

1.1 **Department of Education**

1.2 **Proposed Permanent Rules Relating to Achievement 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, a school district's, or a charter school's responsibilities and duties under
1.8 Minnesota Statutes, sections 123B.30, 124D.855, and 127A.42, and chapter 363A, and
1.9 Title IV of the Civil Rights Act of 1964.

1.10 C. American Indian students who are members of sovereign nations maintain
1.11 their 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:

1.17 A. a group of one or more districts adjacent to a district that qualifies under
1.18 part 3535.0030, subpart 1, item A, that has voluntarily entered into an arrangement to
1.19 develop and implement cross-district programs and activities and are aligned with part
1.20 3535.0040, item C;

1.21 B. a group of one or more charter schools that has voluntarily entered into an
1.22 arrangement with a district that qualifies under part 3535.0030, subpart 1, item A, to develop
1.23 and implement programs and activities that are aligned with part 3535.0040, item C; or

1.24 C. a group of one or more districts or charter schools that has voluntarily
1.25 entered into an arrangement with a charter school that qualifies under part 3535.0030,

2.1 subpart 1, item B, to develop and implement programs and activities that are aligned with
2.2 part 3535.0040, item C.

2.3 Subp. 3. **Eligible district.** "Eligible district" means a district or charter school
2.4 required to submit a plan under part 3535.0030, subpart 1, or that is a member of a
2.5 collaborative under parts 3535.0020, subpart 2, and 3535.0030, subpart 2.

2.6 Subp. 4. **Enrollment of protected students.** "Enrollment of protected students"
2.7 means the sum of students in the district's or the charter school's total enrollment identified
2.8 in the following student categories:

2.9 A. American Indian/Alaskan Native;

2.10 B. Asian/Pacific Islander;

2.11 C. Hispanic; and

2.12 D. Black.

2.13 Subp. 5. **Protected student percentage.** "Protected student percentage" equals a
2.14 district's or charter school's enrollment of protected students divided by the district's or the
2.15 charter school's total enrollment.

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

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

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

2.22 **3535.0030 ELIGIBLE DISTRICTS.**

2.23 Subpart 1. **Districts and charter schools required to submit plans.**

3.1 A. A district is required to submit a plan under Minnesota Statutes, section
3.2 124D.861, if:

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

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

3.8 B. A charter school must submit a plan under Minnesota Statutes, section
3.9 124D.861, if:

3.10 (1) the charter school's protected student percentage equals or exceeds 20
3.11 percentage points;

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

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

3.18 C. Treatment facilities licensed by the Department of Human Services or the
3.19 Department of Corrections are not considered schools or districts for the purposes of
3.20 this part.

3.21 Subp. 2. Collaborative option. A district or charter school may be part of a
3.22 collaborative under the qualifications set forth in part 3535.0020, subpart 2, items A to C.
3.23 Participation in a collaborative is voluntary.

4.1 **3535.0040 ACHIEVEMENT AND INTEGRATION PLAN REQUIREMENTS.**

4.2 A. An eligible district or charter school is required to submit a plan under
4.3 Minnesota Statutes, section 124D.861, and must implement its plan for the duration of
4.4 the three-year plan period.

4.5 B. Consistent with Minnesota Statutes, section 124D.861, an eligible district
4.6 or charter school shall include protected students and students eligible for free and
4.7 reduced-price lunch in:

4.8 (1) plan development including setting measurable achievement goals
4.9 related to academic growth or attainment and setting measurable racial and economic
4.10 integration goals that reflect increased opportunities and participation in programs and
4.11 activities included in the plan;

4.12 (2) implementation;

4.13 (3) reporting; and

4.14 (4) evaluation.

4.15 C. Eligible districts or charter schools that are members of a collaborative shall
4.16 include cross-district programs and activities in each eligible district or charter school's
4.17 plan. These programs and activities shall align with each eligible district or charter
4.18 school's achievement and integration goals and Minnesota Statutes, section 124D.861,
4.19 and each eligible district or charter school's world's best work force plan goals, under
4.20 Minnesota Statutes, section 120B.11.

4.21 D. An eligible district with a parent committee required under Minnesota
4.22 Statutes, section 124D.78, must consult with the parent committee in the development
4.23 of the plan to address the economic integration and academic achievement issues of
4.24 American Indian students.

5.1 **3535.0050 INCENTIVE REVENUE CRITERIA.**

5.2 Elementary or secondary programs for students included in an eligible district or
5.3 charter school's plan qualify to be funded with incentive revenue under Minnesota
5.4 Statutes, section 124D.862, if it provides:

5.5 A. courses for credit;

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

5.8 C. summer programs that support student achievement and reduce academic
5.9 disparity.

5.10 **3535.0060 PLAN EVALUATION.**

5.11 The commissioner, in evaluating the efficacy of eligible district or charter school plans,
5.12 shall identify the goals set by the eligible district or charter school in both achievement and
5.13 integration and determine if the eligible district or charter school has met its goals in both
5.14 achievement and integration by the end of its three-year plan. The commissioner shall
5.15 commence the evaluation process prior to the third year of the plan. The commissioner
5.16 may consult with the eligible district or charter school each year of the three-year plan
5.17 in order to identify progress towards meeting the eligible district or charter school's
5.18 achievement and integration goals. During the evaluation process, the commissioner may
5.19 approve plan and budget adjustments to aid an eligible district or charter school in meeting
5.20 its achievement and integration goals during the final year of the plan.

5.21 **REPEALER.** Minnesota Rules, parts 3535.0100; 3535.0110; 3535.0120; 3535.0130;
5.22 3535.0140; 3535.0150; 3535.0160; 3535.0170; and 3535.0180, are repealed.