
- Special education (\$10.425 million FY22); EL cross-subsidy (\$2 million FY22, FY23, FY24, FY25)
- State paid solution for Enbridge: \$29,354,688

The release of this publication comes at a time when school districts continue the difficult work of returning all students and staff back to in-person learning. It is more important now than ever that school boards share insights and concerns to prioritize issues for the 2022 Legislature. MSBA will continue to advocate on your behalf, but we cannot do this alone. As MSBA's Government Relations team prepares for summer and fall events, we look forward to listening to great ideas from members to help our public schools and the students they serve. These ideas are the springboard for Delegate Assembly resolutions and legislative platforms.

We would like to thank you for your advocacy on behalf of our 850,000 public school students. Our Government Relations staff does an outstanding job representing our 333 public school boards, but your voice and input from the field make us even stronger.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kirk Schneider', written in a cursive style.

Executive Director

First Special Session E-12 Education Omnibus Bill (HF2)

	FY 22	FY23	FY22-23	FY 24-25
TOTAL EDUCATION BUDGET DOLLARS			\$ 554,204	\$ 668,957
GENERAL EDUCATION				
2.45% & 2% Formula Allowance Increase	\$ 155,640	\$ 307,307	\$ 462,947	\$ 642,895
English Learners Cross-Subsidy Reduction Aid	\$ 2,000	\$ 2,000	\$ 4,000	\$ 4,000
Maintain Existing VPK Seats (FY 22-23 only)	\$ 19,052	\$ 26,840	\$ 45,892	\$ 2,714
SPECIAL EDUCATION				
Cross-Subsidy Reduction Aid	\$ 10,425		\$ 10,425	
ONE-TIME GRANTS				
MN Civics Education Coalition	\$ 75	\$ 75	\$ 150	
Children's Museums (Bloomington, Grand Rapids, Mankato)	\$ 150	\$ 150	\$ 300	
MN Youth Council	\$ 187	\$ 188	\$ 375	
Suicide Prevention Teacher Training Grants	\$ 265		\$ 265	
Math Corps	\$ 500	\$ 500	\$ 1,000	
Digital Well-Being Grant	\$ 1,000		\$ 1,000	
Girls in Action	\$ 1,500		\$ 1,500	
Sanneh Foundation	\$ 1,500	\$ 1,500	\$ 3,000	
LETRS Grants	\$ 3,000		\$ 3,000	
Non-Exclusionary Discipline Training	\$ 1,750		\$ 1,750	
TEACHERS OF COLOR				
Expanded Concurrent Enrollment (Intro to Teaching)	\$ 125	\$ 125	\$ 250	\$ 250
American Indian Teacher Prep Grants	\$ 140	\$ 140	\$ 280	\$ 280
Come Teach in Minnesota Hiring Bonuses	\$ 200	\$ 200	\$ 400	\$ 400
Teacher Recruitment Marketing Campaign	\$ 250	\$ 250	\$ 500	\$ 500
Black Men Teach	\$ 750		\$ 750	
Mentoring & Retention Incentive Grants	\$ 2,254	\$ 2,254	\$ 4,508	\$ 4,508
Grow Your Own	\$ 5,000	\$ 5,000	\$ 10,000	\$ 10,000
STATE AGENCIES				
MDE	\$ 5,906	\$ 1,336	\$ 2,742	\$ 2,672
PELSB	\$ 73	\$ 120	\$ 193	\$ 240
Minnesota State Academies	\$ 262	\$ 516	\$ 778	\$ 1,032
Perpich	\$ 118	\$ 233	\$ 351	\$ 466

2021 Budget Summary

The 2021 Legislative Session began on January 5 amid a global pandemic and uncertain economic outlook. The next five months were spent in remote committee meetings, testifying, debating, amending, and eventually assembling omnibus spending and policy bills.

All elected officials were committed to “working together to make divided government” work and to “increase transparency and timeliness” of the new remote session.

The February Forecast brought welcome news of a \$1.6 billion surplus. The first round of education budget targets included the Governor’s bill with \$725 million dedicated to E-12, the House with a budget target of \$771 million and the Senate with a \$152 million budget.

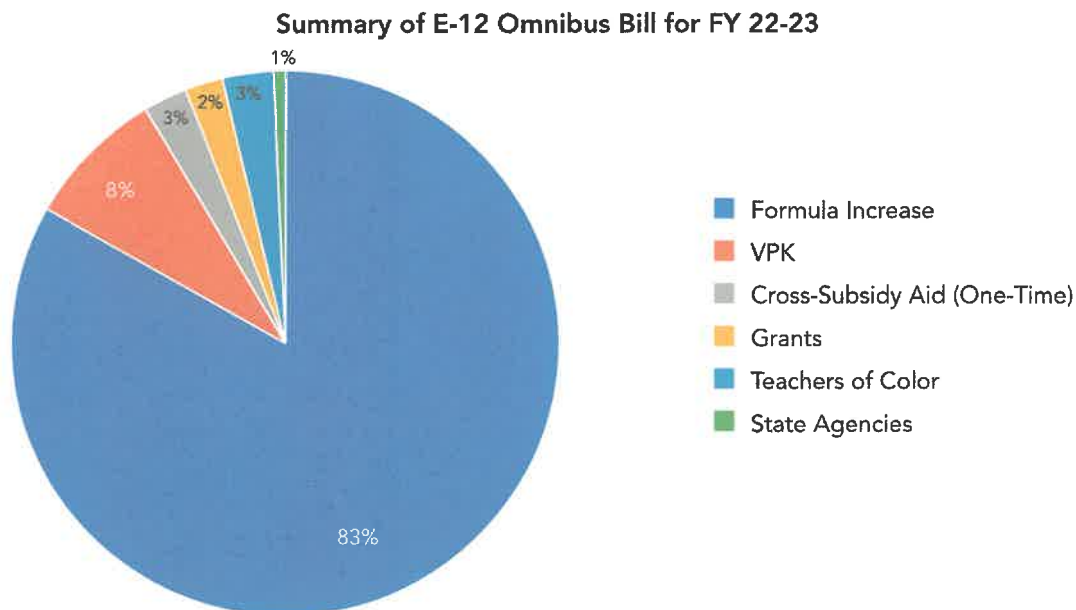
As we moved through session, it became apparent the House and Senate were very far apart in what they wanted to accomplish. Negotiations continued, but time was not on their side. The regular session ended on May 17 with no bills passed.

