



Education and Housing Equity Project Records.

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

From NAACP/
Baird Bearman

Comments Regarding the March 29, 1996 Draft of the
State Desegregation Rule

The Draft begins with a policy statement affirming that State Board of Education is in support of the principles of the *Brown* Decision, yet it incorrectly summarizes the ruling. The *Brown* Decision is characterized as ruling that "equality of education cannot exist if students are *intentionally* (emphasis added) segregated on the bases of race." This is not an accurate representation of the *Brown* Decision. In that landmark case the Justices of the U.S. Supreme Court made the following statement:

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.¹

This conclusion by the justices makes no distinction between "intentional" or "unintentional" segregation. The justices merely concluded that separate facilities are unequal. That conclusion focuses on the separateness, not on the issue of type of segregation, particularly not on "intentional" segregation, as the State Board of Education limits the issue to.

Moreover, there is a danger to limit remedial action to cases of "intentional" segregation. There are very few situations where racial separation of public schools is purely unintentional. Very often in school desegregation cases in non-Southern states, the defendant school districts allege that any segregation is unintentional. The U.S. Supreme Court took up this issue in the 1973 case of *Keyes vs. School District No. 1, Denver, Colorado*, a non-Southern case where there was separation of the races in the public schools.

¹*Brown vs. Board of Education*. 347, U.S., 483, 1954, at 495.

The defendants alleged that any separation of the races was *de facto* and not intended. The justices of the Supreme Court found that segregation in the Denver Public Schools was indeed intentional, or *de jure*. They acknowledged the possibility that there may be some segregated school districts where the racial separation is unintended, but the justices concluded, and we agree, that "such cases must be rare."²

The March 29 draft further limits the definition of segregation. In section 3535.0200, paragraph 3, segregation is defined as the "intentional act or acts by a school district." This definition means that no remedy is in order if the condition of racial separation in public schools is the result of actions of government agencies other than the school district. This definition is also counter to the rulings of the U.S. Supreme Court. In the 1971 case of *Swann versus Board of Education of Charlotte-Mecklenburg*, the Court affirms that remedy is in order when "either the school authorities or some other agency of the state has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools. . . ."³ If in the future it is discovered that there are cases in the state where the municipality or state agencies were in some way responsible for the racial separation of the schools, the Board's March 29 Desegregation Rule provides no relief. The January 1994 State Board of Education Draft, which was the result of a roundtable discussion, acknowledges that

²*Keyes vs. School District No. 1, Denver Colorado.* 413 U.S., 189, 1973, at 203.

³*Swann vs. Board of Education of Charlotte-Mecklenburg.* 402, U.S. 1, 1971, at 32.

government agencies other than the school district may be responsible for the racial segregation of the schools. Section 3535.0200 of the 1994 Draft says that "The State Board recognizes that long term success in school desegregation is influenced by policies and practices of other governmental authorities. The State Board and local school districts will therefore seek ways for focusing decisions regarding housing, jobs, planning and transportation on promoting desegregation."

The Policy Statement of the State Board also falls short of establishing the goal of eliminating dual school districts, even in cases where there may be blatantly intentional violations of the *Brown* Decision. In the Statement it is written that, "It is the policy of the State Board of Education that school districts must identify and *work towards* (emphasis added) eliminating racially identifiable schools."

We believe that the policy should be toward the conversion of dual school districts to unitary school districts. Such a goal may seem unattainable, but in cases throughout the U.S., federal courts have declared that formerly dual school districts are now unitary. We feel that the State Board should adopt the goal of unitary school districts rather than merely "working towards" eliminating racially identifiable schools.

In section 3535.0200 the State Board of Education defines "Segregation" and the existence of "Racially Identifiable Schools," with some implied distinction between the two. The Board states that "racially identifiable schools" are permissible if the "concentration of learners of color has occurred as the result of informed

choices by parents." Does this ruling mean that a school district ignore the *Brown* Decision if that is the expressed will of the parents? Will parents of color be given truly "informed" choices? Will they be informed that the evidence nationwide has reaffirmed what the justices wrote in 1954 that "separate schools are inherently unequal?" Will the parents be presented with the mountains of evidence showing that the justices were absolutely correct in their ruling. The Board states that its policy is to "reaffirm the principles which underlie the landmark decision of *Brown v. Board of Education*." If this is indeed the policy of the Board, then the Decision should not be overlooked, even if parents are allowed to make choices that ignore the 1954 ruling.

Perhaps the "informed choices" clause was inserted to accommodate those parents of color who prefer their children to remain in racially identifiable schools. Such may have been a purpose of the clause, but there is no specification that the "informed choices by parents" will be allowed only for minority parents. Therefore if the rule is adopted as written, segregation can be permitted if it is the result of the "informed choices" of majority parents as well. The draft makes no distinction between the choices of majority parents or minority parents. Nevertheless, to avoid skirting the *Brown* Decision, we believe that the "informed choices" clause should be eliminated.

The State Board attempts to distinguish between "racially identifiable schools" and segregation, with the implication being that the latter is intentional. The Board defines "racially identifiable schools" as those where "the enrollment of learners of color

at a school within the district is more than 15 percent above the learners of color enrollment of the entire district, for the grade levels served by that school." Racially identifiable school districts are districts where "the learners of color enrollment. . . exceeds the learners of color enrollment of any adjoining district by more than 15%." Though the Board uses the "Fifteen Percent Rule," which was adopted in 1973, it deviates from this rule in the March 29 Draft. The final sentence of section 3535.0600 states that "if the enrollment of students of color at a school is more than 30% above the students of color of the entire district or exceeds 90% (whichever is less), the district must provide affirmative evidence that students in that school have additional alternatives to attend an integrated school setting which is comparable to the district-wide average available to them." While the Board acknowledges that racially identifiable schools and districts are those deviating by 15% or more, it prescribes a much higher standard before action is required. We believe that the Board should maintain the 15% standard that was adopted in 1973.

Furthermore, the Board does not consider schools that are overwhelmingly white to be racially isolated. In the January 1994 Draft, which was the result of a roundtable discussion, a district in the metropolitan area is considered to be segregated if it "has less than 10 percent learners of color in the district; or is below 1/2 of the metro-wide learners of color percentage, whichever is greater." The 1996 draft does not acknowledge that overwhelmingly white school districts are racially isolated, whereas they indeed are.

Section 3535.0500 of the March 29 Draft addresses the issue of teacher assignment. Subparagraph 1, section "d" states that, ". . . If, considering the average percentage of teachers of color in the district, there is a concentration of teachers of color assigned at the school(s) at issue, an explanation of why must be provided." We would like to know what actions come next. What if there are instances where there is discrimination in assignments? No remedies are prescribed in the Draft. Mere explanations do not correct a situation of racial concentration of teaching staff.

In the one section (3535.0700) where remedies are proposed, we find the enforcement mechanisms to be lacking. Subparagraph 1 states that "If the district fails to submit data required by the Commissioner, fails to provide a plan to remedy the segregation, or fails to implement a plan developed by the Commissioner. . . the Commissioner must, ~~after~~ after notifying the State Board of Education of the finding of intentional segregation, may pursue one of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature following the session with recommendations for financial or other appropriate sanctions.

One question we have is whether the Commissioner *must* pursue one of the above options, or simply *may* he/she pursue one of the options? Both words are used. Furthermore, we are concerned that the choice of options is too broad. Should the Commissioner elect to pursue option "c" above, could one expect the Legislature to act

in a timely manner in view of its very busy agenda? Legislators are constrained by both their agenda and by the wishes of their constituents.

In the Chart at the conclusion of the Draft, the Legislature is again given a major role. According to the chart summary, if a district or school is racially identifiable, "the district must develop and implement plan which provides incentives to balance the racial composition of schools." The Commissioner is required to provide periodic evaluations of these plans and report to the State Board of Education and the Legislature on the success or failure of such plans. We would like to know what measures will be taken if (1) the district refuses to develop such a plan, or (2) the plan has failed? Similar measures are proposed for districts that are racially isolated.

In summary we believe that much of what was included in the January 1994 draft should also be included in the current draft. Some very important items were taken out. The 1994 Draft does not make the distinction between "intentional" and "unintentional" separation, and neither should the current draft in light of the fact that there are very few cases where segregation is *purely* unintentional. We believe that the 15 percent rule should be maintained, as should standards by which overwhelmingly majority schools are considered to be racially isolated. The 1994 draft addresses the issue of socio-economic segregation, as should the current draft. We are disturbed that the current draft omits discussion of recruiting staff members of color. The current draft also fails to communicate a desire to eliminate disparities in academic perfor-

mance, testing results, and suspension rates, and it does not address the issue of discriminatory tracking. Such should be a part of the current draft.

The 1994 Draft also looks at the shared responsibility of adjoining school districts and other government agencies. Subpart 2, section three of the 1994 Draft speaks of the responsibility of "school districts located in the same county as racially isolated school districts and school districts located in the same metropolitan area." The responsibility of these adjoining districts should be outlined in the current draft. Section 3535.0700 states that segregated school districts shall provide transportation to students transferring from other segregated districts if the transfer promotes racial balance. This item should be included in the current draft.

Finally, we believe that the desegregation of schools cannot rest solely on voluntarism or very gradual approaches, which is what the March 29 Draft relies on. Strict mandates and penalties must be included in the current draft, as they were in the 1994 draft in section 3535.0900. Voluntarism is a goal, but it can only work if there are sanctions for failing to volunteer.

For: Darcy Seaver

Issues in the Desegregation Debate

1. Costs of bussing kids across town vs no noticeable benefits
2. Quality of education - what do the kids know and how well
3. Children of color taking-on the burden of being bussed
4. Suburban and urban parents of color: amount of time kids are on a bus
5. Suburban districts don't want 'busloads of those violent kids' in their schools
6. Parents of color question the value of having their kids sit next to white kids
7. Parents of color - the schools are mistreating my kids; we want our own schools
8. Bussing doesn't work, hasn't worked (social nor academic)
9. Proof/no proof that school desegregation aids academic achievement
10. Concentration of poverty and life chances
11. Suburban parents: why should our kids suffer because their parents don't care

- RECEIVED APR 12 1996

DRAFT 3/29/96

DESEGREGATION RULE

3535.0100. POLICY STATEMENT

It is the policy of the State Board of Education to reaffirm the principles which underlie the landmark decision of Brown v. Board of Education, and the case law following the Brown decision, namely, that equality of education cannot exist if students are intentionally segregated on the basis of race. Further, it is the policy of the State Board of Education that school districts must identify and work towards eliminating racially identifiable schools. These policies are intended to ensure that all students will have comparable opportunities to improve student achievement. The State Board of Education therefore adopts the following rules to advance those policies.

3535.0200. DEFINITIONS

1. Commissioner: Means the Commissioner of Children, Families and Learning (or the Commissioner of any successor agency).
2. Learners of Color.
 - a. Students who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian/Pacific American and Chicano/Latino Americans. American Indian learners are defined as those students, living on or off a reservation, who are enrolled in or are eligible for enrollment in a federally recognized tribe. Minnesota American Indian learners possess dual status as learners of color and members of sovereign tribal nations. In further recognition of the political status of American Indian tribes and learners, this rule does not apply to schools on or near reservation areas where the percentage of American Indian learners causes a school to be determined a racially identifiable school or a district to be determined a racially isolated district.
 - b. Students having origins in more than one of the categories described above may be identified by their parents, guardians or may self-identify as "multi-racial"; students in the "multi-racial" category will be considered "learners of color."
3. Segregation: Segregation is the intentional act or acts by a school district which has the purpose of causing students to attend particular programs or schools within the district on the basis of their race. Segregation does not exist if there are concentrations of learners of color 1) which are not the result of intentional acts by districts, 2) at schools which are not racially identifiable based on the factors identified under 3535.0500 and 3) a concentration of learners of color has occurred as the result of informed choices by parents.
4. Racially Identifiable Schools within a District: Schools are racially identifiable when the enrollment of learners of color at a school within the district is more than 15% above the

learners of color enrollment of the entire district, for the grade levels served by that school.

5. Racially isolated school districts: School districts are racially isolated when the learners of color enrollment of the district exceeds the learners of color enrollment of any adjoining district by more than 15%.

3535.0300. INTENTIONAL SEGREGATION PROHIBITED

Subp. 1. It is a violation of this chapter for a school district to engage in intentional segregation, as it is identified under this chapter.

3535.0400. DUTIES OF LOCAL SCHOOL BOARDS

Subp. 1. Each local board shall annually submit data to the Commissioner which indicates the racial composition of each school within its district, the racial composition of the grade levels served by each the schools, and verification that the data cited is accurate. This shall be done by a date determined by the Commissioner annually.

Subp. 2. In order to collect the information required in subpart 1 above, all districts shall employ one racial or cultural identification procedure in the order of preference as follows:

a. Parent or guardian identification, with parent or guardian being encouraged to discuss the identification rationale with the learner prior to the identification;

b. Age-appropriate learner self-identification, when parent or guardian identification is not an option; or

c. Sight counts may be employed only if parent, guardian, or learner self-identification methods are not possible. Districts shall utilize written guidelines to develop sight counts as administered by the principal or designee.

d. In districts where the American Indian population is over 10 or more learners, the State Indian Education Act Statutory Committee, in consultation with American Indian parents they represent, may select as their count one of the following methods:

i) Parent/guardian self-identification;

ii) The Federal Indian Education Act - Title V Count (Indian Certification Form No. 506); or

iii) A district shall use the same method of count as for other learners.

