

Review of Education-Related Mandates

Fiscal Year 2014

Report

To the

Legislature

As required by

Minnesota Statutes,

section 127A.05, Subd. 2

COMMISSIONER:

Brenda Cassellius, Ed. D.

Review of Education-Related Mandates

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Cost of Report Preparation

The total cost for the Minnesota Department of Education (MDE) to prepare this report was approximately \$600.00. Most of these costs involved staff time in analyzing data from surveys and preparing the written report. Incidental costs include paper, copying, and other office supplies.

Estimated costs are provided in accordance with Minnesota Statutes 2011, section 3.197, which requires that at the beginning of a report to the Legislature, the cost of preparing the report must be provided.

Commissioner's Review of Mandates

Minnesota Statutes 2009, Section 127A.05, subdivision 2, requires the Commissioner of Education to "...review all education-related mandates in state law and rule once every four years to determine which fail to adequately promote public education in the state." Findings from this review are to be sent to the Legislature. Following are findings from this latest review.

In gathering information for this report, MDE requested feedback from public school superintendents in the state and heads of major education organizations. This same survey method was used to gather recommendations for the previous report. All public school superintendents were surveyed in the spring of 2014 through one of MDE's weekly email messages.

Respondents were asked to identify the following:

- Mandates that should be repealed because they do not promote public education
- Mandates that you considered unfunded

Responses received in this survey were not as numerous as in past years. This could be due in part to the extensive work that education organizations undertook prior to the completion of the 2010 version of this report to compile their own list of education-related mandates they would like to see repealed. MDE and education organizations and the legislature have also sought to repeal what were deemed unnecessary mandates over the last several legislative sessions.

The full text of the statutes and rules listed below are included in Appendix A.

Mandates That Do Not Promote Public Education or Are Considered Unfunded

Resource Centers; Deaf or Hard of Hearing and Blind or Visually Impaired: Minnesota Statutes § 125A.63

Minnesota Statutes section 125A.63 mandates resource centers for the deaf or hard of hearing, and the blind or visually impaired, specifically with tasks related to professional development. This statute also mandates advisory committees for each of these resource centers. There is a mandate to have the advisory council for deaf or hard of hearing meet four times per year and submit an annual report to the Commissioner on outcomes for students with hearing loss.

The department received feedback that there is no funding for this activity. There would be significant negative feedback from the deaf or hard of hearing community if the "centers" were to be closed, but there is no purpose for them outside of what the department typically provides, including technical assistance and professional development for students and teachers.

Staff Development Program: Minnesota Statutes § 122A.60

Minnesota Statutes section 122A.60 requires a staff development report to be submitted to the Commissioner by October 15 of each year that includes the staff development activities and expenditures for the previous year. This report must include assessment and evaluation data

showing progress toward district and site staff development goals based on teaching and learning outcomes. This report must also indicate whether expenditures were incurred at the district or school level and whether grants were used.

The department received feedback that this staff development reporting requirement is unfunded and does not adequately promote public education in the state. This report is not used by districts or the Department to inform or promote best practices.

Inclusive Educational Program: Minnesota Rules 3500.0550

Minnesota Rules chapter 3500.0550 requires districts to adopt a written plan to assure that curriculum establishes and maintains an inclusive education program that promotes understanding and appreciation of cultural diversity in the United States, the contributions of men and women to society, with an emphasis placed on the contributions of women, and the contributions of individuals with disabilities to society. The plan must address how the above-mentioned concepts are integrated into district curriculum and the plan must be on file in the district and with the Commissioner and be reviewed every six years.

The department received feedback that this rule and related report is not actively implemented by a majority of the state's districts. This rule has no dedicated funding. This rule requires districts to take an action that could benefit their students, but most districts do not write inclusive education plans as required under this rule. It is likely that districts would implement this rule if funding was provided.

Appendix A

Minnesota Statutes § 125A.63. Resource Centers; Deaf or Hard of Hearing and Blind or Visually Impaired

Subdivision 1. Also for multiply disabled. Resource centers for the deaf or hard of hearing, and the blind or visually impaired, each also serving multiply disabled pupils, are transferred to the Department of Education.