Leadership stepped in again, similar to 2019, and gave chairs final budget targets and dates to complete their work. Education was given \$525 million in the first year and \$675 in the second year. Chairs were to get spreadsheets to leadership by May 25 and policy provisions by June to be ready for the special session called by Governor Walz on June 14.

After several days of “working groups”, where lawmakers met to discuss, negotiate, and complete bills to pass off both floors before June 30. This date is very important as without bills passing, the state government would shut down on July 1.

The Education Omnibus bill passed off the House floor on Saturday, June 26 on a vote of 105-20. HF 2 passed off the Senate floor unanimously on June 30.

The final bill provides 2.45 and 2.0 percent increase on the general education formula, over 83 percent of the budget. Teachers of color and American Indian teachers will receive 3 percent of the budget to assist with teacher recruitment, preparation, and retention. Please see the district-by-district runs in the appendix of this document for more information.



2021 Special Session - Education Omnibus Bill (HF 2)

Finance Provisions



2.45 percent and 2 percent basic formula increase - \$457,353,000

Increases the general education basic formula allowance by \$161 per pupil unit (2.45 percent) for FY 2022 and by \$296 per pupil unit (2 percent) in FY 2023. The formula allowance for FY 2022 is \$6,728 per pupil; the formula allowance is \$6,863 per pupil for FY 2023 and later.



English learner cross-subsidy reduction aid - \$4,000,000

Provides additional statewide, supplemental aid (not on the formula) for four years only to English learners. Aid is increased by \$2 million per year for fiscal years 2022, 2023, 2024 and 2025. The commissioner must allocate the aid to school districts and charter schools proportionate to their English learner revenue.



Special education cross-subsidy aid - \$10,425,000

Provides one-time special education cross-subsidy aid for each school district to equal the ratio of the school district's initial special education cross-subsidy in FY 2021 to the total initial special education cross-subsidy in FY 2021 for all districts.

Early education - \$45,892,000

Extends the 4,000 voluntary prekindergarten/school readiness plus seats for two years that would have otherwise expired. For fiscal years 2022 and 2023 only.

Additional grants (one-time funding)

Suicide prevention training for teachers - \$265,000

Awards a grant to a nationally recognized provider of evidence-based, on-line training on suicide prevention. Training must be accessible to teachers in every school district, charter school, Intermediate school districts, service cooperative and tribal schools in Minnesota.

The grant recipient must report to the commissioner of health the number of teachers completing the on-line training and average length of time to complete the training by January 8, 2023. The commissioner must report the grant recipient's information and survey results to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education. This appropriation is available until June 30, 2023.

Civic education - \$150,000

Awards a grant to the Minnesota Civic Education Coalition for distribution to Youth in Government, the Learning Law and Democracy Foundation and the YMCA Center for Youth Voice to support civic education programs to provide teacher professional development and educational resources.

The programs must instruct students in:

- the constitutional principles in the democratic foundation of our national, state, and local institutions; and
- the political processes and structures of government, grounded in the understanding of constitutional government and individual rights.

Girls in Action - \$1,500,000

Awards a grant to the Girls in Action program to continue and expand Twin Cities Metropolitan area schools and community-based programs to support low-income girls of color.

Digital well-being - \$1,000,000

Awards a grant to LiveMore ScreenLess to support digital well-being with the goal of establishing legislative findings about the negative effects of screen overuse and misuse. This grant must be used to:

- support the creation of a library of resources promoting digital well-being;
- identify, collaborate, and coordinate with organizations focused on healthy screen use;
- implement the digital well-being train-the-trainer series; and
- deliver peer-to-peer training.

By January 15 of each year, LiveMore ScreenLess must submit a report detailing the expenditures, activities, and outcomes to the commissioner and of the chairs and ranking minority members of the legislative committees with jurisdiction over K-12 education policy and finance.



Non-exclusionary discipline training - \$1,750,000

Awards grants to school districts to provide training for school staff on non-exclusionary disciplinary practices that maintain the respect, trust, and attention of students and help keep students in the classroom.

Children's museums - \$300,000

Awards grants to Bloomington, Grand Rapids and Mankato children's museums.

Minnesota Math Corps - \$1,000,000

Awards a grant to provide additional tutors to help students build and strengthen math skills.

Minnesota Youth Council - \$375,000

Awards grants to the Minnesota Alliance with Youth for the activities of the MN Youth Council.

Sanneh Foundation - \$3,000,000

Awards a grant to the Sanneh Foundation and the grant must be directed toward programs for low performing and chronically absent students with a focus on low-income students and students of color.



Language Essentials for Teachers of Reading and Spelling (LETRS) - \$3,000,000 (one-time)

Awards grants to Minnesota licensed teachers to complete the LETRS training.

Increase Teachers of Color (on-going funding unless indicated otherwise)

Black Men Teach - \$750,000 (one-time)

Transfers funds to the Office of Higher Education for a grant to Black Men Teach Twin Cities. This grant will create partnerships with eight elementary schools or elementary charter schools with the goal of increasing the number of black male teachers to 20% of the employees at each school site.

The grant recipient must provide a detailed report to the chairs and ranking minority members of the legislative committees having jurisdiction over higher education in kindergarten through grade 12 education by January 15 of each year until 2025.

American Indian teacher preparation grants - \$1,200,000

Awards grants to support the increase of American Indians completing teacher preparation programs. Clarifies the definition of eligible student for purposes of the American Indian teacher preparation grant program, and the definition of scholarships under the American Indian teacher preparation program.



Teacher mentorship and retention incentive grants - \$4,508,000

Requires school districts to develop teacher mentoring programs for teachers new to the profession or district. Allows districts to use staff development revenue for teacher mentorship. Current law requires revenue to be used for this purpose only if extra funds remain after being used for other purposes.



Expanded concurrent enrollment grants (Intro to Teaching) - \$1,000,000

Grant funds are available to eligible applicants to develop Introduction to Teaching Concurrent Enrollment programs that encourage secondary school students, especially American Indian and students of color, to pursue teaching.