3535.0500. INFORMATION GATHERING DUTIES OF THE COMMISSIONER

Subp. 1. The Commissioner shall review the data submitted by the local boards within 60 days of its receipt. If the Commissioner determines that there are racially identifiable schools within a district, or if the Commissioner receives a complaint alleging that a District is engaged in intentional acts of segregation, the Commissioner shall request and the district shall provide additional information which will enable the Commissioner to determine whether the district has engaged in segregation. This additional information includes, but is not limited to:

a. Information about how students are assigned to schools within the district, including:

1. For schools which have been newly added or renovated or if attendance zones have changed, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;

2. A description of the assignment and transfer options at each of the schools serving the grade levels in question, and the outreach efforts that were made to ensure parents received information about and were able to understand, the availability of those options;

3. A comparison of the racial composition of the attendance area of the site in question as it relates to the composition of the district as a whole;

b. A list of curricular offerings and rates of participation by students on the basis of race;

c. A listing of the extra-curricular options available at each of the schools serving the grade levels in question;

d. A list that breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question. If, considering the average percentage of teachers of color in the district, there is a concentration of teachers of color assigned at the school(s) at issue, an explanation of why must be provided;

e. A list that shows how the qualifications and experience of the teachers at the racially identifiable site(s) compares to teachers at the sites which are not racially identifiable;

f. Evidence that the racially identifiable school has been provided financial resources on an equitable basis with other sites which are not racially identifiable;

g. A comparison of the facilities, materials and equipment at the racially identifiable school with the sites which are not racially identifiable;

h. Information that would allow the Commissioner to determine whether the extent of busing is disproportionate between Caucasian students and students of color;

i. If there are non-discriminatory circumstances that explain why a particular school has exceeded the percentage identified in this rule, an explanation of those circumstances.

If it would assist the above evaluation, the Commissioner may ask for information on student achievement. However, disparate achievement data does not constitute evidence that a school district engaged in intentional segregation.

3535.0600. DUTIES OF SCHOOL DISTRICTS TO RESPOND TO THE COMMISSIONER'S REQUEST FOR INFORMATION; DEVELOPMENT OF A DESEGREGATION PLAN

Subp. 1. School districts shall respond in a comprehensive way to the Commissioner's request for information under 3535.0500 within 60 days of its receipt. If supplemental information is requested by the Commissioner, the district must respond in a timely manner.

Subp. 2. If the Commissioner determines that a condition of segregation exists, the district shall provide a plan that proposes how it will remedy the segregated conditions within 60 days. The plan shall address the specific actions which were found to contribute to the segregated conditions. The plan shall be developed in consultation with the Commissioner. If the Commissioner rejects any or all of the plan, the Commissioner shall provide technical assistance to help the District revise the plan. However, if the District and the Commissioner cannot mutually arrive at a plan within 45 days after the plan has been rejected, the Commissioner shall develop a revised plan to remedy the segregation which the District shall implement in the time frame specified by the Commissioner.

Subp. 3. The Commissioner may extend the time for response from the district for good cause shown.

Subp. 4. The Commissioner shall inform the Board of submission of a plan under 3535.0600.

If the enrollment of students of color at a school is more than 30% above the students of color enrollment of the entire district or exceeds 90% (whichever is less), the district must provide affirmative evidence that students in that school have additional alternatives to attend an integrated school setting which is comparable to the district-wide average available to them.

3535.0700. ENFORCEMENT OF DESEGREGATION

Subp. 1. If the District fails to submit data required by the Commissioner, fails to provide a plan to remedy the segregation, or fails to implement a plan developed by the Commissioner as provided in 3535.0500-.0600 the Commissioner must, after

notifying the State Board of Education of the finding of intentional segregation, may pursue one or more of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature the following session with recommendations for financial or other appropriate sanctions.

3535.0800. INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS

Subp. 1. If it is determined that the the racially identifiable school(s) examined under 3535.0500 are not the result of intentional segregation, then the district shall develop a plan, and submit it to the Commissioner for approval, which provides incentives to racially integrate the student population. The plan shall be developed within the current school year, and implemented the next school year. The plan could include, but is not limited to:

- a. Duplicating programs which have demonstrated success in improving student learning at schools which are racially identifiable;
- b. Providing incentives for learners of color to transfer to schools which are not racially-identifiable, and to Caucasian students to transfer to schools which are racially identifiable, such as giving them priority for space at the schools of their choice, providing transportation, providing inter-district opportunities and incentives for collaborative efforts with other districts;
- c. Providing incentives to teachers in a way which will more carefully balance the distribution of minority/non-minority teachers at schools across the district, including staff development opportunities and strategies for attracting and retaining staff who serve as role models and have a record of success in teaching students of color and of poverty.
- d. Greater promotion of programs provided at racially-identifiable schools designed to attract Caucasian students;
- e. Providing smaller class-sizes, greater counseling and support services, and more extra-curricular opportunities and other resources at racially-identifiable schools with higher concentrations of low income students as compared to schools which are not racially-identifiable.
- f. Programs promoting instruction about cultural diversity.

Subp. 2. The district shall establish and utilize a community collaboration council, as defined in part 3535.1000, subp. 3, to assist in developing the district's plan under this part.

3535.0900. EVALUATION OF INTEGRATION RESULTS

Subp. 1. The Commissioner shall evaluate the plan developed under 3535.0800 at the end of the academic year in which it is implemented and shall determine whether the plan has been successfully implemented. Based on the results of the analysis the Commissioner shall report the following:

a. Reduction in the percentage of learners of color at racially identifiable schools shall be reported to the State Board and to the House and Senate Education Committees. Additionally, the Commissioner may recommend financial incentives which are aimed at compensating or rewarding districts for programs or activities which have been successful.

b. If the enrollment of learners of color remains constant or increases at racially identifiable schools, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees and may make recommendations for appropriate legislative action to address the condition of racially identifiable schools within the district.

3535.1000. INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS

Subp. 1. The Commissioner shall annually evaluate the enrollment of learners of color in all districts to determine whether any are racially isolated. If the Commissioner determines that a district is racially isolated, the Commissioner shall immediately notify the district in question and adjoining districts.

Subp. 2. Upon notification that a district is racially isolated or adjoins a racially isolated district, the districts affected shall immediately begin collaborative planning efforts designed to provide incentives for integration across district boundaries. Districts which are not racially isolated or which do not adjoin racially isolated districts may participate in collaborative planning efforts as well. The districts shall appoint a Community Collaboration Council, as provided in subpart 3 below, to carry out the functions of this part. The Councils of adjoining districts shall, to the extent practical, work together to identify ways to improve inter-district collaboration. After receiving input from their councils, the districts shall provide a collaboration plan to the Commissioner within the current school year for implementation the next academic year. The plan should include, but not be limited to, incentives such as:

a. Providing cooperative transportation which will enable learners of color to attend school in the district which is not racially-isolated, and/or which will enable Caucasian students to come into the racially-isolated district;

b. Providing guarantees of space for learners of color in the racially isolated district to attend school in the non-isolated district or for Caucasian students to attend school in the racially-isolated district;

c. Development of cooperative magnet programs or schools designed to increase racial balance in the affected districts;

d. Cooperative programs designed to enhance the experience of learners of color and Caucasian students with students of all races;

e. Cooperative efforts to recruit staff of color; teacher exchanges; parent exchanges; cooperative staff development programs;

f. Shared extra-curricular opportunities, community education programs that promote understanding, respect and interaction among diverse community populations.

Subp. 3. Composition of the Community Collaboration Council.

a. The composition of the Council shall reflect the racial and ethnic composition of the school district.

b. The Council should include parents, teachers, administrators and community representatives/leaders who can and will actively engage the diverse elements of the community in identifying issues of concern and in developing and implementing problem solving strategies. In communities with a concentration of American Indian students, community elders should be included, if possible. The Commissioner will be advised as to the extent of community engagement, issues identified, action goals agreed upon and how the achievement of those goals will be, or is being, accomplished.

c. If a district has an existing committee whose composition reflects the various groups listed in subpart 3(b) above that committee may be used to provide the planning discussed in this section.

3535.1100. EVALUATION OF COLLABORATIVE EFFORTS

Subp. 1. The Commissioner shall biennially evaluate the results of collaborative efforts under 3535.1000 to determine whether there has been successful implementation of the plan. After reviewing the results, the Commissioner shall take the following steps:

a. If it appears that the collaborative efforts have been successful, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees.

b. If it appears that the collaborative efforts have not been successful, or that no efforts were made by one or more of the affected districts, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees. The Commissioner may also make recommendations for legislative action which would be appropriate under the circumstances, such as redistribution of state aid, re-drawing district boundaries, or mandating the provision of transportation which will facilitate voluntary inter district transfers.

REPEALER SECTION: Minnesota Rules (1994) parts 3535.0200, 3535.0300, 3535.0400, 3535.0500, 3535.0600, 3535.0700, 3535.0900, 3535.1100, 3535.1200, 3535.1300, 3535.1500, 3535.1700 and 3535.2000 are repealed.

.fx2

DRAFT 3/29/96

DESEGREGATION RULE

3535.0100. POLICY STATEMENT

It is the policy of the State Board of Education to reaffirm the principles which underlie the landmark decision of Brown v. Board of Education, and the case law following the Brown decision, namely, that equality of education cannot exist if students are intentionally segregated on the basis of race. Further, it is the policy of the State Board of Education that school districts must identify and work towards eliminating racially identifiable schools. These policies are intended to ensure that all students will have comparable opportunities to improve student achievement. The State Board of Education therefore adopts the following rules to advance those policies.

3535.0200. DEFINITIONS

1. **Commissioner:** Means the Commissioner of Children, Families and Learning (or the Commissioner of any successor agency).
2. **Learners of Color.**
 - a. Students who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian/Pacific American and Chicano/Latino Americans. American Indian learners are defined as those students, living on or off a reservation, who are enrolled in or are eligible for enrollment in a federally recognized tribe. Minnesota American Indian learners possess dual status as learners of color and members of sovereign tribal nations. In further recognition of the political status of American Indian tribes and learners, this rule does not apply to schools on or near reservation areas where the percentage of American Indian learners causes a school to be determined a racially identifiable school or a district to be determined a racially isolated district.
 - b. Students having origins in more than one of the categories described above may be identified by their parents, guardians or may self-identify as "multi-racial"; students in the "multi-racial" category will be considered "learners of color."
3. **Segregation:** Segregation is the intentional act or acts by a school district which has the purpose of causing students to attend particular programs or schools within the district on the basis of their race. Segregation does not exist if there are concentrations of learners of color 1) which are not the result of intentional acts by districts, 2) at schools which are not racially identifiable based on the factors identified under 3535.0500 and 3) a concentration of learners of color has occurred as the result of informed choices by parents.
4. **Racially Identifiable Schools within a District:** Schools are racially identifiable when the enrollment of learners of color at a school within the district is more than 15% above the

learners of color enrollment of the entire district, for the grade levels served by that school.

5. **Racially isolated school districts:** School districts are racially isolated when the learners of color enrollment of the district exceeds the learners of color enrollment of any adjoining district by more than 15%.

3535.0300. INTENTIONAL SEGREGATION PROHIBITED

Subp. 1. It is a violation of this chapter for a school district to engage in intentional segregation, as it is identified under this chapter.

3535.0400. DUTIES OF LOCAL SCHOOL BOARDS

Subp. 1. Each local board shall annually submit data to the Commissioner which indicates the racial composition of each school within its district, the racial composition of the grade levels served by each the schools, and verification that the data cited is accurate. This shall be done by a date determined by the Commissioner annually.

Subp. 2. In order to collect the information required in subpart 1 above, all districts shall employ one racial or cultural identification procedure in the order of preference as follows:

a. Parent or guardian identification, with parent or guardian being encouraged to discuss the identification rationale with the learner prior to the identification;

b. Age-appropriate learner self-identification, when parent or guardian identification is not an option; or

c. Sight counts may be employed only if parent, guardian, or learner self-identification methods are not possible. Districts shall utilize written guidelines to develop sight counts as administered by the principal or designee.

d. In districts where the American Indian population is over 10 or more learners, the State Indian Education Act Statutory Committee, in consultation with American Indian parents they represent, may select as their count one of the following methods:

i) Parent/guardian self-identification;

ii) The Federal Indian Education Act - Title V Count (Indian Certification Form No. 506); or

iii) A district shall use the same method of count as for other learners.

STATE OF MINNESOTA STATE BOARD OF EDUCATION

REQUEST FOR COMMENT

Planned Rules Governing Desegregation/Integration
Minnesota Rules 3535.0100 - 3535.1100

Subject of Rule. The Minnesota State Board of Education requests comments on its planned adoption of rules governing school desegregation. The board is developing a new desegregation rule that will eliminate situations where students are intentionally segregated on the basis of race. This planned rule would require racially identifiable schools that are not the result of intentional segregation to develop plans to provide choices to racially integrate the student population. It would also require racially isolated districts to work collaboratively with other districts to provide incentives for integration across district boundaries.

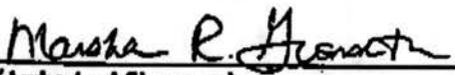
Persons Affected. The adoption of the planned Desegregation Rules would affect public school students, their parents, teachers, school administrators and local school boards. The board does not contemplate appointing any additional advisory committee on the planned rule.

Statutory Authority. Minnesota Statutes, section 121.11 Sub. 7d requires the board to adopt rules relating to desegregation/integration.

Public Comment. Interested persons or groups may submit comments in writing or orally until 4:30 p.m. on May 10, 1996. Drafts of the proposal under development may be obtained by calling the telephone number listed below. Written and oral comments, questions and requests for more information on the development of the planned rules should be addressed to:

Robert Miller, Manager
Office of Desegregation/Integration
564 Capital Square Building
550 Cedar Street
Saint Paul, Minnesota 55101-2273
Telephone: (612) 296-2822 FAX (612) 296-3272

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.