Subd. 2. Programs. The resource centers must offer summer institutes or other training programs throughout the state for deaf or hard-of-hearing, blind or visually impaired, and multiply disabled pupils. The resource centers must also offer workshops for teachers, and leadership development for teachers.

A program offered through the resource centers must promote and develop education programs offered by school districts or other organizations. The program must assist school districts or other organizations to develop innovative programs.

Subd. 3. Programs by nonprofits. The resource centers may contract to have nonprofit organizations provide programs through the resource centers.

Subd. 4. Advisory committees. (a) The commissioner shall establish an advisory committee for each resource center. The advisory committees shall develop recommendations regarding the resource centers and submit an annual report to the commissioner on the form and in the manner prescribed by the commissioner.

(b) The advisory committee for the Resource Center for the Deaf and Hard of Hearing shall meet periodically at least four times per year and submit an annual report to the commissioner, the education policy and finance committees of the legislature, and the Commission of Deaf, Deaf Blind, and Hard of Hearing Minnesotans. The report must, at least:

(1) identify and report the aggregate, data-based education outcomes for children with the primary disability classification of deaf and hard of hearing, consistent with the commissioner's child count reporting practices, the commissioner's state and local outcome data reporting system by district and region, and the school performance report cards under section 120B.36, subdivision 1; and

(2) describe the implementation of a data-based plan for improving the education outcomes of deaf and hard of hearing children that is premised on evidence-based best practices, and provide a cost estimate for ongoing implementation of the plan.

Subd. 5. Statewide hearing loss early education intervention coordinator. (a) The coordinator shall:

(1) collaborate with the early hearing detection and intervention coordinator for the Department of Health, the director of the Department of Education Resource Center for Deaf and Hard-of-Hearing, and the Department of Health Early Hearing Detection and Intervention Advisory Council;

(2) coordinate and support Department of Education early hearing detection and intervention teams;

(3) leverage resources by serving as a liaison between interagency early intervention committees; part C coordinators from the Departments of Education, Health, and Human Services; Department of Education regional low-incidence facilitators; service coordinators from school districts; Minnesota children with special health needs in the Department of Health; public health nurses; child find; Department of Human Services Deaf and Hard-of-Hearing Services Division; and others as appropriate;

(4) identify, support, and promote culturally appropriate and evidence-based early intervention practices for infants with hearing loss, and provide training, outreach, and use of technology to increase consistency in statewide service provision;

(5) identify culturally appropriate specialized reliable and valid instruments to assess and track the progress of children with hearing loss and promote their use;

(6) ensure that early childhood providers, parents, and members of the individual family service and intervention plan are provided with child progress data resulting from specialized assessments;

(7) educate early childhood providers and teachers of the deaf and hard-of-hearing to use developmental data from specialized assessments to plan and adjust individual family service plans; and

(8) make recommendations that would improve educational outcomes to the early hearing detection and intervention committee, the commissioners of education and health, the

Commission of Deaf, Deaf Blind and Hard-of-Hearing Minnesotans, and the advisory council of the Minnesota Department of Education Resource Center for the Deaf and Hard-of-Hearing.

(b) The Department of Education must provide aggregate data regarding outcomes of deaf and hard-of-hearing children who receive early intervention services within the state in accordance with the state performance plan.

Minnesota Statutes § 122A.60: Staff Development Program

Subdivision 1. Staff development committee. A school board must use the revenue authorized in section 122A.61 for in-service education for programs under section 120B.22, subdivision 2, or for staff development plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators.

Subd. 1a. Effective staff development activities. (a) Staff development activities must:

- (1) focus on the school classroom and research-based strategies that improve student learning;
- (2) provide opportunities for teachers to practice and improve their instructional skills over time;
- (3) provide opportunities for teachers to use student data as part of their daily work to increase student achievement;
- (4) enhance teacher content knowledge and instructional skills, including accommodating the delivery of digital and blended learning and curriculum and engaging students with technology;
- (5) align with state and local academic standards;
- (6) provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring; and
- (7) align with the plan of the district or site for an alternative teacher professional pay system.