Teacher recruitment marketing campaign - \$500,000

Awards a grant to the Professional Educator Licensing and Standards Board to develop contracts to create and implement an outreach and marketing campaign to elevate the profession and recruit teachers, especially teachers of color and American Indian teachers.

The outreach and marketing campaign must focus on the following individuals:

- high school and college students of color or American Indian students who have not chosen a career path, or
- adults from racial groups under-represented in the teacher workforce who may be seeking to change careers.



Come Teach in Minnesota hiring bonuses - \$400,000

Allows a district or school to offer a bonus of \$2,500 to \$5,000 to an eligible teacher, and a bonus of \$4,000 to \$8,000 to an eligible teacher with a license in a shortage area. The district or school must verify that the hiring bonus:

- is given to teacher licensed in another state who qualifies for a Tier 3 or 4 license;
- has moved to the economic development region where the teacher was hired; and
- belongs to a racial or ethnic group underrepresented among teachers compared to students in the district.

The commissioner of education shall establish a process for districts or schools to seek reimbursement for hiring bonuses. The Department of Education may conduct a pilot program with a small number of teachers during the 2022-2023 biennium to establish feasibility. The department must submit a report by December 1, 2022, to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education detailing the effectiveness of the program.

Grow Your Own programs - \$13,400,000

Establishes an account in the special revenue fund for Grow Your Own programs. Allows grant recipients to use grant money over a period of up to 60 months. Requires the commissioner to give priority to districts with the highest number or percentage of students who are of color or American Indian.

Requires grant recipients to report to the commissioner, and the commissioner to publish a report for the public.

- **Grow Your Own district grants**

Allows districts to apply for grants for a Professional Educator Licensing and Standards Board (PELSB) approved teacher preparation program. Requires a grant recipient to use at least 80 percent of grant funds for tuition scholarships or stipends to allow school employees or community members affiliated with the district, who are of color or American Indian, to participate in the teacher preparation program and may require teacher candidates to commit to teach in the district for a reasonable amount of time that does not exceed five years.

- **Grow Your Own for secondary students grants**

Establishes grants for school districts and charter schools to offer innovative programs that encourage secondary school students to increase their interest in teaching, supports to be successful in postsecondary enrollment options coursework that meets teacher licensure requirements, and scholarships to enroll in undergraduate teacher preparation programs.

Grant applications for new and existing programs must be received by the commissioner no later than January 15 of the year prior to the school year in which the grant will be used. The commissioner must review all applications and notify grant recipients by March 15 of the anticipated amount awarded. If there is insufficient funding the commissioner must notify grant applicants by June 30.

Grant recipients must annually report to the commissioner on their activities, including the number of participants, the percentage of participants who are of color or American Indian, and an assessment of the program effectiveness. The commissioner must publish a report for the public that summarizes the activities and outcomes of grant recipients and what was done to promote sharing of effective practices.

Policy Provisions

Absence from school for religious observance

Requires a school board to provide annual notice to parents of the school district's policy on absence from school for religious observance.

Annual expenditure report

Requires a district to report expenditures for basic skills revenue by functional area.

Tax increment finance reporting timeline

Amends timeline for the county auditor's reporting on excess tax increment distributed to a school district for the preceding taxable year.

Advanced Placement (AP) and International Baccalaureate (IB) programs

- Changes the requirement that school boards adopt a three-year plan to establish a new IB program or to expand or create new AP courses and exams to apply within 90 days of a district or charter receiving a grant, rather than to qualify for the grant.
- Requires commissioner to give priority for AP grants to grantees who add or expand offerings of AP computer science principles.
- Caps grant awards at \$75,000 per district or charter school.

Academic standards implementation

Suspends until June 1, 2023, implementation of revised academic standards not implemented as of January 1, 2021. This suspension does not prevent the commissioner from continuing rulemaking or developing statewide assessments.

Evidence-based education grants

Requires all preK-12 education grants awarded after July 1, 2022, to be awarded through a framework that encourages the goals of the grants to be aligned to Minnesota's World's Best Workforce and the federal government's student accountability systems. Requires grant recipients to use evidence-based practices and report on their activities to the commissioner of education and the legislature. Effective July 1, 2022.

Suicide prevention training

Requires a district or charter school providing instruction on preventing suicide or self-harm to use the resources provided by the commissioner or other evidence-based instruction.



Seizure training

Requires a school district or charter school where a student with a seizure disorder and prescribed seizure medication is enrolled to have a seizure action plan. The action plan must identify a school nurse or designated individual who can administer seizure medication and require training on seizures. A school district or charter school must provide all licensed school nurses or other designated individuals, and other staff with self-study materials on seizure disorders. Effective for the 2022-2023 school year and later.

Notification of environmental hazards

Requires a school district, charter school, or nonpublic school, upon notification by the Department of Health or Pollution Control Agency, to notify school staff, students, and parents of an environmental hazard that may affect the health of students or school staff. Requires the notice to include direction on how to obtain more information about the hazard.



School meal policies

Requires a participant in the national school lunch program to adopt and post a school meals policy to:

- be in writing, reasonable, well-defined, and clearly communicate student meal charges when payment cannot be collected. Requires the policy to maintain the dignity of students by prohibiting lunch shaming;
- address whether a collections agency is used by the participant to collect unpaid school meals debt;
- ensure that once a meal is placed on a tray or otherwise served to a student that the meal is not withdrawn from the student; and
- ensure that a student who is eligible for a free or reduced-price lunch is always served a reimbursable meal even if they have outstanding debt.

If a school contracts with a third party it must provide the vendor with its school meals policy and require the vendor to adhere to the policy for contracts entered or modified after July 1, 2021.

Prohibits a participant from denying a school lunch to a student who qualifies for free or reduced-price lunch whether the student has outstanding school meal debt attributable to a la carte purchases or for any other reason.

Requires the participant to provide meals to students in a respectful manner. The law provides examples of prohibited activities, which include dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps, or pins. Prohibits a participant from limiting a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance due to unpaid student meal balance.

Directs the commissioner to send a letter of noncompliance to the participant if the commissioner determines that they have violated the requirement to provide meals in a respectful manner.