(Authorized Signature)

3535.0500. INFORMATION GATHERING DUTIES OF THE COMMISSIONER

Subp. 1. The Commissioner shall review the data submitted by the local boards within 60 days of its receipt. If the Commissioner determines that there are racially identifiable schools within a district, or if the Commissioner receives a complaint alleging that a District is engaged in intentional acts of segregation, the Commissioner shall request and the district shall provide additional information which will enable the Commissioner to determine whether the district has engaged in segregation. This additional information includes, but is not limited to:

a. Information about how students are assigned to schools within the district, including:

1. For schools which have been newly added or renovated or if attendance zones have changed, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;

2. A description of the assignment and transfer options at each of the schools serving the grade levels in question, and the outreach efforts that were made to ensure parents received information about and were able to understand, the availability of those options;

3. A comparison of the racial composition of the attendance area of the site in question as it relates to the composition of the district as a whole;

b. A list of curricular offerings and rates of participation by students on the basis of race;

c. A listing of the extra-curricular options available at each of the schools serving the grade levels in question;

d. A list that breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question. If, considering the average percentage of teachers of color in the district, there is a concentration of teachers of color assigned at the school(s) at issue, an explanation of why must be provided;

e. A list that shows how the qualifications and experience of the teachers at the racially identifiable site(s) compares to teachers at the sites which are not racially identifiable;

f. Evidence that the racially identifiable school has been provided financial resources on an equitable basis with other sites which are not racially identifiable;

g. A comparison of the facilities, materials and equipment at the racially identifiable school with the sites which are not racially identifiable;

h. Information that would allow the Commissioner to determine whether the extent of busing is disproportionate between Caucasian students and students of color;

i. If there are non-discriminatory circumstances that explain why a particular school has exceeded the percentage identified in this rule, an explanation of those circumstances.

If it would assist the above evaluation, the Commissioner may ask for information on student achievement. However, disparate achievement data does not constitute evidence that a school district engaged in intentional segregation.

3535.0600. DUTIES OF SCHOOL DISTRICTS TO RESPOND TO THE COMMISSIONER'S REQUEST FOR INFORMATION; DEVELOPMENT OF A DESEGREGATION PLAN

Subp. 1. School districts shall respond in a comprehensive way to the Commissioner's request for information under 3535.0500 within 60 days of its receipt. If supplemental information is requested by the Commissioner, the district must respond in a timely manner.

Subp. 2. If the Commissioner determines that a condition of segregation exists, the district shall provide a plan that proposes how it will remedy the segregated conditions within 60 days. The plan shall address the specific actions which were found to contribute to the segregated conditions. The plan shall be developed in consultation with the Commissioner. If the Commissioner rejects any or all of the plan, the Commissioner shall provide technical assistance to help the District revise the plan. However, if the District and the Commissioner cannot mutually arrive at a plan within 45 days after the plan has been rejected, the Commissioner shall develop a revised plan to remedy the segregation which the District shall implement in the time frame specified by the Commissioner.

Subp. 3. The Commissioner may extend the time for response from the district for good cause shown.

Subp. 4. The Commissioner shall inform the Board of submission of a plan under 3535.0600.

If the enrollment of students of color at a school is more than 30% above the students of color enrollment of the entire district or exceeds 90% (whichever is less), the district must provide affirmative evidence that students in that school have additional alternatives to attend an integrated school setting which is comparable to the district-wide average available to them.

3535.0700. ENFORCEMENT OF DESEGREGATION

Subp. 1. If the District fails to submit data required by the Commissioner, fails to provide a plan to remedy the segregation, or fails to implement a plan developed by the Commissioner as provided in 3535.0500-.0600 the Commissioner must, after

notifying the State Board of Education of the finding of intentional segregation, may pursue one or more of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature the following session with recommendations for financial or other appropriate sanctions.

3535.0800. INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS

Subp. 1. If it is determined that the the racially identifiable school(s) examined under 3535.0500 are not the result of intentional segregation, then the district shall develop a plan, and submit it to the Commissioner for approval, which provides incentives to racially integrate the student population. The plan shall be developed within the current school year, and implemented the next school year. The plan could include, but is not limited to:

- a. Duplicating programs which have demonstrated success in improving student learning at schools which are racially identifiable;
- b. Providing incentives for learners of color to transfer to schools which are not racially-identifiable, and to Caucasian students to transfer to schools which are racially identifiable, such as giving them priority for space at the schools of their choice, providing transportation, providing inter-district opportunities and incentives for collaborative efforts with other districts;
- c. Providing incentives to teachers in a way which will more carefully balance the distribution of minority/non-minority teachers at schools across the district, including staff development opportunities and strategies for attracting and retaining staff who serve as role models and have a record of success in teaching students of color and of poverty.
- d. Greater promotion of programs provided at racially-identifiable schools designed to attract Caucasian students;
- e. Providing smaller class-sizes, greater counseling and support services, and more extra-curricular opportunities and other resources at racially-identifiable schools with higher concentrations of low income students as compared to schools which are not racially-identifiable.
- f. Programs promoting instruction about cultural diversity.

Subp. 2. The district shall establish and utilize a community collaboration council, as defined in part 3535.1000, subp. 3, to assist in developing the district's plan under this part.

3535.0900. EVALUATION OF INTEGRATION RESULTS

Subp. 1. The Commissioner shall evaluate the plan developed under 3535.0800 at the end of the academic year in which it is implemented and shall determine whether the plan has been successfully implemented. Based on the results of the analysis the Commissioner shall report the following:

a. Reduction in the percentage of learners of color at racially identifiable schools shall be reported to the State Board and to the House and Senate Education Committees. Additionally, the Commissioner may recommend financial incentives which are aimed at compensating or rewarding districts for programs or activities which have been successful.

b. If the enrollment of learners of color remains constant or increases at racially identifiable schools, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees and may make recommendations for appropriate legislative action to address the condition of racially identifiable schools within the district.

3535.1000. INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS

Subp. 1. The Commissioner shall annually evaluate the enrollment of learners of color in all districts to determine whether any are racially isolated. If the Commissioner determines that a district is racially isolated, the Commissioner shall immediately notify the district in question and adjoining districts.

Subp. 2. Upon notification that a district is racially isolated or adjoins a racially isolated district, the districts affected shall immediately begin collaborative planning efforts designed to provide incentives for integration across district boundaries. Districts which are not racially isolated or which do not adjoin racially isolated districts may participate in collaborative planning efforts as well. The districts shall appoint a Community Collaboration Council, as provided in subpart 3 below, to carry out the functions of this part. The Councils of adjoining districts shall, to the extent practical, work together to identify ways to improve inter-district collaboration. After receiving input from their councils, the districts shall provide a collaboration plan to the Commissioner within the current school year for implementation the next academic year. The plan should include, but not be limited to, incentives such as:

a. Providing cooperative transportation which will enable learners of color to attend school in the district which is not racially-isolated, and/or which will enable Caucasian students to come into the racially-isolated district;

b. Providing guarantees of space for learners of color in the racially isolated district to attend school in the non-isolated district or for Caucasian students to attend school in the racially-isolated district;

c. Development of cooperative magnet programs or schools designed to increase racial balance in the affected districts;

d. Cooperative programs designed to enhance the experience of learners of color and Caucasian students with students of all races;

e. Cooperative efforts to recruit staff of color; teacher exchanges; parent exchanges; cooperative staff development programs;

f. Shared extra-curricular opportunities, community education programs that promote understanding, respect and interaction among diverse community populations.

Subp. 3. Composition of the Community Collaboration Council.

a. The composition of the Council shall reflect the racial and ethnic composition of the school district.

b. The Council should include parents, teachers, administrators and community representatives/leaders who can and will actively engage the diverse elements of the community in identifying issues of concern and in developing and implementing problem solving strategies. In communities with a concentration of American Indian students, community elders should be included, if possible. The Commissioner will be advised as to the extent of community engagement, issues identified, action goals agreed upon and how the achievement of those goals will be, or is being, accomplished.

c. If a district has an existing committee whose composition reflects the various groups listed in subpart 3(b) above that committee may be used to provide the planning discussed in this section.

3535.1100. EVALUATION OF COLLABORATIVE EFFORTS

Subp. 1. The Commissioner shall biennially evaluate the results of collaborative efforts under 3535.1000 to determine whether there has been successful implementation of the plan. After reviewing the results, the Commissioner shall take the following steps:

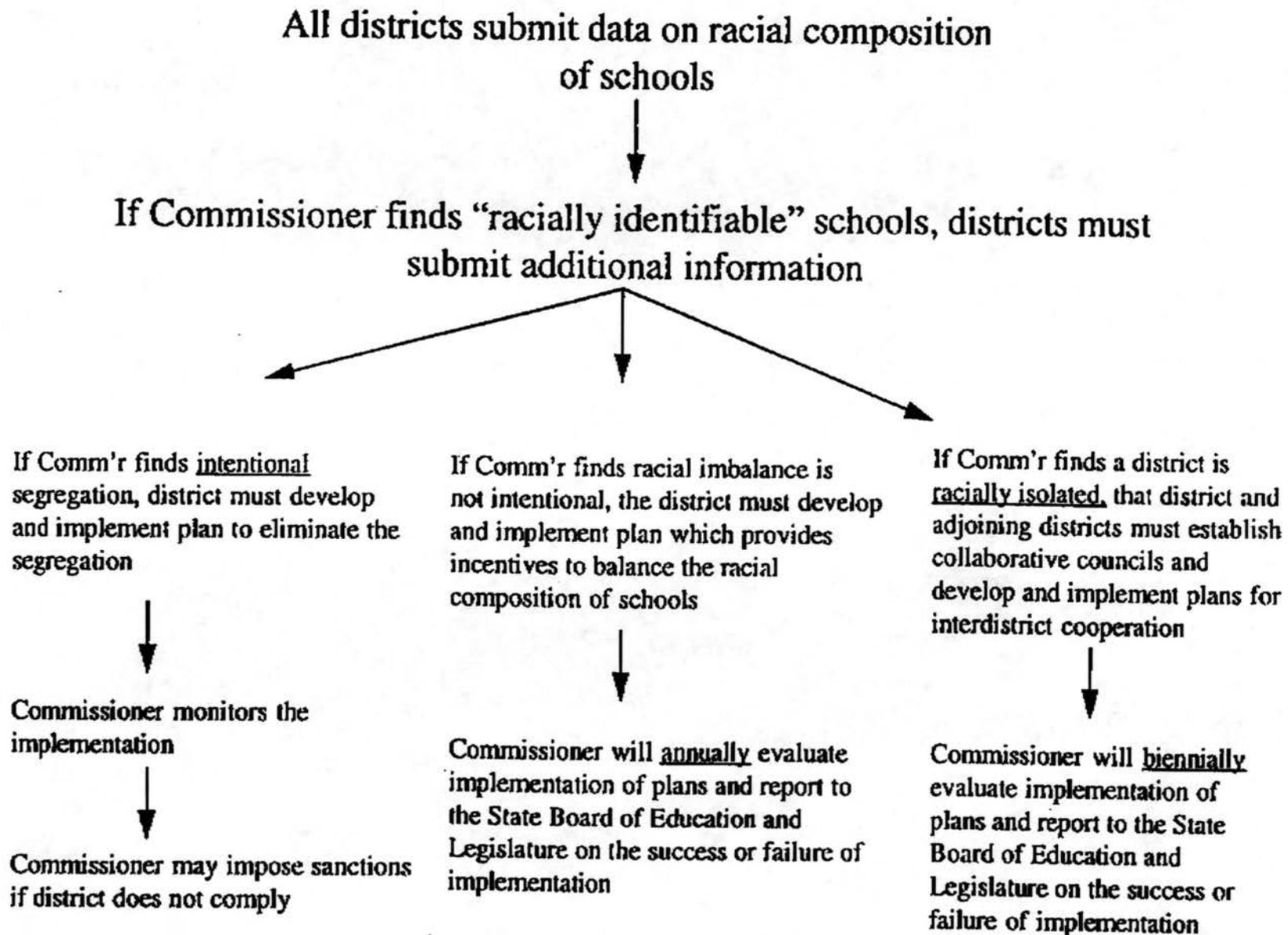
a. If it appears that the collaborative efforts have been successful, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees.

b. If it appears that the collaborative efforts have not been successful, or that no efforts were made by one or more of the affected districts, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees. The Commissioner may also make recommendations for legislative action which would be appropriate under the circumstances, such as redistribution of state aid, re-drawing district boundaries, or mandating the provision of transportation which will facilitate voluntary inter district transfers.