Staff development activities may include curriculum development and curriculum training programs, and activities that provide teachers and other members of site-based teams training to enhance team performance. The school district also may implement other staff development activities required by law and activities associated with professional teacher compensation models.

(b) Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional

skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under section 122A.61.

Subd. 2. Contents of plan. The plan must include the staff development outcomes under subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education outcomes, consistent with re-licensure requirements under section 122A.18, subdivision 4. The plan also must:

- (1) support stable and productive professional communities achieved through ongoing and school wide progress and growth in teaching practice;
- (2) emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;
- (3) maintain a strong subject matter focus premised on students' learning goals;
- (4) ensure specialized preparation and learning about issues related to teaching English learners and students with special needs; and
- (5) reinforce national and state standards of effective teaching practice.

Subd. 3. Staff development outcomes. The advisory staff development committee must adopt a staff development plan for improving student achievement. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

- (1) improve student achievement of state and local education standards in all areas of the curriculum by using best practices methods;
- (2) effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings;
- (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;
- (4) improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;
- (5) effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution;
- (6) effectively deliver digital and blended learning and curriculum and engage students with technology; and
- (7) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

Subd. 4. Staff development report. (a) By October 15 of each year, the district and site staff development committees shall write and submit a report of staff development activities and expenditures for the previous year, in the form and manner determined by the commissioner. The report, signed by the district superintendent and staff development chair, must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities under subdivision 3.

(b) The report must break down expenditures for:

(1) curriculum development and curriculum training programs; and

(2) staff development training models, workshops, and conferences, and the cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards.

(c) The commissioner shall report the staff development progress and expenditure data to the House of Representatives and senate committees having jurisdiction over education by February 15 each year.

Minnesota Rules 3500.0550: Inclusive Educational Program

Subpart 1. Establishment of a plan. The school board in each district shall adopt a written plan to assure that the curriculum developed for use in district schools establishes and maintains an inclusive educational program. An inclusive educational program is one that employs a curriculum that is developed and delivered so that students and staff gain an understanding and appreciation of:

A. The cultural diversity of the United States. Special emphasis must be placed on American Indians/Alaskan natives, Asian Americans/Pacific Islanders, Black Americans, and Hispanic Americans. The program must reflect the wide range of contributions by and roles open to Americans of all races and cultures.

B. The historical and contemporary contributions of women and men to society. Special emphasis must be placed on the contributions of women. The program must reflect the wide range of contributions by and roles open to American women and men.

C. The historical and contemporary contributions to society by persons with disabilities. The program must reflect the wide range of contributions by and roles open to Americans with disabilities.

Subp. 2. Specifications for the plan. The current plan must:

A. address the manner in which the multicultural and gender fair concepts in subpart 1, items A, B, and C are to be incorporated into the curriculum goals, learner outcomes, and evaluation processes established in the district;

B. determine the extent to which the district curriculum advisory committee established by Minnesota Statutes, section 120B.11, subdivision 3, will be involved in implementing this part;

C. include evidence of substantive involvement by women, persons of color, and persons with disabilities in the development of the plan. In communities with no persons of color, the district shall use resource people available in the region, state, or nation whenever the plan is developed, reviewed, or revised;

D. include specific goals, objectives, and implementation timelines for the curriculum processes, content, and materials needed for each of the areas in subpart 1;

E. include procedures for systematic monitoring and evaluation of the plan; and

F. include a description of the program planned to provide in-service training for all staff in the areas related to subpart 1, items A, B, and C, and subpart 2, items D and E.

Subp. 3. Filing, reports, review, and revision.

A. The current plan must be on file in the administrative offices of the district and with the commissioner of education.

B. The district shall submit status reports on implementing the plan as requested by the commissioner.

C. The current plan must be reviewed at least every six years and be revised as necessary.