



Voice For Greater Minnesota Education

December 21, 2015

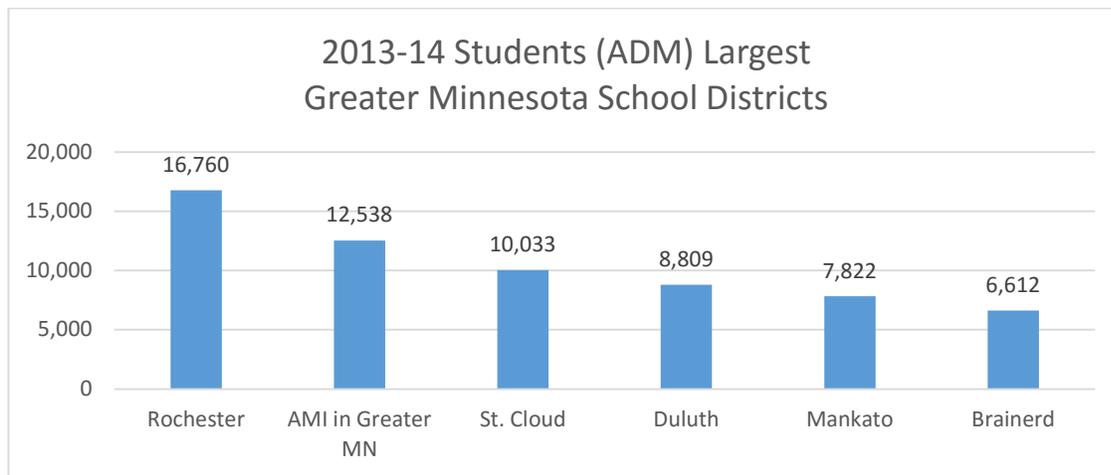
The Honorable Ann O'Reilly
Administrative Law Judge
Office of Administrative Hearings
600 No Robert St
P.O. Box 64620
Saint Paul, MN 55164-0620

Dear Judge O'Reilly:

Minnesota Rural Education Association (MREA) supports the Proposed Permanent Rules Relating to Achievement and Integration for the reasons identified below. We also seek one clarification and recommend two additions to the rule.

Context and Background

MREA represents 212 Greater Minnesota member school districts educating approximately 225,000 students. Two thirds of all Minnesota AMI students (12,538) are educated in Greater Minnesota school districts. If all these students were in one school district, they would be the second largest Greater Minnesota school district.



School districts with high concentrations of AMI students are entirely rural. In 14 rural school districts, AMI students make up at least 25 percent of the student body. In half of those districts, AMI students account for 50% of more of the student body.

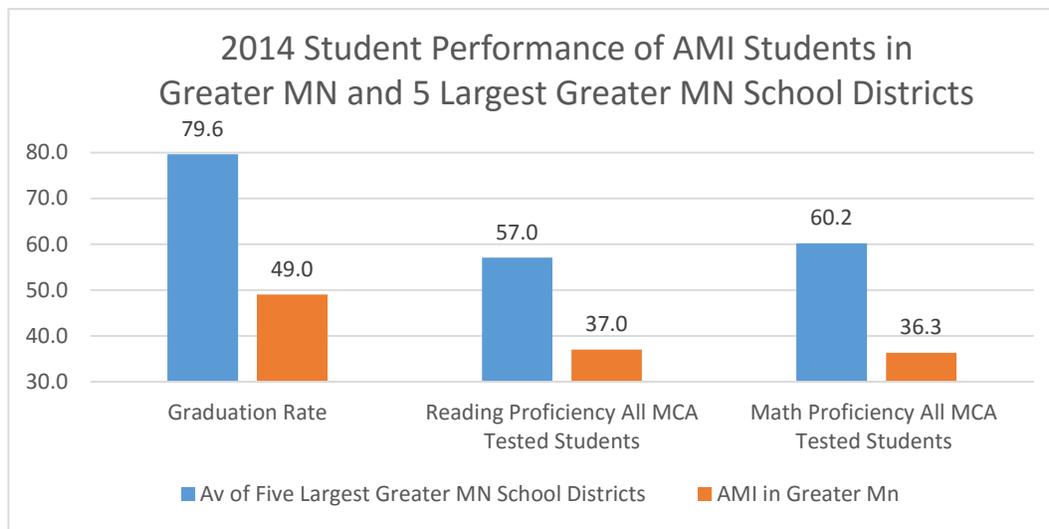
These students are in among the poorest areas of our state. The four school districts with the lowest median household income in the Minnesota have at least 53 percent AMI students in their total student enrollment. Nine of the 15 districts with the lowest median household income have at least 19 percent AMI students in their student body.