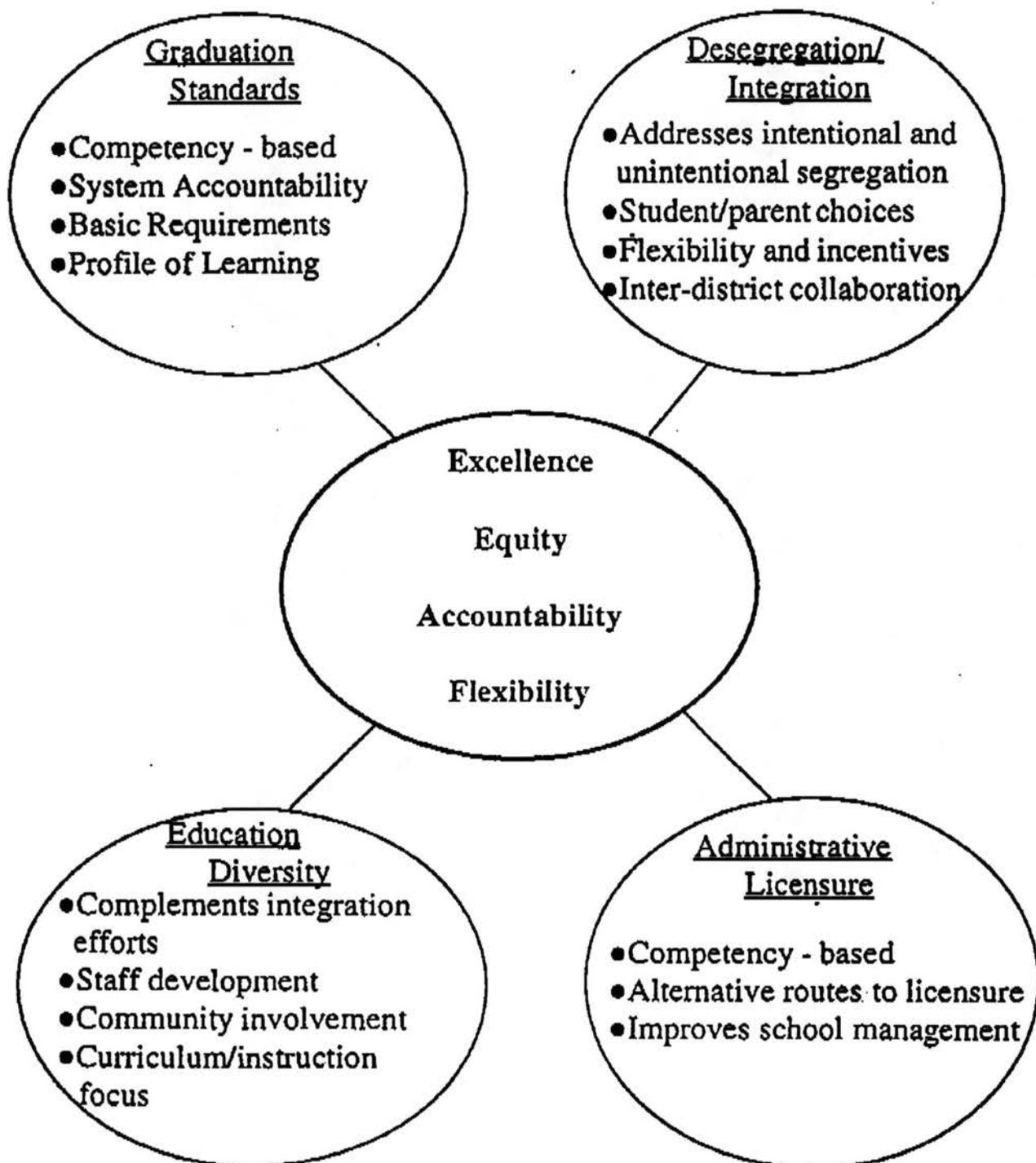
REPEALER SECTION: Minnesota Rules (1994) parts 3535.0200, 3535.0300, 3535.0400, 3535.0500, 3535.0600, 3535.0700, 3535.0900, 3535.1100, 3535.1200, 3535.1300, 3535.1500, 3535.1700 and 3535.2000 are repealed.

.fx2

How Proposed Desegregation Rule Works



How SBE's Four Rule Initiatives Work Toward SBE's Major Goals



STATE OF MINNESOTA
Office of the Attorney General

TO : MARSHA GRONSETH
Executive Director, State Board of Education

DATE : February 1, 1996

FROM : CINDY L. LAVORATO 
Assistant Attorney General

PHONE : 296-3834 (Voice)
296-1410 (TDD)

SUBJECT : Latest desegregation rule draft/
Attached memorandum

I am attaching for inclusion in the Board packet the most recent version of the desegregation rule draft. A few things you should note:

1. I have added language to address waivers: it is the last section of the rule. The Board should have a discussion about what process to use in evaluating the waiver. It might be helpful to suggest the process being used presently in evaluating Minneapolis' request.
2. All of the triggering numbers are still open; Bob Miller should be providing the demographic information which will provide a basis for discussion.
3. Section 3535.0600 still contains a question about whether there should be limits placed on schools with high concentrations of students of color. This is a discussion which has not yet occurred; we didn't address it at our own meeting last week.
4. My notes from the last Board meeting suggest that we were to re-work the community collaboration council language to make it more flexible and to allow citizen input; I'm not sure what direction either of these concerns was to take. We should raise this again at the meeting this month.

Also attached is a memorandum which analyzes waivers for culturally specific schools and the application of the rule to Native American students. Please include this in the Board packet so that members will have some background on these issues when I discuss them.

Please let me know if there is anything else you need before the meeting.

DESEGREGATION RULE

[Language in underlined bold represents changes made in response to State Board direction in the meetings of December, 1995 and January, 1996]

3535.0100. POLICY STATEMENT

It is the policy of the State Board of Education to reaffirm the principles which underlie the landmark decision of Brown v. Board of Education, namely, that equality of education cannot exist if students are intentionally segregated on the basis of race. Further, it is the policy of the State Board of Education that school districts be encouraged to identify and work towards the elimination of schools that are racially identifiable. These policies are important in order to ensure that all students will have comparable opportunities to maximize their education. The State Board of Education therefore adopts the following rules in furtherance of those policies.

3535.0200 DEFINITIONS

1. **Commissioner:** Means the Commissioner of Children, Families and Learning (or the Commissioner of any successor agency).
2. **Learners of Color:**
 - a. Students who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian/Pacific American and Chicano/Latino Americans. American Indian learners are defined as those students, living on or off a reservation, who are enrolled in or are eligible for enrollment in a federally recognized tribe. Minnesota American Indian learners possess dual status as learners of color and members of sovereign tribal nations.
 - b. Students having origins in more than one of the categories described above may be identified by their parents, guardians or may self-identify as "multi-racial"; students in the "multi-racial" category will be considered "learners of color".

[Alternative definition based on Florida Administrative Code has been omitted].
3. **Segregation:** Segregation is the intentional act or acts by a school district which has the purpose [OUT:and/or foreseeable effect] of causing students to attend particular programs or schools within the district on the basis of their race. Segregation does not exist if there are concentrations of learners of color 1) which are not the result of intentional acts by districts, 2) at schools which are not racially identifiable based on the factors identified under 3535.0500 (i.e. assignment of students, extracurricular options, [per pupil expenditures?], quality of the school facilities

and their materials and equipment, experience and education of the faculty, racial composition of the faculty and transportation routes) and 3) a concentration of learners of color has occurred as the result of informed choices by parents.

4. **Racially Identifiable Schools within a District:** Schools are racially identifiable when the enrollment of learners of color at a school within the district is more than [15%] above the learners of color enrollment of the entire district, for the grade levels served by that school.

Question for discussion:

Does it make sense/ is it workable to draft a rule which looks at concentrations of different races in determining whether racially isolated school exists, rather than combining all minority categories together? This may be a problem logistically.

5. **Racially isolated school districts:** School districts are racially isolated when the learners of color enrollment of the district exceeds the learners of color enrollment of any adjoining district by more than ____%.

3535.0300. INTENTIONAL SEGREGATION PROHIBITED

Subp. 1. It is a violation of this chapter for a school district to engage in intentional segregation.

3535.0400 DUTIES OF LOCAL SCHOOL BOARDS

Subp. 1. Each local board shall annually submit data to the Commissioner which indicates the racial composition of each school within its district, the racial composition of the grade levels served by each the schools, and verification that the data cited is accurate. This shall be done by a date determined by the Commissioner annually.

Subp. 2. In order to collect the information required in subpart 1 above, all districts shall employ one racial or cultural identification procedure in the order of preference as follows:

a. Parent or guardian identification, with parent or guardian being encouraged to discuss the identification rationale with the learner prior to the identification;

b. Age-appropriate learner self-identification, when parent or guardian identification is not an option; or

c. Sight counts may be employed only if parent, guardian, or learner self-identification methods are no possible. Districts shall utilize written guidelines to develop sight counts as administered by the principal or designee.

d. In districts where the American Indian population is over 10 or more learners, the State Indian Education Act Statutory Committee, in

consultation with American Indian parents they represent, may select as their count one of the following methods:

- i) Parent/guardian self-identification;
- ii) The Federal Indian Education Act - Title V Count (Indian Certification Form No. 506); or
- iii) A district shall use the same method of count as for other learners

3535.0500 INFORMATION GATHERING DUTIES OF THE COMMISSIONER

Subp. 1. The Commissioner shall review the data submitted by the local boards within 60 days of its receipt. If it appears that there are racially identifiable schools within a district, or if the Commissioner receives a complaint alleging that a District is engaged in intentional acts of segregation, the Commissioner shall request and the district shall provide additional information which will enable the Commissioner to determine whether the district has engaged in segregation. This additional information includes, but is not limited to:

- a. Information about how students are assigned to schools within the district, including:
 1. For schools which have been newly added or renovated or if attendance zones have changed within the last () years, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;
 2. A description of the assignment and transfer options at each of the schools serving the grade levels in question;
 3. A comparison of the racial composition of the attendance area of the site in question as it relates to the composition of the district as a whole; [OUT: of whether the school site is reflective of the racial composition of that part of the district and if so, how the attendance lines could be drawn to more effectively disperse students;
- b. A listing of the extra-curricular options available at each of the schools serving the grade levels in question;
- c. A list that breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question. If there is a concentration of teachers of color assigned at the school(s) at issue, an explanation of why must be provided;
- d. A list that shows how the qualifications and experience of the teachers at the racially identifiable site compares to teachers at the sites which are not racially identifiable;

e. Evidence that the racially identifiable school has been provided financial resources on an equitable basis with other sites which are not racially identifiable;

f. A comparison of the facilities, materials and equipment at the racially identifiable school with the sites which are not racially identifiable;

g. A description of transportation routes.

h. If there are non-discriminatory circumstances that explain why a particular school has exceeded the percentage identified in this rule, an explanation of those circumstances.

[ROLE OF THE STATE BOARD IN THE PLAN? TO DISCUSS]

OPTIONS: a) Inform the Board of submission of a plan under 3535.0600; OTHERS?

3535.0600 DUTIES OF SCHOOL DISTRICTS TO RESPOND TO THE COMMISSIONER'S REQUEST FOR INFORMATION; DEVELOPMENT OF A DESEGREGATION PLAN

Subp. 1. School districts shall respond in a comprehensive way to the Commissioner's request for information under 3535.0500 within 60 days of its receipt.

Subp. 2. If the Commissioner determines that a condition of segregation exists, the district shall provide a plan that proposes how it will remedy the segregated conditions within 60 days. The plan shall address the specific actions which were found to contribute to the segregated conditions. The plan shall be developed in consultation with the Commissioner; however, if the District and the Commissioner cannot mutually arrive at a plan within , the Commissioner shall develop a plan to remedy the segregation which the district shall implement in the time frame specified by the Commissioner.

Subp. 3. The Commissioner may extend the time for response from the district for good cause shown.

SUGGESTED ALTERNATIVE/ADDITION: The State Board could determine to have a per se rule, much like the present one, which requires districts to desegregate racially identifiable schools even if it is not the result of intentional segregation, but limited to cases where the minority concentration is very high, such as above 80 or 85%. This could be in lieu of or in addition to the suggestion above. If this were pursued in addition to the suggestion above, the rule would require a plan for desegregation, even if no intentional acts were found, any time the percentages reach the trigger. Then a question would arise as to whether a waiver should still exist for neighborhood schools or schools which are racially identifiable due to parental choice.

Problems: 1. If the district does not remedy the situation, we have established a standard of segregation which is enforceable in court, even if it is the result of de

facto forces. Also, this may expose the State to liability if it fails to bring the concentration down. One way to address this problem is to say that the high concentration of learners of color does not need to be eliminated, but students at those schools need to be given additional choices to ensure that they have flexibility in which schools they attend.

2. If certain districts have extremely high concentrations of students of color, segregation may be impossible to eliminate.

3535.0700 ENFORCEMENT OF DESEGREGATION

Subp. 1. If the District fails to submit the data required by the Commissioner, fails to provide a plan to remedy the segregation, or fails to implement a plan developed by the Commissioner as provided in 3535.0500-~~.0600~~ the Commissioner may [OUT: option to] pursue any or all of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature the following session with recommendations for financial or other appropriate sanctions.

3535.0800 INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS

Subp. 1. If it is determined that the the racially identifiable school(s) examined under 3535.0500 are not the result of intentional segregation, then the district shall develop a plan to provide incentives to racially integrate the student population. The plan shall be developed within---, and implemented the next academic year. The plan could include, but is not limited to:

- a. Duplicating programs which are considered "flagship" (needs definition) programs at schools which are racially identifiable;
- b. Providing incentives for learners of color to transfer to schools which are not racially-identifiable, and to Caucasian students to transfer to schools which are racially identifiable, such as giving them priority for space at the schools of their choice, providing door-to door transportation, providing interdistrict opportunities and incentives for collaborative efforts with other districts, OTHERS?
- c. Providing incentives to teachers in a way which will more carefully balance the distribution of minority/non-minority teachers at schools across the district;
- d. Greater promotion of programs provided at racially-identifiable schools designed to attract Caucasian students;

e. Providing smaller class-sizes, greater counseling and support services, and more extra-curricular opportunities and other resources at racially-identifiable schools with higher concentrations of low income students as compared to schools which are not racially-identifiable.

f. Programs promoting instruction about cultural diversity.

g. OTHERS?

3535.0900 EVALUATION OF INTEGRATION RESULTS

Subp. 1. The Commissioner shall evaluate the plan developed under 3535.0800 at the end of the academic year in which it is implemented and shall determine whether the enrollment of students of color at the racially identifiable schools [OUT: minority enrollment] has been reduced. (Do we need further definition of "reduction"?) Based on the results of the analysis the Commissioner shall report the following:

a. Reduction in the percentage of learners of color at racially identifiable schools shall be reported to the State Board and to the House and Senate Education Committees. Additionally, the Commissioner may recommend financial incentives which are aimed at compensating or rewarding districts for programs or activities which have been successful.

b. If the enrollment of learners of color remains constant or increases at racially identifiable schools, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees and may make recommendations for appropriate legislative action to address the condition of racially identifiable schools within the district.