School nutrition formula

Adjusts the fiscal year 2021 school nutrition payments to schools to match the school meal delivery models used by schools for the 2020-2021 school year.

Special Education

Special education recovery services and supports

Requires the commissioner of education and school districts to collaborate with the families of students with disabilities to address the impact of learning disruption due to COVID-19. The following are new requirements:

- Requires districts and charter schools to invite the parents of a student with a student with a disability to a meeting of the individualized education program (IEP) team by December 1, 2021, to determine whether services and supports are necessary to address lack of progress on IEP goals or loss of learning or skills due to disruptions related to COVID-19. Additional services and supports must be included in the IEP, and the district or charter school must report to the commissioner the cost of providing the services.
- Requires the IEP team to consider specific factors when determining what supports the student needs.
- Requires the IEP team to consider when and how to deliver supports to students. Allows the IEP team to determine that providers other than the district or charter school staff are most appropriate to provide the supports and services.
- Requires a district or charter school to make available the services included in the IEP until the IEP team determines they are no longer necessary.
- Clarifies that school districts providing special education services on a shared time basis to nonpublic students must offer the nonpublic student services and supports in accordance with this section.
- Requires the commissioner to identify if federal special education funds under the American Rescue Plan (the third COVID relief act passed by Congress) could be used to fund the services required by this section. If allowable, authorizes the commissioner to allocate the federal funds to cover 100 percent of the costs of these services.

Report on behavioral health services reimbursement

Directs the commissioners of education and human services to consult with stakeholders to find strategies to streamline access and reimbursement for behavioral health services for children with an individualized education program or an individualized family service plan who are enrolled in Medical Assistance.

The commissioners shall provide an update including any recommendations for changes to the chairs and ranking minority members of the committees with jurisdiction over kindergarten through grade 12 education and human services by November 1, 2021.

Early Education

Limit on screen time

Prohibits a child in a publicly funded preschool or kindergarten program from using an individual-use screen, such as tablet, smart phone, or other digital media without engagement from a teacher or other students. This does not include a child with an individualized family service plan, an individualized education program, or a 504 plan. This section is effective July 1, 2022.

Charter Schools

Corporal punishment

Requires charter schools to comply with corporal punishment statute the same as school districts.

Authorizers

Limits the length of a corrective plan the commissioner can impose on an authorizer and modifies requirements an authorizer on a corrective plan must fulfill to resolve the basis for corrective action.

Other Bills of Interest

HF 820 Open Meeting Law (Regular Session)



Open meeting law

Recording votes and interactive technology provided, meetings provided for during emergencies, and member of public body allowed to attend a meeting from a private location more than three times in calendar year 2021.

SS HF 8 (SF 25) Agriculture



Farm-to-School markets (\$800,000 per year)

Provides funding to develop and enhance farm-to-school markets for Minnesota farmers by providing more fruits, vegetables, meat, grain, and dairy for Minnesota children in school and childcare settings including, at the commissioner's discretion, reimbursing schools for purchases from local farmers.



Urban youth agricultural education (\$600,000 each year)

Provides funding for urban youth agricultural education or urban agriculture community development of which \$10,000 each year is for transfer to the emerging farmer account.

SS HF 6 (SF 19) Commerce, Climate and Energy



Grants to the Minnesota Council on Economic Education (\$150,000 per year – one-time funding)

Appropriates funds to the Minnesota Council on Economic Education (MCEE) for grants from the commissioner of education to provide professional development for K-12 teacher's relating to economic education, support direct to student economic and personal finance programs, and support higher education-based centers for economic education. Requires the MCEE to submit a report to the commissioner of education. The report must include a description of the content and location of the programs; the number of teachers receiving professional development through these opportunities; and provide fiscal reports as well.



Solar for Schools program (\$8 million – one-time funding)

Establishes a program in the Department of Commerce to award grants to schools (K-12 and state colleges and universities) that install solar energy generating systems on or adjacent to school buildings. Systems may not exceed the smaller of 40 kw or 120 percent of the school's annual electricity consumption and must be located outside the electric service territory of the public utility that owns a nuclear generating plant in the state.

Authorizes the public utility that owns a nuclear generating plant in the state to file a plan with the PUC by October 1, 2021, to provide financial assistance to schools (K-12 and state colleges and universities) that install solar energy generating systems on or adjacent to school buildings. The application by a utility or developer must include the school's plan to make the solar energy system serve as a visual learning tool for students, teachers, and visitors to the school, including how the solar energy system

may be integrated into the school's curriculum. No more than 60 percent of grants may be awarded to schools where the proportion of students eligible for free and reduced-price lunches is less than 50 percent.

Requires annual reports to the legislature on program activities.

SF 20 (HF 5) Environment and Natural Resources



School Trust Lands (\$218,000 the first year and \$218,000 the second year)

Funds are transferred from the forest suspense account to the permanent school fund and are appropriated from the permanent school fund to secure maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles.



Office of School Trust Lands (\$187,000 the first year and \$187,000 the second year)

Salaries and benefits for the Office of School Trust Lands.



Boundary Waters Canoe Area Wilderness (BWCAW) \$500,000 the first year and \$500,000 the second year)

Funds are from the forest suspense account in the permanent school fund for transaction and project management costs for sales and exchanges of school trust lands within Boundary Waters Canoe Area Wilderness.

\$300,000 the first year and \$300,000 the second year are transferred from the forest suspense account to the permanent school fund and are appropriated from the permanent school fund for the Office of School Trust Lands.



Office of School Trust Lands director duties and goals

Added duties/goals - advance strategies on school trust lands to capitalize on ecosystem services markets.



Permanent school fund authority; reporting.

Requires the DNR to report to the Legislative Permanent School Fund Commission (LPSFC) on the management of school trust lands biennially (every two years) rather than biannually (twice a year).



Gifts of land

The Land Exchange Board may consider a gift of land from the exchange partner in addition to land proposed for exchange with the state land in determining whether the proposal is in the best interests of the school trust.

SS HF 33 (SF 37) Health and Human Services

Telemedicine

Allowing telemedicine alternative for school-linked mental health services and intermediate school district mental health services.

