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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2115

03/07/2019 Authored by Christensen The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to education finance; increasing funding to area learning centers;
1.3 appropriating money; amending Minnesota Statutes 2018, sections 123A.05,
1.4 subdivision 2, by adding a subdivision; 127A.47, subdivision 7.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 123A.05, subdivision 2, is amended to read:

1.7 Subd. 2. Reserve revenue. Each district that is a member of an area learning center or
1.8 alternative learning program must reserve revenue in an amount equal to the sum of (1) at
1.9 least 90 and no more than 100 percent of the district average general education revenue per
1.10 adjusted pupil unit minus an amount equal to the product of the formula allowance according
1.11 to section 126C.10, subdivision 2, times .0466, calculated without basic skills revenue, local
1.12 optional revenue, and transportation sparsity revenue, times the number of pupil units
1.13 attending an area learning center or alternative learning program under this section, plus
1.14 (2) the amount of basic skills revenue generated by pupils attending the area learning center
1.15 or alternative learning program, plus (3) the amount of additional revenue under subdivision
1.16 2a. The amount of reserved revenue under this subdivision may only be spent on program
1.17 costs associated with the area learning center or alternative learning program.

1.18 EFFECTIVE DATE. This section is effective for revenue for fiscal year 2020 and later.

1.19 Sec. 2. Minnesota Statutes 2018, section 123A.05, is amended by adding a subdivision to
1.20 read:

1.21 Subd. 2a. Additional revenue. Additional revenue for an area learning center operated
1.22 by an intermediate school district, education district, service cooperative, or other joint

2.1 powers entity equals the number of pupil units attending the area learning center times the
2.2 sum of the average referendum revenue per pupil unit and local optional revenue per pupil
2.3 unit for the member districts of that cooperative unit.

2.4 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

2.5 Sec. 3. Minnesota Statutes 2018, section 127A.47, subdivision 7, is amended to read:

2.6 Subd. 7. **Alternative attendance programs.** (a) The general education aid and special
2.7 education aid for districts must be adjusted for each pupil attending a nonresident district
2.8 under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The adjustments
2.9 must be made according to this subdivision.

2.10 (b) For purposes of this subdivision, the "unreimbursed cost of providing special
2.11 education and services" means the difference between: (1) the actual cost of providing
2.12 special instruction and services, including special transportation and unreimbursed building
2.13 lease and debt service costs for facilities used primarily for special education, for a pupil
2.14 with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51,
2.15 who is enrolled in a program listed in this subdivision, minus (2) if the pupil receives special
2.16 instruction and services outside the regular classroom for more than 60 percent of the school
2.17 day, the amount of general education revenue, excluding local optional revenue, plus local
2.18 optional aid and referendum equalization aid as defined in section 125A.11, subdivision 1,
2.19 paragraph (d), attributable to that pupil for the portion of time the pupil receives special
2.20 instruction and services outside of the regular classroom, excluding portions attributable to
2.21 district and school administration, district support services, operations and maintenance,
2.22 capital expenditures, and pupil transportation, minus (3) special education aid under section
2.23 125A.76 attributable to that pupil, that is received by the district providing special instruction
2.24 and services. For purposes of this paragraph, general education revenue and referendum
2.25 equalization aid attributable to a pupil must be calculated using the serving district's average
2.26 general education revenue and referendum equalization aid per adjusted pupil unit.

2.27 (c) For fiscal year 2015 and later, special education aid paid to a resident district must
2.28 be reduced by an amount equal to 90 percent of the unreimbursed cost of providing special
2.29 education and services.

2.30 (d) Notwithstanding paragraph (c), special education aid paid to a resident district must
2.31 be reduced by an amount equal to 100 percent of the unreimbursed cost of special education
2.32 and services provided to students at an intermediate district, cooperative, or charter school
2.33 where the percent of students eligible for special education services is at least 70 percent
2.34 of the charter school's total enrollment.

3.1 (e) Notwithstanding paragraph (c), special education aid paid to a resident district must
3.2 be reduced under paragraph (d) for students at a charter school receiving special education
3.3 aid under section 124E.21, subdivision 3, calculated as if the charter school received special
3.4 education aid under section 124E.21, subdivision 1.

3.5 (f) Special education aid paid to the district or cooperative providing special instruction
3.6 and services for the pupil, or to the fiscal agent district for a cooperative, must be increased
3.7 by the amount of the reduction in the aid paid to the resident district under paragraphs (c)
3.8 and (d). If the resident district's special education aid is insufficient to make the full
3.9 adjustment under paragraphs (c), (d), and (e), the remaining adjustment shall be made to
3.10 other state aids due to the district.

3.11 (g) Notwithstanding paragraph (a), general education aid paid to the resident district of
3.12 a nonspecial education student for whom an eligible special education charter school receives
3.13 general education aid under section 124E.20, subdivision 1, paragraph (c), must be reduced
3.14 by an amount equal to the difference between the general education aid attributable to the
3.15 student under section 124E.20, subdivision 1, paragraph (c), and the general education aid
3.16 that the student would have generated for the charter school under section 124E.20,
3.17 subdivision 1, paragraph (a). For purposes of this paragraph, "nonspecial education student"
3.18 means a student who does not meet the definition of pupil with a disability as defined in
3.19 section 125A.02 or the definition of a pupil in section 125A.51.

3.20 (h) An area learning center operated by a service cooperative, intermediate district,
3.21 education district, or a joint powers cooperative may elect through the action of the
3.22 constituent boards to charge the resident district tuition for pupils rather than to have the
3.23 general education revenue paid to a fiscal agent school district. Except as provided in
3.24 paragraph (f), the district of residence must pay tuition equal to at least 90 and no more than
3.25 100 percent of the district average general education revenue per pupil unit minus an amount
3.26 equal to the product of the formula allowance according to section 126C.10, subdivision 2,
3.27 times .0466, calculated without compensatory revenue, local optional revenue, and
3.28 transportation sparsity revenue, times the number of pupil units for pupils attending the area
3.29 learning center.

3.30 (g) Notwithstanding section 123A.26, additional revenue under section 123A.05,
3.31 subdivision 2a, must be paid directly to an area learning center operated by an intermediate
3.32 school district, education district, service cooperative, or other joint powers entity under
3.33 this subdivision.

3.34 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

4.1 Sec. 4. **APPROPRIATION; AREA LEARNING CENTER ADDITIONAL AID.**

4.2 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the general
4.3 fund to the commissioner of education for payment of additional state aid for area learning
4.4 center programs under section 123A.05.