3535.1000 INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS

Subp. 1. The Commissioner shall annually evaluate the enrollment of learners of color in all districts to determine whether any are racially isolated. If the Commissioner determines that a district is racially isolated, the Commissioner shall immediately notify the district in question and adjoining districts.

Subp. 2. Upon notification that a district is racially isolated or adjoins a racially isolated district, the districts affected shall immediately begin collaborative planning efforts designed to provide incentives for integration across district boundaries. Districts which are not racially isolated or which do not adjoin racially isolated districts may participate in collaborative planning efforts as well. The districts shall appoint a Community Collaboration Council, as provided in subpart 3 below, to carry out the functions of this part. The Councils of adjoining districts shall, to the extent practical, work together to identify ways to improve interdistrict collaboration. After receiving input from their councils, the districts shall provide a collaboration plan to the Commissioner within --- for implementation the next academic year. The plan should include incentives such as:

a. Providing cooperative transportation which will enable learners of color to attend school in the district which is not racially-isolated, and/or which will enable Caucasian students to come into the racially-isolated district;

b. Providing guarantees of space for learners of color in the racially isolated district to attend school in the non-isolated district or for Caucasian students to attend school in the racially-isolated district;

c. Development of cooperative magnet programs or schools designed to increase racial balance in the affected districts;

d. Cooperative programs designed to enhance the experience of learners of color and Caucasian students with students of all races;

e. Cooperative efforts to recruit staff of color; teacher exchanges; parent exchanges; cooperative staff development programs; OTHERS?

Subp. 3. Composition of the Community Collaboration Council.

a. The composition of the Council shall reflect the racial and ethnic composition of the school district.

b. To the extent possible, membership should include parents, students, teachers, administrators, site council members, community agencies, city and county representatives, law enforcement and others determined by the school board. For communities which have a significant American Indian population, an elder of the community should be appointed if possible.

c. To encourage the participation of non-English speaking constituencies the district (shall? may?) make interpreters/translators available to the council.

d. Districts shall hold community-wide public discussion opportunities to receive and record public comment on the plan to be developed under Subp. 2. A summary of the comments from the community forum must be included in the plan submitted to the Commissioner.

e. If a district has an existing committee whose composition reflects the various groups listed in subpart 3(b) above that committee may be used to provide the planning discussed in this section.

3535.1100 EVALUATION OF COLLABORATIVE EFFORTS

Subp. 1. The Commissioner shall annually evaluate the results of collaborative efforts under 3535.1000 to determine whether they have resulted in greater inter-district balance. (Definition?) After reviewing the results, the Commissioner shall take the following steps:

a. If it appears that the collaborative efforts have been successful, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees.

b. If it appears that the collaborative efforts have not been successful, or that no efforts were made by one or more of the affected districts, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees. The Commissioner may also make recommendations for legislative action which would be appropriate under the circumstances, such as redistribution of state aid, re-drawing district boundaries, or mandating the provision of transportation which will facilitate voluntary inter district transfers.

[c. Discretionary grants: We need to identify what these are and how they might be used as an incentive or otherwise.]

3535.1101 WAIVERS

Waivers requested pursuant to this rule will be evaluated using applicable statutory and constitutional standards. The process for evaluating such waivers will be as follows:

BOARD TO DISCUSS PROCESS.

.x2

DESEGREGATION RULE

3535.0100. Policy Statement

It is the policy of the State Board of Education to reaffirm the principles which underlie the landmark decision of Brown v. Board of Education, namely, that equality of education cannot exist if students are intentionally segregated on the basis of race. Further, it is the policy of the State Board of Education that school districts be encouraged to identify and work towards the elimination of schools that are racially identifiable. The State Board of Education therefore adopts the following rules in furtherance of those policies.

3535.0200 DEFINITIONS

1. **Commissioner:** Means the Commissioner of Children, Families and Learning (or the Commissioner of any successor agency).
2. **Minority students:** Students who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian/Pacific American and Chicano/Latino Americans.

Alternative definition (based on Florida Administrative Code):

A person may be included in the race/ethnic group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. No person shall be included in more than one race/ethnic group. The race/ethnic categories to be used are:

- a. **White, Not of Hispanic Origin:** All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.
- b. **Black, Not of Hispanic Origin:** All persons having origins in the Black racial groups of Africa.
- c. **Hispanic:** All persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish Culture or origin, regardless of race.
- d. **Asian or Pacific Islander:** All persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
- e. **American Indian or Alaska Native:** All persons having origins in any of the original peoples of North American, and who maintain cultural identification through tribal affiliation or community recognition.

Question for Discussion: In order to address the concern about students who are bi-racial, we could include such a category. Those students would then be considered "minority students".

3. **Segregation:** Segregation is the intentional act or acts by a school district which has the purpose and/or foreseeable effect of causing students to attend particular programs or schools within the district on the basis of their race. Segregation will not be found to have occurred if analysis of the factors identified under 3535.0500 (i.e. assignment of students, extracurricular options, [per pupil expenditures?], quality of the school facilities and their materials and equipment, experience and education of the faculty, and racial composition of the faculty, transportation routes) at the racially identifiable schools are comparable to schools which are not racially identifiable, and a concentration of race has occurred as the result of informed choices by parents.
4. **Racially identifiable schools within a district:** Schools are racially identifiable when the enrollment of a school within a district is more than [15%] above the minority racial composition of the student population of the entire district, for the grade levels served by that school.

Question for discussion: Does it make sense/ is it workable to draft a rule which looks at concentrations of different races in determining whether racially isolated school exists, rather than combining all minority categories together? This may be a problem logistically.

5. **Racially isolated school districts:** School districts are racially isolated when the minority enrollment of the district exceeds the minority enrollment of any adjoining district by more than ____%.

3535.0300. INTENTIONAL SEGREGATION PROHIBITED

Subp. 1. It is a violation of this chapter for a school district to engage in intentional segregation.

3535.0400 DUTIES OF LOCAL SCHOOL BOARDS

Subp. 1. Each local board shall annually submit data to the Commissioner which indicates the racial composition of each school within its district, the racial composition of the grade levels served by each the schools, and verification that the data cited is accurate. This shall be done by a date determined by the Commissioner annually.

3535.0500 INFORMATION GATHERING DUTIES OF THE COMMISSIONER

Subp. 1. The Commissioner shall review the data submitted by the local boards within ____ of its receipt. If it appears that there are racially identifiable schools within a district, or if the Commissioner receives a complaint alleging that a District is engaged in intentional acts of segregation, the Commissioner shall request and the district shall provide additional information which will enable the Commissioner to determine whether

H.G. 3 010. Bus. Reg. FAX 702 250 1400 200 4 30 11 17 104

the district has engaged in segregation. This additional information includes, but is not limited to:

a. Information about how students are assigned to schools within the district, including:

1. For schools which have been newly added or renovated or if attendance zones have changed within the last () years, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;.

2. A description of the assignment and transfer options at each of the schools serving the grade levels in question;

3. A description of whether the school site is reflective of the racial composition of that part of the district and if so, how the attendance lines could be drawn to more effectively disperse students;

b. A listing of the extra-curricular options available at each of the schools serving the grade levels in question;

c. A list which breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question. If there is a concentration of minority teachers assigned at the school(s) at issue, an explanation of why must be provided;

d. A list which shows how the qualifications and experience of the teachers at the racially identifiable site compares to teachers at the sites which are not racially identifiable;

e. Evidence that the racially identifiable school has been provided financial resources on an equitable basis with other sites which are not racially identifiable;

f. A comparison of the facilities, materials and equipment at the racially identifiable school with the sites which are not racially identifiable;

g. A description of transportation routes.

h. If there are non-discriminatory circumstances which explain why a particular school has exceeded the percentage identified in this rule, an explanation of those circumstances.

3535.0600 DUTIES OF SCHOOL DISTRICTS TO RESPOND TO THE
COMMISSIONER'S REQUEST FOR INFORMATION; DEVELOPMENT OF A
DESEGREGATION PLAN

Subp. 1. School districts shall respond in a comprehensive way to the Commissioner's request for information within ___ days of its receipt.

Subp. 2. If the Commissioner determines that a condition of segregation exists, the district shall provide a plan that proposes how it will remedy the segregated conditions within _____. The plan shall address the specific actions which were found to contribute to the segregated conditions. The plan shall be developed in consultation with the Commissioner; however, if the District and the Commissioner cannot mutually arrive at a plan within _____, the Commissioner shall develop a plan to remedy the segregation which the district shall implement in the time frame specified by the Commissioner.

ALTERNATIVE: The State Board could determine to have a per se rule, much like the present one, which requires districts to desegregate racially identifiable schools even if it is not the result of intentional segregation, but limited to cases where the minority concentration is very high, such as above 80 or 85%. This could be in lieu of or in addition to the suggestion above. If this were pursued in addition to the suggestion above, the rule would require a plan for desegregation, even if no intentional acts were found, any time the percentages reach the trigger. Then a question would arise as to whether a waiver should still exist for neighborhood schools or schools which are racially identifiable due to parental choice.

Problems: 1. If the district does not remedy the situation, we have established a standard of segregation which is enforceable in court, even if it is the result of de facto forces. Also, this may expose the State to liability if it fails to bring the concentration down.

2. If certain districts have extremely high concentrations of students of color, segregation may be impossible to eliminate.

3535.0700 ENFORCEMENT OF DESEGREGATION

Subp. 1. If the District fails to submit the data required by the Commissioner, fails to provide a plan to remedy the segregation, or fails to implement a plan developed by the Commissioner as provided in 3535.0500, the Commissioner has the option to pursue any or all of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature the following session with recommendations for financial or other appropriate sanctions.

3535.0800 INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS

Subp. 1. If it is determined that the the racially identifiable school(s) examined under 3535.0500 are not the result of intentional segregation, then the district shall develop a plan to

H.G.'S UTC. BUS. REG. FAX 512-250-1400 DEC 4 30 11:10 1993
provide incentives to racially integrate the student population. The plan shall be developed within---, and implemented the next academic year. The plan could include, but is not limited to:

- a. Duplicating programs which are considered "flagship" (needs definition) programs at schools which are racially identifiable:
- b. Providing incentives for minority students to transfer to schools which are not racially-identifiable, and to non-minority students to transfer to schools which are racially identifiable, such as giving them priority for space at the schools of their choice, providing door-to door transportation, OTHERS?
- c. Providing incentives to teachers in a way which will more carefully balance the distribution of minority/non-minority teachers at schools across the district;
- d. Greater promotion of programs provided at racially-isolated schools designed to attract non-minority students;
- e. Providing smaller class-sizes, greater counselling and support services, and more extra-curricular opportunities at racially-isolated schools as compared to schools which are not racially-isolated.
- f. Programs promoting instruction about cultural diversity.

3535.0900 EVALUATION OF INTEGRATION RESULTS

Subp. 1. The Commissioner shall evaluate the plan developed under 3535.0800 at the end of the academic year in which it is implemented and shall determine whether the minority enrollment at racially identifiable schools' minority enrollment has been reduced. (Do we need further definition of "reduction"?) Based on the results of the analysis the Commissioner shall report the following:

- a. Reduction in the percentage of minority students at racially isolated schools shall be reported to the State Board and to the Legislature. Additionally, the Commissioner may recommend financial incentives which are aimed at compensating or rewarding districts for programs or activities which have been successful.
- b. If the minority enrollments remain constant or increase at racially identifiable schools, the Commissioner shall report this fact to the State Board and Legislature and may make recommendations for appropriate legislative action to address the condition of racially isolated schools within the district.

3535.1000 INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS

Subp. 1. The Commissioner shall annually evaluate the minority enrollment of all districts to determine whether any are racially isolated. If the Commissioner determines that a district is racially isolated, the Commissioner shall immediately notify the district in question and adjoining districts.

Subp. 2. Upon notification that a district is racially isolated or adjoins a racially isolated district, the districts affected shall immediately begin collaborative planning efforts designed to provide incentives for integration across district boundaries. Districts which are not racially isolated or which do not adjoin racially isolated districts may participate in collaborative planning efforts as well. The districts shall appoint a Community Collaboration Council, as provided in subpart 3 below, to carry out the functions of this part. After receiving input from their councils, the districts shall provide a collaboration plan to the Commissioner within --- for implementation the next academic year. The plan should include incentives such as:

a. Providing cooperative bus service which will enable minority students to attend school in the district which is not racially-isolated, and/or which will enable non-minority students to come into the racially-isolated district;

b. Providing guarantees of space for minority students in the racially isolated district to attend school in the non-isolated district or for non-minority students to attend school in the racially-isolated district;

c. Development of cooperative magnet programs or schools designed to increase racial balance in the affected district;

d. Cooperative programs designed to enhance the experience of minority and non-minority students with students of all races;

e. OTHERS?

Subp. 3. Composition of the Community Collaboration Council.

a. The composition of the Council shall reflect the racial and ethnic composition of the school district.

b. To the extent possible, membership should include parents, students, teachers, administrators, site council members, community agencies, city and county representatives, law enforcement and others determined by the school board. For communities which have a significant American Indian population, an elder of the community should be appointed if possible.

c. To encourage the participation of non-English speaking constituencies the district (shall? may?) make interpreters/translators available to the council.

d. Districts shall hold community-wide public discussion opportunities to receive and record public comment on the plan to be developed under Subp. 2. A summary of the comments from the community forum must be included in the plan submitted to the Commissioner.