SS HF 7 (SF 18) Higher Education



Grants to student teachers in shortage areas (\$500,000 per year)

Appropriates funds for grants to teacher candidates in shortage areas. This is \$1.5 million below base for the biennium but note that the scope of this program has been narrowed and a new, separate grant program for underrepresented teacher candidates has been added.



Grants to underrepresented student teachers (\$1 million per year)

Appropriates new funding for the grant program for underrepresented minority teacher candidates. This program was spun-off from the existing teacher candidate grant program. The base appropriation will increase to \$1.125 million per year for the next biennium.



Concurrent enrollment grants (\$340,000 per year)

Appropriates base-level-funding for grants to expand concurrent enrollment opportunities. Note, however, that this takes the place of a similar \$340,000 per year base appropriation to expand concurrent enrollment, which has previously existed within the appropriation rider language.



Aspiring teachers of color scholarship pilot program (\$1.5 million per year, one-time funding)

Appropriates new funding for the aspiring teachers of color scholarship pilot program. This is a onetime appropriation.



Direct admissions (\$925,000 in FY22 and \$75,000 in FY23)

Appropriates new funding for the direct admissions pilot program. The Office of Higher Education shall develop a pilot program in consultation with the Minnesota School Boards Association and the Association of Secondary School Principals to automatically offer conditional admission into Minnesota public colleges and universities to Minnesota high school seniors based on high school grade point average, high school and college transcripts, standardized tests, state-wide assessments and other measures as determined by stakeholders.



College Possible (\$550,000 per year)

Appropriates funding to College Possible to support programs of college admission and graduation for low-income students through intensive curriculum, coaching and supports at both high school and post-secondary levels.

SS HF 63 (SF N/A) Judiciary and Public Safety

School Safety Center (250,000 each year)

Funds are appropriated for two school safety specialists at the Minnesota School Safety Center.

Prohibited occupational relationship

Individuals are prohibited from being a licensed educator employed or contracted to provide service for the school at which the complainant was a student; (B) the actor was age 18 or older and at least 48 months older than the complainant and was employed or contracted to provide service for the secondary school at which the complainant was a student; or (C) the actor was age 18 or older and at least 48 months older than the complainant, and was a licensed educator employed or contracted to provide services for an elementary, middle, or secondary school.

SS HF 13 (SF 21) Legacy

Water safety grant program (\$110,000 each year)

The commissioner of education must allocate grants to eligible applicants. Eligible applicants include nonprofit organizations and city and county parks and recreation programs providing swimming lessons to youth. Eligible applicants are not required to partner with other entities. Grant funds must primarily be used to provide scholarships to low-income and at-risk children for swimming lessons. Up to 15 percent of the grant funds may also be used to hire water safety instructors or lifeguards or train water safety instructors or lifeguards in nationally recognized water safety practices.

Minnesota Center for the Book (\$100,000 each year)

Funds are appropriated to the commissioner of education for a grant to the entity designated by the Library of Congress as the Minnesota Center for the Book to provide statewide programming related to the Minnesota Book Awards and for additional programming throughout the state related to the Center for the Book designation.

Statewide history programs (\$213,000 one-time funding)

Funds are appropriated for historic and cultural programs and purposes related to the heritage of the state. Of this amount, \$213,000 the first year must be used by the Board of Directors of the Minnesota Historical Society to either produce or purchase and distribute a book to engage and educate elementary school students on Minnesota's natural resources, legacy, culture, and history. The book should be made available cost-free to educators and libraries and through state historical society sites to provide to a targeted grade of elementary school students.

SF 2 (HF 12) State Government, Veterans and Military Affairs



State auditor school finance accountability team (\$743,000 the first year and \$744,000 the second year)

Funds are appropriated for a school finance accountability team in the audit practice division to allow for the audits of school districts that have volunteered and been selected by the state auditor to have their annual audit performed by the state auditor at no cost to the district. The state auditor must establish a selection process. The state auditor may not bill a school district for any work conducted by the school finance accountability team prior to July 1, 2025.

SS HF 9 (SF 26) Taxes



Fund-raising sales by nonprofit groups

This provision restores the sales tax exemption that was in place prior to a change made in the 2019 omnibus education bill.



Notice of proposed taxes required supplemental information

Requires the county auditor to provide a supplemental statement to the notice of proposed property taxes. This statement must contain two pieces of information: (1) the percent change in levy proposed for the following year by the county, city or township, and school district; and (2) summary budget information for the county, city, and school district. This is a new requirement for school districts.

Effective for property taxes payable in 2023 and thereafter.

Installment; lease purchase; city, county, town, school

Clarifies that installment contracts that local governments use to purchase real or personal property are not to be included in the calculation of the local government's net debt if the amount is under \$1 million.



Enbridge (\$29,354,688 in fiscal year 2022 only)

Funds are appropriated from the general fund to the commissioner of revenue for grants to counties identified below to pay a portion of the refund to a taxpayer, for a final judgment that is the result of an appeal filed by a fluid pipeline company, based on assessment years 2012 through assessment years 2018. These grants must be used by each county to pay refund amounts owed by the county and other taxing districts within the county. The grants must be paid to the counties by August 15, 2021, and allocated as follows:

- \$91,781 to Aitkin County;
- \$2,225,319 to Beltrami County;
- \$2,573,615 to Carlton County;
- \$2,631,052 to Cass County;
- \$3,690,961 to Clearwater County;
- \$549,582 to Hubbard County;
- \$5,591,840 to Itasca County;
- \$1,189,765 to Kittson County;

- \$2,404,267 to Marshall County; (10) \$2,551,225 to Pennington County;
- \$1,166,654 to Polk County;
- \$1,904,685 to Red Lake County; and
- \$2,783,942 to Saint Louis County.

SS HF 10 (SF 10) Transportation



Safe Routes to School (\$6 million)

Funds appropriated from the general fund to the commissioner of transportation for Safe Routes to School grants.



School bus stop-signal arm camera systems (\$7,398,000 – one time funding)

Funds appropriated in fiscal year 2023 are from the general fund for grants to school districts, nonpublic schools, charter schools, and companies that provide school bus services, for the purchase and installation of school bus stop-signal arm camera systems.

