

1.1 **Department of Education**

1.2 **Proposed Permanent Rules Relating to School Desegregation and Integration**

1.3 **3535.0010 PURPOSE AND INTERACTION WITH OTHER LAW.**

1.4 A. Parts 3535.0010 to 3535.0060 are intended to implement Minnesota Statutes,
1.5 sections 124D.861 and 124D.862.

1.6 B. Parts 3535.0010 to 3535.0060 shall not be construed to limit the
1.7 commissioner's or school districts' responsibilities and duties under Minnesota Statutes,
1.8 sections 123B.30, 124D.855, and 127A.42, and chapter 363A, and Title IV of the Civil
1.9 Rights Act of 1964.

1.10 C. American Indian students, as members of sovereign nations, maintain their
1.11 dual status under the provisions of parts 3535.0010 to 3535.0060.

1.12 **3535.0020 DEFINITIONS.**

1.13 Subpart 1. **Scope.** For purposes of parts 3535.0010 to 3535.0060, and for determining
1.14 funding under Minnesota Statutes, section 124D.862, the terms defined in this part have
1.15 the meanings given them.

1.16 Subp. 2. **Collaborative.** "Collaborative" means a group of one or more school
1.17 districts adjacent to a district that qualifies under part 3535.0030, subpart 1, item A, that
1.18 has entered into an arrangement to develop and implement cross-district programs and
1.19 activities and are aligned with part 3535.0040, item C.

1.20 Subp. 3. **Eligible district.** "Eligible district" means a district or charter school
1.21 required to submit a plan under part 3535.0030, subpart 1, or that is a member of a
1.22 collaborative under part 3535.0030, subpart 2.

1.23 Subp. 4. **Enrollment of protected students.** "Enrollment of protected students"
1.24 means the sum of students in the district's total enrollment identified in the following

2.1 student categories, consistent with Minnesota Statutes, section 120B.35, subdivision 3,
2.2 paragraph (b), clause (2):

2.3 A. American Indian/Alaskan Native;

2.4 B. Asian/Pacific Islander;

2.5 C. Hispanic; and

2.6 D. Black.

2.7 Subp. 5. **Protected student percentage.** "Protected student percentage" equals a
2.8 district's enrollment of protected students divided by the district's total enrollment.

2.9 Subp. 6. **Total enrollment.** "Total enrollment" means:

2.10 A. for a school district, all students enrolled by the district plus resident students
2.11 enrolled in an alternative learning center under Minnesota Statutes, section 123A.05, a
2.12 public alternative program under Minnesota Statutes, section 126C.05, subdivision 15, or
2.13 a contracted alternative program under Minnesota Statutes, section 124D.69; or

2.14 B. for a charter school, all students enrolled.

2.15 **3535.0030 ELIGIBLE DISTRICTS.**

2.16 Subpart 1. **Districts required to submit plans.**

2.17 A. A school district is required to submit a plan under Minnesota Statutes,
2.18 section 124D.861, if:

2.19 (1) the district's protected student percentage equals or exceeds 20
2.20 percentage points; or

2.21 (2) a school site within the district with protected student enrollment that
2.22 is 20 percentage points or more higher than the other school sites within the district
2.23 serving the same grades.

3.1 B. A charter school must submit a plan under Minnesota Statutes, section
3.2 124D.861, if:

3.3 (1) the school's protected student percentage equals or exceeds 20
3.4 percentage points;

3.5 (2) the charter school has an enrollment of protected students that exceeds
3.6 the enrollment of protected students of the nearest public school site serving the same but
3.7 not necessarily all grade levels by 20 percentage points or more; or

3.8 (3) the charter school has an enrollment of protected students that is 20
3.9 percentage points or more lower than the enrollment of protected students of the nearest
3.10 public school site serving the same grade levels.

3.11 C. Treatment facilities licensed by the Department of Human Services or the
3.12 Department of Corrections are not considered schools or districts for the purposes of
3.13 this part.

3.14 Subp. 2. Collaborative qualification. A school district may elect to join a
3.15 collaborative, if the district:

3.16 A. is required to submit a plan under subpart 1, item A; or

3.17 B. is adjacent to a district that qualifies under subpart 1, item A, and agrees to
3.18 develop and implement cross-district programs and activities.

3.19 **3535.0040 ACHIEVEMENT AND INTEGRATION PLAN REQUIREMENTS.**

3.20 A. An eligible district is required to submit a plan under Minnesota Statutes,
3.21 section 124D.861, and must implement its plan for the duration of the three-year plan
3.22 period.

3.23 B. Consistent with Minnesota Statutes, section 124D.861, an eligible district
3.24 shall include protected students and students eligible for free and reduced-price lunch
3.25 as referenced in Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b),

4.1 clause (2), in plan development, implementation, reporting, and evaluation. A district's
4.2 achievement goals must relate to academic growth or attainment for these students. A
4.3 district's racial and economic integration goals must be consistent with activities as set
4.4 forth in Minnesota Statutes, section 124D.861, and reflect increased opportunities for
4.5 these students to participate in programs and activities developed under the plan.

4.6 C. Collaborative member districts shall include cross-district programs and
4.7 activities in each district's plan. These programs and activities shall align with each district's
4.8 achievement and integration goals and Minnesota Statutes, section 124D.861, and each
4.9 district's world's best work force plan goals, under Minnesota Statutes, section 120B.11.

4.10 D. An eligible district or school site with a parent committee required under
4.11 Minnesota Statutes, section 124D.78, must consult with the parent committee to determine
4.12 whether or not the American Indian students shall participate in the plan and the committee
4.13 shall be consulted in the development of the plan to address the economic integration and
4.14 academic achievement issues of American Indian students.

4.15 **3535.0050 INCENTIVE REVENUE CRITERIA.**

4.16 Elementary or secondary programs for students included in a district's plan qualify
4.17 to be funded with incentive revenue under Minnesota Statutes, section 124D.862, if it
4.18 provides:

4.19 A. courses for credit;

4.20 B. classes that meet Minnesota adopted academic standards at the elementary or
4.21 middle school level; or

4.22 C. summer programs that support student achievement and reduce academic
4.23 disparity.

5.1 **3535.0060 PLAN EVALUATION.**

5.2 The commissioner, in evaluating the efficacy of district plans, shall identify the goals
5.3 set by the district in both achievement and integration and determine if the district has
5.4 met its goals in both achievement and integration by the end of its three-year plan. The
5.5 commissioner shall commence the evaluation process at the beginning of the third year
5.6 of the plan. The commissioner may consult with the district during the final year of the
5.7 three-year plan in order to identify progress towards meeting the district's achievement
5.8 and integration goals. During the evaluation process, the commissioner may approve plan
5.9 and budget adjustments to aid a district in meeting its achievement and integration goals
5.10 during the final year of the plan.

5.11 **REPEALER.** Minnesota Rules, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130;
5.12 3535.0140; 3535.0150; 3535.0160; 3535.0170; and 3535.0180, are repealed.