Children in poverty paint an even starker picture. Of the 15 school districts in Greater Minnesota with the highest percentages of Free and Reduced Lunch eligible students -- all above 67%, 13 of these districts have AMI students as a significant percentage of their student body at 11 to 100%.

What is the AMI graduation rate and achievement gap?

The AMI Graduation Rate lags behind all other ethnic/racial sub-groups in Minnesota data and has increased the least among all sub-groups over 5 years -- and is still less than 50%. The gap in graduation rates between AMI students and white non-Hispanic students remains stubbornly high at 36%, while all other ethnic/racial sub-groups gaps have been steadily getting smaller.

If the AMI students in Greater Minnesota were in one school district, their graduation rates and overall academic proficiency on the Minnesota Comprehensive Assessments would be dramatically lower than the other five largest Greater Minnesota School Districts.



This geographic isolation, economic deprivation, and deficient education outcomes did not happen by accident. In Minnesota, over 150 years of Federal and State policy have contributed to and forced these results upon rural Minnesota AMI nations and communities.

MREA’s Three Reasons for Supporting Relating to Achievement and Integration

1. The inclusion of American Indian/Alaskan Native in the definition of Enrollment of Protected Students (3535.002 Definitions, Subp 4)

In the MDE Statement of Need and Reasonableness (SONAR), a key assumption is developed and utilized by the Working Group convened by MDE to write these proposed rules: The department’s proposed achievement and integration rules are to cover all Minnesota public school students. (SONAR, p. 14)

MREA supports the inclusion of AMI students, because implementation of the rule will result in a significant increase in educational resources to support the education of a large number of AMI students. As you can see from the AMI student educational outcomes data, this increased support is greatly needed.

Since these are not wealthy districts, 76% of the increased revenue will come from the state general fund rather than local property taxes, representing a significant new state investment in the education of AMI students.

Under the current rule, schools or districts that are deemed racially isolated due to a concentration of American Indian students are not eligible for the program. The department's proposed rule would make those schools and districts eligible for Achievement and Integration Revenue. This would increase the total number of participating districts from 45 to 85. Another 135 districts may participate.

In these districts local levies would increase and state aid payments would increase. A preliminary estimate by the Department of Education of the range of state and local costs shows local levies increasing by \$1.1 to \$2.4 million in FY 2018 and state aid increasing by \$2.8 to \$7 million in FY 2018. (SONAR, p. 23)

2. MREA supports making collaboratives optional (3535.0030 Eligible Districts, Subp 2)
In the MDE Statement of Need and Reasonableness (SONAR), a key assumption is developed and utilized by the Working Group convened by MDE to write these proposed rules: The working group decisions were informed by strategies that would get results for students, rather than counting and redistributing students. (SONAR p. 15)

MREA supports making collaboratives optional due to the distances between communities in rural Minnesota and because nearly all the rural eligible school districts have only one school at each level: elementary and secondary. This makes redistribution of students very inefficient and takes away from time and effort devoted to academic growth and attainment which are required goals under plan development.

3. MREA supports the requirement for an eligible district to "consult with the parent committee in the development of the plan to address the economic integration and academic achievement issues of American Indian students." (3535.0040 Achievement and Integration Plan Requirements D.)