Question: Should we have a provision which encourages councils from neighboring districts to work together? (This was not included in the earlier Board outlines).

3535.1100 EVALUATION OF COLLABORATIVE EFFORTS

Subp. 1. The Commissioner shall annually evaluate the results of collaborative efforts under 3535.1000 to determine whether they have resulted in greater intra-district integration. (Definition of an indication of "greater intra-district integration?") After reviewing the results, the Commissioner shall take the following steps:

a. If it appears that the collaborative efforts have been successful, the Commissioner shall report this fact to the State Board and Legislature (here as with other reports, we should specify who in the Legislature receives the reports) and may make recommendations for financial incentives designed to facilitate those efforts which have been successful.

b. If it appears that the collaborative efforts have not been successful, or that no efforts were made by one or more of the affected districts, the Commissioner shall report this fact to the State Board and Legislature. The Commissioner may also make recommendations for legislative action which would be appropriate under the circumstances, such as redistribution of state aid, re-drawing district boundaries, or mandating the provision of bus service which will facilitate voluntary inter district transfers.

Question for Discussion:

This rule does not include "waivers" for special schools which are specifically created to serve a minority population (like the Afro-Centric Academy). If the Board wishes to permit such schools, the rule would need to incorporate provisions to address them.

History of State Board of Education Desegregation Rule and Proposed Revisions

- 1973 Adoption of the current 15% rule, resulting from a federal court case involving the Minneapolis school district, known as the Booker case. The effect of the rule is state-wide

- 1983 Minnesota, through the State Board of Education, assumed the legal responsibility to eliminate racial segregation in the Minneapolis School District as a condition to the federal district court dissolution of its supervision of the Minneapolis Public Schools desegregation plan.

- 1986-87 SBE/MDE task force study of statewide desegregation issues, indicating significant demographic changes in the Twin Cities and statewide.

- 1989 MDE sponsors Metropolitan School Boards Academy, bringing in national speakers on interdistrict metropolitan desegregation

 MDE sponsors series of meetings with school districts: Northwest metro, Southwestern metro and East metro

 Appointment of the Desegregation Policy Forum

- 1990 Desegregation Policy Forum submitted 17 recommendations to SBE, November 1990.

- 1991 The Council of Metropolitan Area League of Women Voters issued a report "Metropolitan School Desegregation and Integration, January

- 1992 - 1993 Based upon the League of Women Voters' report, the Desegregation Policy Forum and state-wide public meetings, SBE presented a proposed draft to the Legislature which emphasized quality of education over racial balance.

 May 1993, the Legislature, by statute, reaffirms Brown v. Board and directs the State Board to address racial balance and to define it. The Legislature directs the State Board to convene a roundtable discussion group, with representation specified by statute, to rework the Proposed draft.

 Representation included, school districts, teacher organizations, principals organizations, parent and student organizations, and organizations representing people of color.

 National legal experts provided Roundtable members with the legal status of desegregation

- 1993 -1994 Legislature created the Office of Desegregation within the Dept. of Education, passed bonding for two metro area magnet schools, among other actions

 SBE reconvened the roundtable in 1994 to evaluate the proposed draft in light of legislative action.

- 1995 Legislature used block grant approach to many funding streams related to desegregation, cutting some programs; did not reallocate funding for the Office of Desegregation, although the office continues to operate

 Conservatives finally enter the discussion on school desegregation; **by framing the issue as either academic achievement or desegregation, with the belief the two are mutually exclusive**

- 1996 State Board proposes new desegregation rule which essentially states segregation is acceptable as long as it is unintentional

STATE DESEGREGATION RULE PROCESS

TIMEFRAME

MOST RECENT HEARING: MARCH 11, 1996

PUBLIC COMMENT: The public can comment on the current rule by phone or in writing. You can call the State Register and give comments or fax in your written comments.

- *State Register:* (call or write immediately) 296-2822 296-3272 (fax)
- *Comment Period Ends:* May 10, 1996

NEXT STEPS:

1. The Desegregation Rule is still in draft form and goes back to the State Board of Education for further revision, taking public input into account.
2. The State Board of Education will send the Rule to the Reviser's Office to be put into State Rule format. The State Board of Education will review it again.
3. The draft in rule form, will again, be published in the State Register for public comment.
4. After this public comment period, the rule draft will go to the State Attorney General's Office for review.
5. A Hearing will be scheduled. Members of the public may present oral testimony, comments, statements.
6. The Desegregation Rule will be finalized.

STATE BOARD OF EDUCATION:

- | | |
|---|----------------|
| 1. Marsha Gronseth, <i>Executive Director</i> | 297-1925 |
| 2. Jeanne Kling, <i>Board President</i> (Willmar) | (612) 235-1340 |
| 3. Nedra Wicks, <i>Member</i> (Rochester) | (507) 282-9073 |
| 4. Tom Lindquist, <i>Member</i> (Savage) | (612) 456-2110 |
| 5. Wendell Maddox, <i>Member</i> (St. Louis Park) | 936-9490 |
| 6. Erling Johnson, <i>Member</i> (Anoka) | 427-1442 |
| 7. George Jernberg, <i>Board V. President</i> (Detroit Lakes) | (218) 847-4234 |
| 8. Tom Peacock, <i>Member</i> (Cloquet) | (218) 726-6898 |
| 9. Robert Brown, <i>Member</i> (Roseville) | 962-5292 |
| 10. Shamus Roller, <i>Member</i> (Wayzata) | (612) 476-0533 |
| 11. Irma McIntosh Coleman, <i>Member</i> (SBE) | 297-4806 |

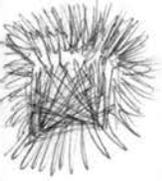
Next step: incorporation

- Then he to do a "Study of Need + Response"
- Then to State Revisor's Form

▶ Mtg w/ YWCA mtg:
6/27

Questions for State Bd:

①



The Urban Coalition

2610 University Avenue West, Suite 201
Saint Paul, Minnesota 55114

Telephone (612) 348-8550
Fax (612) 348-2533

Yusef Mgeni
President

MEMORANDUM

TO: Shirley Lee (Office of Social Justice)
Deborah Leigh, Brenda Brown, Bruce Vandal (MMEP)
Darcy Seaver, Travis Lee (MICAH)
Mel Duncan (MAPA)
John Shulman, Jean Marie Almonor (NAACP)
Bettye King (Children's Advocate)
William Smith (BIKO Associates)
Jean Coleman (BIKO Associates)

FROM: Nancy Smith, Urban Coalition

RE: Proposed State Desegregation Rule Process

DATE: July 22, 1996

I need to reschedule the meeting set for this Friday, July 26th at noon at the Urban Coalition office to Tuesday, July 31st - same time, same place. I hope the majority of you can make the meeting because we need to develop a position for the upcoming State Board of Education meeting on August 5th and 6th where discussion of what will be incorporated into the proposed rule will take place. Please review the latest proposed rule and the Diversity Rule and come prepared with your comments, recommendations, suggestions, etc. Please call and confirm with me or Aysha, so that I may order refreshments. Thanks.

The Urban Coalition

2610 University Avenue West, Suite 201
Saint Paul, Minnesota 55114

Telephone (612) 348-8550
Fax (612) 348-2533

Yusef Mgeni
President

MEMORANDUM

TO: Shirly Lee (Office of Social Justice)
Deborah Leigh (MMEP)
Darcy Seaver and Travis Lee (MICAH)
Mel Duncan (MAPA)
John Shulman and Jean Marie Almonor (NAACP)
Bettye King, Children's Advocate

FROM: Nancy Smith, Urban Coalition

RE: Proposed State Desegregation Rule Process

DATE: July 11, 1996

On June 9th, several of us from the above group attended the State Board of Education meeting. The proposed Desegregation Rule was on the agenda, and we wanted to be present. Robert Miller, Director of the Office of Desegregation, was scheduled to give a report on the recommendations and comments received through the State Register.

The group previously met on June 6th to discuss further steps that might be taken in the rule process. We agreed to attend the meeting to present a report on the key recommendations received from the community discussion groups; request that a special meeting be convened to discuss inputting the recommendations received through the State Register; request the reconvening of the Roundtable to give comment on the proposed rule; and submit questions regarding the State Board's procedure for including the comments and recommendations received through the State Register.

We did so, and were assured a response to our requests. I've enclosed the State Board's response dated July 2nd. I've also enclosed the latest draft of the Diversity Rule and the existing, proposed Desegregation Rule.

I think it is important to meet before the August 5-6 State Board meeting. Can you or a representative meet on Friday, July 26th at noon. at the Urban Coalition office?
Please confirm with me or leave a message with Aysha at the Coalition.



Minnesota State Board of Education

714 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101
OFFICE: (612) 297-1925 • FAX: (612) 297-7201

Nancy Smith
Urban Coalition
2610 University Avenue West, Suite 201
St. Paul, MN 55114

Dear Nancy:

Thank you for coming to the June meeting of the State Board of Education with your concerns regarding the proposed desegregation rule. Within the time constraints of a lay citizen board and the rulemaking process, the State Board of Education is committed to maximizing public input on this critical public policy issue. We appreciate the active interest you express and the leadership role you have assumed within the organizations involved in your discussions.

A large number of issues are raised in the document presented to the State Board in June. Many of the issues are directly addressed in one or more of the rules being developed--the Graduation Rule, the Desegregation Rule and the Educational Diversity Rule. Others are in the discussion stage of rule development. Some may not be able to be answered until the rules are actually implemented. The questions raised are important; it is our goal to respond as forthrightly as possible.

We will set time aside at our August 5-6 Board meeting to reply to your query and to inform everyone interested how the Board is using the rulemaking process to assure equitable opportunities for all children to learn. During the Board presentation we will provide time for people to sign up to speak and ask individual questions. The amount of time allotted for each speaker will be dependent on the number of people wishing to be heard. No one who is not present for the board informational presentation will be allowed to speak at this particular meeting. Further explanation regarding how to participate in the next stages of the rule making process will be provided in writing to anyone interested.

The Board will include our presentation and opportunity for public input on our written agenda. Please help us inform the interested parties about our efforts to communicate and invite them to be a part of the August meeting discussion. We look forward to this chance to clear up some misconceptions and to learn more about the concern you have raised.

Sincerely,

Jeanne Kling
State Board of Education President

Attachments

DRAFT 3/29/96

DESEGREGATION RULE

3535.0100. POLICY STATEMENT

It is the policy of the State Board of Education to reaffirm the principles which underlie the landmark decision of Brown v. Board of Education, and the case law following the Brown decision, namely, that equality of education cannot exist if students are intentionally segregated on the basis of race. Further, it is the policy of the State Board of Education that school districts must identify and work towards eliminating racially identifiable schools. These policies are intended to ensure that all students will have comparable opportunities to improve student achievement. The State Board of Education therefore adopts the following rules to advance those policies.

3535.0200. DEFINITIONS

1. Commissioner: Means the Commissioner of Children, Families and Learning (or the Commissioner of any successor agency).
2. Learners of Color.
 - a. Students who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian/Pacific American and Chicano/Latino Americans. American Indian learners are defined as those students, living on or off a reservation, who are enrolled in or are eligible for enrollment in a federally recognized tribe. Minnesota American Indian learners possess dual status as learners of color and members of sovereign tribal nations. In further recognition of the political status of American Indian tribes and learners, this rule does not apply to schools on or near reservation areas where the percentage of American Indian learners causes a school to be determined a racially identifiable school or a district to be determined a racially isolated district.
 - b. Students having origins in more than one of the categories described above may be identified by their parents, guardians or may self-identify as "multi-racial"; students in the "multi-racial" category will be considered "learners of color."
3. Segregation: Segregation is the intentional act or acts by a school district which has the purpose of causing students to attend particular programs or schools within the district on the basis of their race. Segregation does not exist if there are concentrations of learners of color 1) which are not the result of intentional acts by districts, 2) at schools which are not racially identifiable based on the factors identified under 3535.0500 and 3) a concentration of learners of color has occurred as the result of informed choices by parents.
4. Racially Identifiable Schools within a District: Schools are racially identifiable when the enrollment of learners of color at a school within the district is more than 15% above the

learners of color enrollment of the entire district, for the grade levels served by that school.

5. Racially isolated school districts: School districts are racially isolated when the learners of color enrollment of the district exceeds the learners of color enrollment of any adjoining district by more than 15%.

3535.0300. INTENTIONAL SEGREGATION PROHIBITED

Subp. 1. It is a violation of this chapter for a school district to engage in intentional segregation, as it is identified under this chapter.

3535.0400. DUTIES OF LOCAL SCHOOL BOARDS

Subp. 1. Each local board shall annually submit data to the Commissioner which indicates the racial composition of each school within its district, the racial composition of the grade levels served by each the schools, and verification that the data cited is accurate. This shall be done by a date determined by the Commissioner annually.

Subp. 2. In order to collect the information required in subpart 1 above, all districts shall employ one racial or cultural identification procedure in the order of preference as follows:

- a. Parent or guardian identification, with parent or guardian being encouraged to discuss the identification rationale with the learner prior to the identification;

- b. Age-appropriate learner self-identification, when parent or guardian identification is not an option; or

- c. Sight counts may be employed only if parent, guardian, or learner self-identification methods are not possible. Districts shall utilize written guidelines to develop sight counts as administered by the principal or designee.

- d. In districts where the American Indian population is over 10 or more learners, the State Indian Education Act Statutory Committee, in consultation with American Indian parents they represent, may select as their count one of the following methods:

- i) Parent/guardian self-identification;

- ii) The Federal Indian Education Act - Title V Count (Indian Certification Form No. 506); or

- iii) A district shall use the same method of count as for other learners.