In awarding grants, the commissioner of transportation must prioritize: regular route type A, B, C, and D buses; newer buses; and buses that do not already have a stop-signal arm or forward-facing camera. Cameras purchased with grants awarded pursuant to this section must be used within the state. When implementing the grant program, the commissioner must require grant recipients to submit an estimate of the recipient's anticipated ongoing costs associated with the use of the cameras, including but not limited to costs for operating and maintaining the cameras, identifying violations, and methods for compiling video evidence of violations and providing the evidence to law enforcement. If the money in the account is sufficient to fund all requests, the commissioner must not require a local match. The commissioner may seek assistance from the commissioner of education in administering the grants. This is a onetime appropriation and is available until June 30, 2025.

School bus inspection

Codifies school bus inspection standards, including to base inspections on vehicle standards developed by a national organization for pupil transportation standards, and to clarify procedures.

School bus age exemption

Permits some Type III vehicles (used in pupil transportation) to continue in operation beyond the 12-year vehicle age cut-off, until August 31, 2022.

School bus knowledge test availability

Directs the Department of Public Safety to ensure availability of adequate time slots for school bus endorsement knowledge tests, until December 31, 2021.



Broadband (\$70 million – one-time federal funds)

Appropriates funding to the Department of Employment and Economic Development (DEED) to administer the Border-to-Border Broadband Development Grant Program. Funding necessary for DEED to award grants to eligible entities for broadband development projects is not included in this bill but may appear in another budget bill enacted during the 2021 First Special Session.

Construction Careers Foundation grants (\$750,000 - \$375,000 each year for two years)

Funds from the employment and training programs will:

- (1) increase construction industry exposure activities for middle school and high school youth, parents, and counselors to reach a more diverse demographic and broader statewide audience. This requirement includes, but is not limited to, an expansion of programs to provide experience in different crafts to youth and young adults throughout the state;
- (2) increase the number of high schools in Minnesota offering construction classes during the academic year that utilize a multicraft curriculum;
- (3) increase the number of summer internship opportunities
- (4) enhance activities to support graduating seniors in their efforts to obtain employment in the construction industry;
- (5) increase the number of young adults employed in the construction industry and ensure that they reflect Minnesota's diverse workforce; and
- (6) enhance an industrywide marketing campaign targeted to youth and young adults about the depth and breadth of careers within the construction industry.

New Requirements for School Districts

HF 2 (SF 23) K-12 Education

Teacher mentoring programs

Requires school districts to develop teacher mentoring programs.

Requires districts to use staff development revenue (2 percent of basic revenue) for teacher mentorship.

Religious observance

Requires a school board to provide annual notice to parents of the school district's policy on absence from school for religious observance.

Annual expenditure report

Requires a district to report expenditures for basic skills revenue by functional area.

Suicide prevention training for teachers

Suicide prevention training must be accessible to teachers in every school district, charter school, Intermediate school districts, service cooperative and tribal schools in Minnesota.

Seizure training and action plan

Requires a school district or charter school where a student with a seizure disorder and prescribed seizure medication is enrolled to have a seizure action plan. The action plan must identify a school nurse or designated individual who can administer seizure medication and require training on seizures.

Requires a school district or charter school to provide all licensed school nurses or other designated individuals, and other staff with self-study materials on seizure disorders.

Notification of environmental hazards

Requires a school district, charter school, or nonpublic school, upon notification by the Department of Health or Pollution Control Agency, to notify school staff, students, and parents of an environmental hazard that may affect the health of students or school staff. Requires the notice to include direction on how to obtain more information about the hazard.

School meal policy

- Requires a participant in the national school lunch program to adopt and post a school meals policy.
- Requires the policy to be in writing, reasonable, well-defined, and clearly communicate student meal charges when payment cannot be collected. Requires the policy to maintain the dignity of students by prohibiting lunch shaming.
- Requires the policy to address whether a collections agency is used by the participant to collect unpaid school meals debt.
- Requires the policy to ensure that once a meal is placed on a tray or otherwise served to a student that the meal is not withdrawn from the student.
- Requires the policy to ensure that a student who is eligible for a free or reduced-price lunch is always served a reimbursable meal even if they have outstanding debt.

- Requires a school to provide a vendor, if applicable, with its school meals policy and require the vendor to adhere to the policy for contracts entered or modified after July 1, 2021.
- Prohibits a participant that receives school lunch aid from denying a school lunch to a student who qualifies for free or reduced-price lunch whether the student has outstanding school meal debt attributable to a la carte purchases or for any other reason.
- Requires the participant to provide meals to students in a respectful manner. Provides examples of prohibited activities, which include dumping meals, withdrawing a meal that has been served, announcing or listing students' names publicly, or affixing stickers, stamps, or pins. Prohibits a participant from imposing restrictions under section 123B.37 (Prohibited Fees) due to unpaid student meal balance.

Special education recovery services and supports

Requires the commissioner of education, school districts, and charter schools to collaborate with the families of students with disabilities to address the impact of learning disruptions due to COVID-19 by creating a new process.

- Requires districts and charter schools to invite the parents of a student with a student with a disability to a meeting of the individualized education program (IEP) team by December 1, 2021, to determine whether services and supports are necessary to address lack of progress on IEP goals or loss of learning or skills due to disruptions related to COVID-19. Additional services and supports must be included in the IEP, and the district or charter school must report to the commissioner the cost of providing the services.
- Requires the IEP team to consider specific factors when determining what supports the student needs.
- Requires the IEP team to consider when and how to deliver supports to students. Allows the IEP team to determine that providers other than the district or charter school staff are most appropriate to provide the supports and services.
- Requires a district or charter school to make available the services included in the IEP until the IEP team determines they are no longer necessary.
- Requires the commissioner to identify if federal special education funds under the American Rescue Plan (the third COVID relief act passed by Congress) could be used to fund the services required by this section. If allowable, authorizes the commissioner to allocate the federal funds to cover 100 percent of the costs of these services.

Directs the commissioners of education and human services to consult with stakeholders to find strategies to streamline access and reimbursement for behavioral health services for children with an individualized education program or an individualized family service plan who are enrolled in Medical Assistance.

Limit on screen time

Prohibits a child in a publicly funded preschool or kindergarten program from using an individual-use screen, such as tablet, smart phone, or other digital media without engagement from a teacher or other students.