It is right, reasonable, and effective to make this a requirement. It is right due to the dual status of AMI peoples and the promises made in treaties to provide education to AMI peoples. It is reasonable in that eligible districts already have such parent committees due to state law and that the overall intent to address the effects of racial isolation will be implemented in all eligible districts. It is effective in that the inclusion of AMI parents and communities will enhance the participation and effectiveness of districts' educational programs implemented as a result of this proposed rule.

MDE has conducted extensive consultation with AMI Tribal Nations in developing this rule. MREA thanks both MDE and members of the Tribal Nations Education Committee (TNEC) members for this work and clarification of an earlier draft of this rule. (SONAR, p. 34)

For these three reasons, MREA supports the adoption of the Proposed Permanent Rules Relating to Achievement and Integration.

Clarification Requested

MREA does request clarification of ‘economic integration.’ In the plan requirements, eligible districts are required to include “...measurable racial and economic integration goals....” We have not found a definition of ‘economic integration’ in the proposed rules, SONAR, or referenced statutes.

MREA recommends either a reference to a definition be inserted in the proposed rule or a definition be included in the rule itself.

Additions to the Proposed Rule

1. Assuring continuity of services and avoiding abrupt reductions in services once the proposed rule is adopted.

Under the proposed rules, school districts are eligible for the Achievement and Integration program and must submit three year plans when “the district’s protected student percentage equals or exceeds 20 percentage points...” (3535.0030 Eligible Districts A (1))

MREA’s concern is with districts whose percentages hover just above 20%. With mobility and changing demographics it is entirely possible that a district may be eligible in one school year, write a three year plan, and by the time it is approved and to be implemented, not be above 20%. It is also possible that having been eligible in one 3-year period, the district may not be eligible during the year it is to renew the plan. In some rural districts, eligibility can be determined by just one family enrolling or not enrolling their children.

Minnesota’s rural AMI schools have experienced the “all or nothing” nature of the former Success for the Future grants in which the funding for a district came and went. That led districts to dismantle programs and disrupt relationships with AMI families and tribal elders.

MREA wishes to avoid that in the implementation of this rule and recommends the following additions to assure continuity of service:

- a. Should a district be identified as eligible, it maintains that status for the full three years of the plan with funding based on no fewer protected students than were in the original identification year should that percentage drop below 20% during the three years.
- b. Should a district complete a 3-year implementation period and not be eligible to continue, the program funding would be phased out over three years. Such a district would be entitled to 67% of the aid and levy revenue in the first non-eligible year, 33% in the second, and 0% in the third. This will enable the district to plan and consider funding key program elements with local revenues. It also maintains a base should the district regain eligibility within years one and two following the loss of eligibility.

2. Assuring continuity of services and avoiding abrupt reductions in services in the transition from the current rule to the implementation of the proposed rule

As a result of the 1999 Integration Rules currently in effect, there are a number of Multi-District Integration Collaboratives functioning across rural Minnesota. These are funded on a highly equalized local levy designed to encourage districts with few protected children to participate with districts with 20% more protected children which were required to participate.

In the SONAR (p 7-8) MDE outlined the reasons the focus for the state have changed and necessitated a new rule. However, at the local level these collaboratives may meet locally determined needs, and local school boards may want to continue established collaborative programs.

To provide an orderly transition from the use of state revenue to local revenues for these purposes, districts wishing to continue participating in an already existing collaborative should have their integration revenues phased to the new formula over three years. Districts should be entitled to the greater of 67% of the previous year's state and local revenue or the new formula revenue in the first year, 33% in the second year, and the new formula revenue in the third year.

Districts which withdraw from existing collaboratives transition to the new formula revenue upon withdrawal from the collaborative.

MREA wishes to thank everyone involved over the past four years that have brought us to this hearing on the Proposed Permanent Rules Relating to Achievement and Integration. We are available for questions.

Respectfully Submitted,



Chris Mills
President, MREA



Matt Grose
Co-Chair, MREA AMI Advisory Committee



Beth Schwarz
Co-Chair, MREA AMI Advisory Committee



Dr. Fred Nolan
Executive Director, MREA