3535.0500. INFORMATION GATHERING DUTIES OF THE COMMISSIONER

Subp. 1. The Commissioner shall review the data submitted by the local boards within 60 days of its receipt. If the Commissioner determines that there are racially identifiable schools within a district, or if the Commissioner receives a complaint alleging that a District is engaged in intentional acts of segregation, the Commissioner shall request and the district shall provide additional information which will enable the Commissioner to determine whether the district has engaged in segregation. This additional information includes, but is not limited to:

a. Information about how students are assigned to schools within the district, including:

1. For schools which have been newly added or renovated or if attendance zones have changed, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;

2. A description of the assignment and transfer options at each of the schools serving the grade levels in question, and the outreach efforts that were made to ensure parents received information about and were able to understand, the availability of those options;

3. A comparison of the racial composition of the attendance area of the site in question as it relates to the composition of the district as a whole;

b. A list of curricular offerings and rates of participation by students on the basis of race;

c. A listing of the extra-curricular options available at each of the schools serving the grade levels in question;

d. A list that breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question. If, considering the average percentage of teachers of color in the district, there is a concentration of teachers of color assigned at the school(s) at issue, an explanation of why must be provided;

e. A list that shows how the qualifications and experience of the teachers at the racially identifiable site(s) compares to teachers at the sites which are not racially identifiable;

f. Evidence that the racially identifiable school has been provided financial resources on an equitable basis with other sites which are not racially identifiable;

g. A comparison of the facilities, materials and equipment at the racially identifiable school with the sites which are not racially identifiable;

h. Information that would allow the Commissioner to determine whether the extent of busing is disproportionate between Caucasian students and students of color;

i. If there are non-discriminatory circumstances that explain why a particular school has exceeded the percentage identified in this rule, an explanation of those circumstances.

If it would assist the above evaluation, the Commissioner may ask for information on student achievement. However, disparate achievement data does not constitute evidence that a school district engaged in intentional segregation.

3535.0600. DUTIES OF SCHOOL DISTRICTS TO RESPOND TO THE COMMISSIONER'S REQUEST FOR INFORMATION; DEVELOPMENT OF A DESEGREGATION PLAN

Subp. 1. School districts shall respond in a comprehensive way to the Commissioner's request for information under 3535.0500 within 60 days of its receipt. If supplemental information is requested by the Commissioner, the district must respond in a timely manner.

Subp. 2. If the Commissioner determines that a condition of segregation exists, the district shall provide a plan that proposes how it will remedy the segregated conditions within 60 days. The plan shall address the specific actions which were found to contribute to the segregated conditions. The plan shall be developed in consultation with the Commissioner. If the Commissioner rejects any or all of the plan, the Commissioner shall provide technical assistance to help the District revise the plan. However, if the District and the Commissioner cannot mutually arrive at a plan within 45 days after the plan has been rejected, the Commissioner shall develop a revised plan to remedy the segregation which the District shall implement in the time frame specified by the Commissioner.

Subp. 3. The Commissioner may extend the time for response from the district for good cause shown.

Subp. 4. The Commissioner shall inform the Board of submission of a plan under 3535.0600.

If the enrollment of students of color at a school is more than 30% above the students of color enrollment of the entire district or exceeds 90% (whichever is less), the district must provide affirmative evidence that students in that school have additional alternatives to attend an integrated school setting which is comparable to the district-wide average available to them.

3535.0700. ENFORCEMENT OF DESEGREGATION

Subp. 1. If the District fails to submit data required by the Commissioner, fails to provide a plan to remedy the segregation, or fails to implement a plan developed by the Commissioner as provided in 3535.0500-.0600 the Commissioner must, after

notifying the State Board of Education of the finding of intentional segregation, may pursue one or more of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature the following session with recommendations for financial or other appropriate sanctions.

3535.0800. INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS

Subp. 1. If it is determined that the the racially identifiable school(s) examined under 3535.0500 are not the result of intentional segregation, then the district shall develop a plan, and submit it to the Commissioner for approval, which provides incentives to racially integrate the student population. The plan shall be developed within the current school year, and implemented the next school year. The plan could include, but is not limited to:

- a. Duplicating programs which have demonstrated success in improving student learning at schools which are racially identifiable;
- b. Providing incentives for learners of color to transfer to schools which are not racially-identifiable, and to Caucasian students to transfer to schools which are racially identifiable, such as giving them priority for space at the schools of their choice, providing transportation, providing inter-district opportunities and incentives for collaborative efforts with other districts;
- c. Providing incentives to teachers in a way which will more carefully balance the distribution of minority/non-minority teachers at schools across the district, including staff development opportunities and strategies for attracting and retaining staff who serve as role models and have a record of success in teaching students of color and of poverty.
- d. Greater promotion of programs provided at racially-identifiable schools designed to attract Caucasian students;
- e. Providing smaller class-sizes, greater counseling and support services, and more extra-curricular opportunities and other resources at racially-identifiable schools with higher concentrations of low income students as compared to schools which are not racially-identifiable.
- f. Programs promoting instruction about cultural diversity.

Subp. 2. The district shall establish and utilize a community collaboration council, as defined in part 3535.1000, subp. 3, to assist in developing the district's plan under this part.

3535.0900. EVALUATION OF INTEGRATION RESULTS

Subp. 1. The Commissioner shall evaluate the plan developed under 3535.0800 at the end of the academic year in which it is implemented and shall determine whether the plan has been successfully implemented. Based on the results of the analysis the Commissioner shall report the following:

a. Reduction in the percentage of learners of color at racially identifiable schools shall be reported to the State Board and to the House and Senate Education Committees. Additionally, the Commissioner may recommend financial incentives which are aimed at compensating or rewarding districts for programs or activities which have been successful.

b. If the enrollment of learners of color remains constant or increases at racially identifiable schools, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees and may make recommendations for appropriate legislative action to address the condition of racially identifiable schools within the district.

3535.1000. INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS

Subp. 1. The Commissioner shall annually evaluate the enrollment of learners of color in all districts to determine whether any are racially isolated. If the Commissioner determines that a district is racially isolated, the Commissioner shall immediately notify the district in question and adjoining districts.

Subp. 2. Upon notification that a district is racially isolated or adjoins a racially isolated district, the districts affected shall immediately begin collaborative planning efforts designed to provide incentives for integration across district boundaries. Districts which are not racially isolated or which do not adjoin racially isolated districts may participate in collaborative planning efforts as well. The districts shall appoint a Community Collaboration Council, as provided in subpart 3 below, to carry out the functions of this part. The Councils of adjoining districts shall, to the extent practical, work together to identify ways to improve inter-district collaboration. After receiving input from their councils, the districts shall provide a collaboration plan to the Commissioner within the current school year for implementation the next academic year. The plan should include, but not be limited to, incentives such as:

a. Providing cooperative transportation which will enable learners of color to attend school in the district which is not racially-isolated, and/or which will enable Caucasian students to come into the racially-isolated district;

b. Providing guarantees of space for learners of color in the racially isolated district to attend school in the non-isolated district or for Caucasian students to attend school in the racially-isolated district;

c. Development of cooperative magnet programs or schools designed to increase racial balance in the affected districts;

d. Cooperative programs designed to enhance the experience of learners of color and Caucasian students with students of all races;

e. Cooperative efforts to recruit staff of color; teacher exchanges; parent exchanges; cooperative staff development programs;

f. Shared extra-curricular opportunities, community education programs that promote understanding, respect and interaction among diverse community populations.

Subp. 3. Composition of the Community Collaboration Council.

a. The composition of the Council shall reflect the racial and ethnic composition of the school district.

b. The Council should include parents, teachers, administrators and community representatives/leaders who can and will actively engage the diverse elements of the community in identifying issues of concern and in developing and implementing problem solving strategies. In communities with a concentration of American Indian students, community elders should be included, if possible. The Commissioner will be advised as to the extent of community engagement, issues identified, action goals agreed upon and how the achievement of those goals will be, or is being, accomplished.

c. If a district has an existing committee whose composition reflects the various groups listed in subpart 3(b) above that committee may be used to provide the planning discussed in this section.

3535.1100. EVALUATION OF COLLABORATIVE EFFORTS

Subp. 1. The Commissioner shall biennially evaluate the results of collaborative efforts under 3535.1000 to determine whether there has been successful implementation of the plan. After reviewing the results, the Commissioner shall take the following steps:

a. If it appears that the collaborative efforts have been successful, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees.

b. If it appears that the collaborative efforts have not been successful, or that no efforts were made by one or more of the affected districts, the Commissioner shall report this fact to the State Board and the House and Senate Education Committees. The Commissioner may also make recommendations for legislative action which would be appropriate under the circumstances, such as redistribution of state aid, re-drawing district boundaries, or mandating the provision of transportation which will facilitate voluntary inter district transfers.

REPEALER SECTION: Minnesota Rules (1994) parts 3535.0200, 3535.0300, 3535.0400, 3535.0500, 3535.0600, 3535.0700, 3535.0900, 3535.1100, 3535.1200, 3535.1300, 3535.1500, 3535.1700 and 3535.2000 are repealed.

.fx2

DRAFT

Subject to Revision

INCLUSIVE EDUCATIONAL PROGRAMS RULE

"Education Diversity Rule"

August 1, 1995

PART 3500.0550

Subpart 1. Policy

The strength of our society lies in its diversity. It is the policy of the Minnesota State Board of Education (Board) to provide equal access to opportunities that close the learning gap and result in equal educational progress for diverse groups of learners in Minnesota.

The State Board is committed to educational excellence, equity, and success for every learner. A mark of educational excellence, equity, and success will be the extent to which curriculum and instruction reflects the diversity of the people of the United States and the State of Minnesota. The more knowledge a person has about others and their differences, the more they shall come to understand and appreciate their commonalities.

Since a number of school districts in Minnesota are currently isolated, every school district in the State of Minnesota shall develop and implement a curriculum to assure that learning experiences and environments are multi-cultural, gender fair, disability aware and free of bias.

Schools are responsible for creating positive learning environments to ensure success for learners as they prepare to live and work in a diverse society.

Subpart 2. **Definitions**

For the purpose of M.R. 3500.0550 the terms defined in this subpart shall have the following meanings ascribed to them.

- A. Cultural Isolation: is the lack of cultural diversity within the community and school setting.
- B. Diversity: means individuals and groups who are of different racial, ethnic, and cultural backgrounds, individuals with disabilities, and both genders all of whom live together in a global society.

DRAFT

Subject to Revision

- C. Equal Education Opportunity: is fair and equitable access to programs and resources that support equal educational achievement including the provisions contained in this rule.

Equal educational achievement results when equitable progress is being achieved across racially and economically diverse groups of learners. The results and progress are documented measurable growth criteria towards goals in the district Community Learning and Desegregation/Integration plan as contained in the provisions of Chapter 3535.

- D. Equity: is access and distribution of resources based on learners' differential needs and free from bias and favoritism resulting in equitable educational progress.
- E. Ethnic: means groups of people united by commonalities, traits, history, and customs.

Subpart 3. Establishment Of A Plan

The school board in each district shall adopt a written plan to ensure that the curriculum and instruction emphasizes diversity within the United States in the education programs. A diverse curriculum is one which is developed and delivered so that students, learners and staff gain an understanding and respect for the historical and contemporary contributions of:

- A. ~~The cultural diversity of the United States. Individuals and groups from different racial, ethnic and cultural backgrounds to society.~~ Special emphasis must be placed on persons who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian-Americans/Pacific Islanders Asian/Pacific Americans, and Chicano/Latino Americans. The program must reflect the wide range of contributions by, roles open to, ~~Americans of all races and cultures and differing perspectives and experiences of diverse races and cultures;~~
- B. ~~The historical and contemporary contributions of women and men. Both genders to society.~~ Special emphasis must be placed on the contributions of women. The program must reflect the wide range of contributions and roles open to, ~~American women and men and differing perspectives and experiences of both genders; and~~

DRAFT

Subject to Revision

- C. ~~The historical and contemporary contributions by handicapped persons~~ Individuals with disabilities to society. Special emphasis must be placed on representing all disability areas. The program must reflect the wide range of contributions by, roles open to, ~~handicapped Americans~~ and differing perspectives of individuals with disabilities.

Subpart 4. Specifications For The Plan

~~The current plan~~ Each district must submit a plan which includes:

- 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;~~
The district's policy relating to the education diversity curriculum.
- B. Description of membership and the extent and type of involvement of an advisory committee in the development, implementation, monitoring, evaluation, review and revision of the plan.
The district may use an existing curriculum advisory committee or establish an Education Diversity Committee.
- 1) The composition of the selected committee shall include but not be limited to representatives of:
 - (a) different racial, ethnic, and cultural backgrounds;
 - (b) both genders;
 - (c) individuals with disabilities; and
 - 2) For those districts with a desegregation/integration committee as specified in M.R. 3535.0500, B, a liaison from that committee shall be included on the Education Diversity Committee.
 - 3) The district shall submit with the plan:
 - (a) description of selection process for committee membership;
 - (b) names and signatures of all current committee members and their positions or agencies represented;
 - (c) include Evidence of substantive involvement by women, persons of different racial, ethnic, and cultural backgrounds, and ~~handicapped persons~~ individuals with disabilities in the development of the plan;
 - (1) Where a district is unable to recruit local persons of different racial, ethnic and cultural backgrounds or individuals with disabilities, the district shall utilize

DRAFT

Subject to Revision

- resource persons of different racial, ethnic and cultural backgrounds or individuals with disabilities available in the region, state or nation;
- (2) If it is necessary to use this option, the district shall submit names and signatures of resource people as well as evidence of their involvement on the committee.
- (d) explanation of how the committee membership reflects the diversity of the community.
~~include evidence of involvement by women, persons of different racial, ethnic, and cultural backgrounds, and handicapped persons in the development of the plan. In communities with no persons of different racial, ethnic, and cultural backgrounds, the district shall utilize resource people available in the region, state, or nation whenever the plan is developed, reviewed, or revised;~~
- 4) The Education Diversity Committee shall review and analyze existing data within the district (such as MINCRIS or MARSS data). The data to be reviewed shall include the following areas but may not necessarily be limited to:
- (a) the projected attendance and enrollment patterns by disability, gender and race of each school within the district for the next three years;
- (b) the achievement data disaggregated by race, gender, and disability, and a determination if achievement is comparable across gender, disability and race;
- (c) the rates of attendance, dropout, absenteeism, expulsion, suspension, and determination if comparable across disability, race and gender;
- (d) per building staffing assignment data and hiring practices based on race and culture, gender, and disability; and,
- (e) the participation patterns in course offerings and extracurricular activities across gender, disability and race.