Corporal punishment

Requires charter schools to comply with corporal punishment statute like school districts.

New Reports Due

K-12 Education Reporting Requirements

Minnesota Council on Economic Education (MCEE) report

Requires the MCEE to submit a report to the commissioner of education. The report must include a description of the content and location of the programs, the number of teachers receiving professional development through these opportunities and provide fiscal reports as well.

Annual expenditure report

Requires a district to report expenditures for basic skills revenue by functional area.

Black Men Teach report

The grant recipient must provide a detailed report to the chairs and ranking minority members of the legislative committees having jurisdiction over higher education in kindergarten through grade 12 education by January 15 of each year until 2025.

Come Teach in Minnesota hiring bonuses report

The commissioner of education shall establish a process for districts or schools to seek reimbursement for hiring bonuses. That department may conduct a pilot program with a small number of teachers during the 2022 - 2023 biennium to establish feasibility. The department must submit a report by December 1, 2022, to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education detailing the effectiveness of the program and recommendations for improvement in future years. Effective for teacher contracts entered into on or after July 1, 2021.

Grant applications for new and existing programs must be received by the commissioner no later than January 15 of the year prior to the school year in which the grant will be used. The commissioner must review all applications and notify grant recipients by March 15 of the anticipated amount awarded. If there is insufficient funding the commissioner must notify grant application applicants by June 30.

Grant recipients must annually report to the commissioner on their activities, including the number of participants, the percentage of participants who are of color or American Indian, and an assessment of the program effectiveness. The commissioner must publish a report for the public that summarizes the activities and outcomes of grant recipients and what was done to promote sharing of effective practices.

Grow Your Own programs

Grant recipients must annually report to the commissioner on their activities, including the number of participants, the percentage of participants who are of color or American Indian, and an assessment of the program effectiveness. The commissioner must publish a report for the public that summarizes the activities and outcomes of grant recipients and what was done to promote sharing of effective practices.

Suicide prevention teacher training grants

The grant recipient must report to the commissioner of health the number of teachers completing the on-line training and average length of time to complete the training by January 8, 2023. The

commissioner must report the grant recipient's information and survey results to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education. This appropriation is available until June 30, 2023.

Digital well-being report

By January 15 of each year, LiveMore ScreenLess must submit a report detailing the expenditures, activities, and outcomes to the commissioner and of the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education policy and finance.

School bus stop-signal arm camera grants report

By December 15, 2023, the commissioner of public safety, in coordination with the state court administrator, must submit a report on school bus stop-signal arm camera systems to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation finance and policy. At a minimum, the report must include: (1) an overview of the school bus stop-signal arm grant program implemented, including how the commissioner administered the program and how grant recipients were selected; (2) a listing of grants made, including the recipient, the amount received, the type and model year of bus on which the cameras were installed, and whether the bus was equipped with any cameras prior to receiving the grant; (3) the number of violations captured on school bus stop-signal arm cameras between July 1, 2021, and June 30, 2023, broken down by school district; (4) the number of citations issued for violations of Minnesota Statutes between July 1, 2021, and June 30, 2023, broken down by school district; (5) the number of citations issued for violations of Minnesota Statutes between July 1, 2019, and June 30, 2021, broken down by county; (6) a summary of the anticipated ongoing costs reported by grant recipients; (7) recommendations on statutory changes that would allow for better enforcement of Minnesota Statutes; and (8) recommendations on future funding needs for school bus stop-signal arm camera systems. The commissioner may seek input from schools, bus companies, and local law enforcement when preparing the report.

Other Bills Reporting Requirements

SS SF 20 (HF 5) Environment and Natural Resources

Permanent school fund authority; reporting.

Requires the Department of Natural Resources (DNR) to report to the Legislative Permanent School Fund Commission (LPSFC) on the management of school trust lands biennially (every two years) rather than biannually (twice a year).

SS HF 9 (SF 26) Taxes



Notice of proposed taxes required supplemental information

Requires the county auditor to provide a supplemental statement to the notice of proposed property taxes. This statement must contain two pieces of information: (1) the percent change in levy proposed for the following year by the county, city or township, and school district; and (2) summary budget information for the county, city, and school district. This is a new requirement for school districts.

Effective for property taxes payable in 2023 and thereafter.

Looking Ahead

Issues to Watch in 2022

Though the 2021 session was a funding year, there were a multitude of education policy bills. As MSBA has tracked the number of bills introduced with policy provisions; we have counted over 75 bills introduced with new requirements. Some of these policy issues are sure to return in 2022.

Policy Items

- Nonexclusionary discipline, expulsion/exclusion policies and procedures
- Pre-K Fair Pupil Dismissal Act - modification for PreK
- Social-emotional teaching and learning
- Private duty nurses for classrooms
- American Indian regalia permitted for graduation
- Prohibition of American Indian mascots
- Tobacco may be possessed by American Indians on school property
- Civics course required for high school graduation in 11th or 12th grade
- Personal finance course for credit as a graduation requirement
- Civics scores added to school performance reports and public reporting
- Comprehensive sexual education curriculum required
- School board vacancy appointments - elections
- Adult Basic Education (ABE) and Early Childhood and Family Education (ECFE) teachers' continuing contract rights and comparable salaries
- Potential changes to the Four-Tiered Teacher Licensure System
- Require art standards to be state rather than local standards
- Require one credit of physical education
- Add performance measures and ethnic studies curriculum in the World's Best Workforce Plan
- Add participation in honors or gifted and talented programming and the percentage of students, by student group, who are on track for graduation to the World's Best Workforce report
- Require the addition of "services" to gifted and talented programs
- Additional prohibitions for prone restraints
- Require districts to adopt a rubric for teacher performance on culturally responsive methodologies and at least three levels of performance
- Require districts to provide mental health instruction
- Require districts to provide instruction to help students identify, prevent, and reduce prohibited conduct
- Require contract negotiation to include class size, state assessments and student to teacher ratios
- Expand Innovation Zones

- Expand short-call substitute program
- Allow a school board to offer a full-time distance learning program
- Provide school board authority to operate an area learning center
- Expand definition of e-learning days
- Require teachers who are assaulted by a student to obtain a copy of the report submitted to the commissioner
- Require districts to disclose a student's violent behavior to a paraprofessional who is assigned to work with the student

Finance Items

- Paid family and medical leave
- Operating referendum renewal by school board resolution
- Require paid paraprofessional training
- Earned safe and sick time
- Unemployment for non-licensed school employees
- Safe schools
- Equalization
- Full-service community schools
- School Trust Lands
- Special education cross-subsidy
- English learner cross-subsidy
- Teacher shortage (Teachers of Color and American Indian teachers)

CONSTITUTIONAL AMENDMENT

"Shall the Minnesota Constitution be amended to provide that all children have a fundamental right to a quality public education and establish that quality public schools are a paramount duty of the state?" is a proposed ballot question spearheaded by Justice Alan Page and Minneapolis Federal Reserve President Neel Kashkari that was the topic of much discussion in the 2021 legislative session. In February 2021, the proposal to amend the constitution was introduced in the Minnesota Legislature as House File 874 by State Representative Hassan, Vice Chair of the Education Policy Committee. To date, no bill has been introduced in the State Senate.

Proposal to Amend the Minnesota State Constitution

Current Minnesota Constitution (Art. XIII)

Section 1. Uniform system of public schools.

The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.

Sec. 2. Prohibition as to aiding sectarian school.

In no case shall any public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.

Proposed Constitutional Amendment

Equal Right to Quality Public Education. All children have a fundamental right to a quality public education that fully prepares them with the skills necessary for participation in the economy, our democracy, and society, as measured against uniform achievement standards set forth by the state. It is a paramount duty of the state to ensure quality public schools that fulfill this fundamental right.

Minnesota's school boards are deeply committed to addressing the factors that affect student academic achievement across our state. Our members agree that our public schools play a critically important role for our students and in our communities, economy and society. Action is needed to close the opportunity/achievement gap and support the overall success of all our students. For these reasons, MSBA welcomes the discussion that the proposed amendment has generated.

MSBA Process

The proposed constitutional amendment focuses upon core challenges that Minnesota's students, families, and schools face. Reflecting its commitment to resolving these challenges, MSBA engaged in discussions throughout Minnesota that advocates have presented over the past year.

In addition, MSBA convened three focus groups of school board members and superintendents from across the state to consider the proposed amendment. Participants reflected geographical, racial, and gender diversity – as well as differences in the years of service.

The interest in the discussion around the proposed amendment and raising expectations was evident among our focus groups. We encourage you to review the input from Minnesota's school board members and strongly consider the key items we highlight with the goal of improving the proposed amendment. In conclusion, focus groups presented three pivotal questions that deserve the attention of school boards and the legislature.

Pivotal Question Regarding State Funding

MSBA members ask: Will the proposed amendment ensure the state funding needed to fulfill the amendment's requirements?

Rationale: Participants expressed concern about a lack of clear language in the proposed amendment about the method of funding for our public schools. Many participants were skeptical about the amendment's power to overcome what they expressed as the key, overarching problem - lack of funding.

The current Minnesota Constitution states "that the legislature shall make such provisions by taxation or otherwise." The proposal's language concerning a "paramount duty" of the state to support schools did not engender a great deal of confidence, support, or assurance that the state or our school districts would have the tools available to raise the funds needed to satisfy the amendment's standards. Clearer language on the state's responsibility of funding our public schools would be a positive step.

Minnesota's public schools receive insufficient federal and state funding to meet student needs. Special education funding offers an instructive example. The federal government created an individual right that special education students may assert in court, but the federal government continues to underfund the Individuals with Disabilities Education Act (IDEA). As school administrators observed, school districts have used general school funds (the cross-subsidy) to provide special education services to fulfill the right that IDEA created.

Proponents maintain that the amendment establishes a fundamental right that could be asserted in litigation. A situation similar to the IDEA cross-subsidy problem will likely arise. School districts and board members are concerned that state funding may be insufficient to continue the cross-subsidy and simultaneously fulfill the undefined funding requirements arising from the fundamental right.

MSBA Recommendation: The proposed amendment will be clearer and stronger if the words “fully fund” are inserted as follows: “It is a paramount duty of the state to ensure and fully fund quality public schools that fulfill this fundamental right.” This assertion would establish the state’s responsibility more clearly than the original proposal. The amendment’s advocates have stated that they believe the word ‘ensure’ includes ‘full funding.’ Rather than risk uncertainty - and because the stakes for Minnesota’s students are so significant - MSBA believes that clarity and certainty should be included.

Pivotal Question Regarding Establishing Achievement Standards

MSBA members ask: How will the “uniform achievement standards” impact students and local school district determination of curricular matters?

Rationale: The proposed amendment would use state-determined uniform achievement standards to determine whether a “quality education” has been provided. While standardized assessments offer important insights, other measures are important. Educators recognize that multiple measures of proficiency and growth are essential. Minnesota’s school boards welcome accountability. The lack of clarity around “uniform achievement standards as set forth by the state” leaves unclear the local role in public education in Minnesota. It is not clear whether the state or each independent school district would be held potentially accountable if the uniform achievement standards are not met. Similarly, participants asked whether the state of Minnesota or each independent school district would bear responsibility for fulfilling the fundamental right to a quality education that the proposal would establish.

MSBA Recommendation: The proposed amendment would be improved by (1) recognizing the need for multiple measures of proficiency and growth and (2) clarifying the meaning and consequences around “uniform achievement standards.” MSBA believes that clarity and certainty should be included.

Pivotal Question Regarding Legal Liability

MSBA members ask: Will the public service of locally elected school board members expose them to liability for acts or omissions of the state of Minnesota related to this amendment?

Rationale: The amendment refers to “a paramount duty” of the state to ensure that students receive a quality education. In meetings with President Kashkari and former Justice Page, participants have expressed deep concern that school districts and locally elected school board members will be exposed to litigation - even though the duty is upon the state and, as stated above, local school districts are limited in their capacity to raise local funds.

MSBA Recommendation: The proposed amendment would be improved by clarifying that the state of Minnesota would bear liability in legal actions brought to enforce the amendment’s provisions. MSBA believes that clarity and certainty should be included.