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

C. Description of:

- 1) Goals related to the data collected pursuant to Subpart 4 B (3) which would address equal and equitable access to every area of education for all persons of different racial, ethnic and cultural

DRAFT

Subject to Revision

- backgrounds, individuals with disabilities and both genders. The district shall submit with the plan which data base was used to determine the goals.
- 2) Specific goals and objectives for learners which reflect movement beyond the level of awareness to a level of making decisions on social issues and taking actions which support
 - (a) the concept of inclusion, respecting diversity, being sensitive and capable of living and working with persons of different racial, ethnic and cultural backgrounds;
 - (b) the concept of respecting both genders; and
 - (c) the concept of inclusion and respecting individuals with disabilities.
 - 3) Curricular content and instructional strategies which:
 - (a) ensure that interactions between and among learners and instructors are gender fair;
 - (b) incorporate the historical and contemporary contributions of women, persons of different racial, ethnic and cultural backgrounds, and individuals with disabilities;
 - (c) incorporate the civil and human rights movements, their history, philosophical foundations and current issues in relation to state and local schools and the nation;
 - (d) incorporate a sensitivity to and elimination of racial, gender and disability bias; and,
 - (e) incorporate Indian heritage and treaty making.
 - 4) Evaluation methods used to assess materials for stereotypical language, and images, such as Indian logos; and,
 - 5) Timelines for implementation across curricular areas related to goals and objectives.
- D. ~~Include procedures for systematic monitoring and evaluation of the plan; and~~
Description of the staff development plan for all staff which shall include but not be limited to:
- 1) addressing issues and barriers related to valuing women, persons of different ethnic, racial and cultural backgrounds, and individuals with disabilities;
 - 2) addressing contributions of individuals with disabilities, persons of different ethnic, racial and cultural backgrounds, and women to society; and,
 - 3) addressing the Education Diversity Plan components.
- E. ~~Include a description of the program planned to inservice all staff in the areas related to Subpart 1, items A, B, C, and Subpart 2, items D and E.~~

DRAFT

Subject to Revision

Description of procedures for:

- 1) implementation of the plan; and,
- 2) systematic monitoring and evaluation of the plan.

Subpart 3 5. Filing, Reports, Review, and Revision

- A. All districts must have a current, approved plan on file.
- B. Each district shall submit a revision of the districts' Education Diversity Plan in conjunction with the initial date of approval of the local district's "Inclusive Education Program Plan" upon adoption of this rule by the State Board of Education.
- C. Following the state approval of the district's Education Diversity Plan the district or district consortium shall review annually and submit a status report on the implementation of the Plan every three years and a new plan every six years or as deemed appropriate to the Commissioner.

Subpart 6. Compliance Procedures

- A. Review: The commissioner shall review all Education Diversity Rule plans submitted under the provisions and shall determine whether it complies with Subpart 4.
- B. The commissioner shall notify the local board of the rejection of the plan within 30 days. The notice shall specify the reasons for the rejection of the plan, the revision necessary to make the plan satisfactory, and a period of 45 days in which the local board shall submit a revised plan.
- C. Incentives
 1. Eligibility for incentives shall include those plans submitted and approved by the Commissioner including one or more of the following exemplary components:
 - (a) planning efforts which promote inclusion of learners of color, individuals with disabilities, and women within the curriculum;
 - (b) implementation of interdistrict or multi-district programs to meet educational needs of individuals with disabilities, women, and learners of color; or
 - (c) interdistrict staff development plans and programs.

DRAFT

Subject to Revision

2. An incentive shall be: statewide nomination for exemplary programs to be recognized by the Governor.

D. Sanctions

The Commissioner of Education shall determine all sanctions to be employed for noncompliance with the Education Diversity Plan.

1. Sanctions may be imposed for one or more of the following reasons:

- (a) noncompliance, to include but not limited to nonsubmission of plans as required;
- (b) composition of the selected advisory committee reviewing the Education Diversity Plan does not include substantive involvement of persons of different racial, ethnic and cultural backgrounds, individuals with disabilities, or women; or
- (c) continued pattern of non-approval of the Education Diversity plan.

2. Types of Sanctions

- (a) special focus on-site monitoring;
- (b) withdrawal of state funds;
- (c) state appointment of an administrator to assist with the development and implementation of the plan, and the district would be responsible for the administrative salary;
- (d) daily fines per learner to the district; or
- (e) any other sanctions as deemed appropriate by the Commissioner.

~~Effective Date: Minnesota Rules, part 3500.0550, is effective June 1, 1990. The plan required to be adopted under Subpart 1 must be adopted before that date and must be in effect and on file in the district and with the Commissioner of Education by that date.~~

~~Adopted on December 13, 1988; final version printed in the State Register, May 30, 1989.~~



SPECIAL SCHOOL DISTRICT NO. 1
An equal opportunity school district

MINNEAPOLIS PUBLIC SCHOOLS

807 Northeast Broadway
Minneapolis, Minnesota 55413-2398
(612) 627-2010 FAX: (612) 627-2005

PETER C. HUTCHINSON
Superintendent of Schools

BOARD OF EDUCATION

ANN BERGET
LEN BIERNAT
JUDITH L. FARMER
BILL GREEN
ANN N. KAARI
LOUIS KING
ROSS TAYLOR

May 10, 1996

Mr. Robert Miller, Manager
Office of Desegregation/Integration
564 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Dear Mr. Miller:

We are forwarding to you the following comments from Minneapolis Public Schools regarding the Desegregation Rule proposed by the State Board of Education:

The proposed rule presents some improvements over the present rule and some concerns. It is important to orient this rule to the future as the state population changes. Particularly in the metropolitan region the increasing disparity between outcomes for students of color and white students as well as between students in poverty and students from middle and upper income families are of great concern. These disparities are increasing as resources become more limited.

Minneapolis Public Schools is committed to providing a diverse education for all students, K-12. This diversity must be racial, cultural and economic. Diversity is achieved through student enrollments at schools, staff development for instructional effectiveness, assuring a challenging and relevant curriculum for all students, recruiting and retaining staff representative of the student body, and aggressively seeking ways to eliminate the racism that stands in the way of eliminating the learning gap. As the school age population in Minneapolis becomes more concentrated with students in poverty and students of color in comparison to surrounding school districts, it is apparent that to provide an educational experience grounded in diversity we must employ a regional approach to desegregation and integration in education.

IMPROVEMENTS

A significant improvement in the rule is the support of collaboration among neighboring school districts when one of the districts has a greater concentration of students of color than its neighbors. Other improvements include acknowledging the identity of multi-racial students and defining intentional segregation as not existing when a concentration of students of color has occurred as the result of informed choices by parents. All of these approaches acknowledge demographic realities. The rule also proposes that for districts with one or more racially identifiable schools, it is important to ensure that both school choices and resources are directed to students with the greatest needs. The proposed rule leaves the specific strategies to be determined by the district, with community involvement. This emphasis on school choice, resources and employing district level strategies is a constructive approach, but it is limited when addressing a single school district.

CONCERNS

Collaboration:

The West Metro Education Program (WMEP), comprised of Minneapolis, Richfield, Edina, St. Louis Park, Hopkins, Robbinsdale, Brooklyn Center, Columbia Heights and St. Anthony, is already collaborating among its member districts to create schools (downtown Minneapolis and Northwest suburban) to serve students in a multicultural setting, as suggested by the rule. Other WMEP collaborative efforts include interdistrict curriculum development and cooperative staff development through visits, teacher exchanges and other activities.

Although collaborative efforts are encouraged, and in fact mandated, no substantive support for change is addressed in the rule. Resources are needed as additional incentives. Equally important, state organizational barriers to collaboration (such as financing formulas, staff benefits and transportation issues) need to be minimized or eliminated in order to encourage a greater degree of interdistrict activities furthering racial and cultural diversity which will impact a more substantial number of metropolitan area students.

A significant omission in the proposed rule is that it does not reference, or begin a process for discussing, efforts to address the root causes of racial and economic segregation: affordable housing, transportation, employment. Intentional and unintentional segregation in education are integrally tied to segregation in these other areas.

Student Achievement:

A major concern about the proposed rule is that it does not substantively address student achievement. Student achievement is briefly referenced, and the Commissioner is given the right to request this information from school districts. However, student achievement is not part of any other criteria identified in the rule. The primary focus of the proposed rule is on comparing resources and other "inputs" within individual school districts, rather than focusing on results. The focus through mandated information gathering under the proposed rule would continue to be on these inputs and on where students attend school, rather than on how well they learn when they get to school. This approach has not proven successful.

Expectations:

The issue of criteria is also common in the sections on evaluation of integration results and collaborative efforts (sections .0900 and .1000): "Successful" implementation of the plan is to be determined, but no criteria have been discussed or identified. Criteria are also needed to provide context for the range of information to be collected (section .0500, items b through h) from districts when requested by the Commissioner.

Greater clarification is needed regarding responsibilities and actions in the sections of the rule addressing duties of school districts, enforcement of desegregation, and integration of racially identifiable schools (sections 3535.0600; .0700; .0800). It is not clear what the roles are expected to be for the Commissioner or for a school district. The proposed language does not clearly address actions to be taken regarding findings of intentional versus unintentional segregation nor the subsequent required activities. These sections would be improved by redrafting for sequence and delineating criteria and conditions for developing and implementing a plan to remedy segregation.

Positive provisions in these sections of the rule are: (1) the 60 day time frame for districts to provide a plan after the Commissioner determines that segregation exists and (2) allowances for schools in which students of color are more than 30% over the districtwide average or exceed 90% with affirmative evidence that students have additional alternatives to attend an integrated school setting comparable to the districtwide average.

Racially Isolated Districts:

The rule as proposed does not substantively address individual school districts in which there is a relatively high concentration of students of color, those cases in which the districtwide average begins to approach three-quarters and above. The rule identifying individual school sites which are 15% over the districtwide average for students of color continues as a warning signal within the proposed rule, but now used as a warning signal to gather information for making judgments about intentional versus unintentional concentrations of students of color. This distinction can be a moot point in a district approaching very large percentages of students of color representing many different racial and ethnic identities. Our student population in Minneapolis is segregated. An emphasis on outcomes and results becomes a more constructive approach to ensure quality education for all.

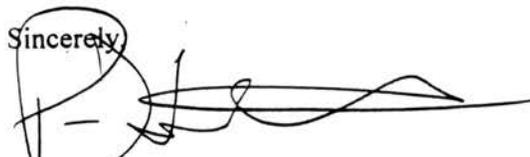
Another concern that has been repeatedly raised by representatives of Minneapolis Public Schools representatives in previous state sponsored discussion panels on desegregation/integration is that racial isolation is defined by students of color, rather than white students and also that students of color are considered a single category, rather than the multiple racial and cultural identities that are evident, and celebrated, in our society.

Reporting and Action:

The requirement in the proposed rule for the Commissioner to report findings of intentional segregation and progress on collaborative activities to the Legislature is positive, but findings should not be dependent upon a single individual's judgment unless clear criteria have been identified as part of the rule. The State Board should also be responsible for this reporting function.

Requirements for regular review and updating of the rule should be included in this proposed rule. Demographic conditions throughout the state have changed, significantly in the urban areas and some of the rural service centers, and show signs of continuing changes. Periodic reviews of this rule are an important commitment to keeping the rule relevant and meaningful.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter C. Hutchinson", written over a horizontal line.

Peter C. Hutchinson
Superintendent of Schools

WEST METRO EDUCATION PROGRAM

MEMORANDUM

May 10, 1996

TO: Mr. Robert Miller, Manager
Office of Desegregation/Integration
Department of Children, Families and Learning

FR: West Metro Education Program

RE: Proposed Desegregation Rule

We are forwarding to you the following comments from members of the West Metro Education Program regarding the Desegregation Rule proposed by the State Board of Education:

A significant improvement in the rule is the provision that requires collaboration among neighboring school districts when one of the districts has a substantially greater concentration of students of color than its neighbors. We also agree that a condition of intentional segregation should not exist when a concentration of students of color has occurred as the result of informed choices by parents. These approaches acknowledge demographic realities. The rule also positively emphasizes the importance of ensuring that both school choices and resources are directed to the students with the greatest needs in districts with one or more racially identifiable schools.

The West Metro Education Program (WMEP), comprised of the public school districts of Minneapolis, Richfield, Edina, St. Louis Park, Hopkins, Robbinsdale, Brooklyn Center, Columbia Heights and St. Anthony, is already collaborating among its members to create schools (downtown Minneapolis and Northwest suburban) to serve students in a multicultural setting, as suggested by the rule. Other WMEP collaborative efforts include interdistrict curriculum development and cooperative staff development through visits, teacher exchanges and other activities.

Although collaborative efforts are encouraged in the proposed rule, and in fact mandated, no substantive support for change is addressed in the rule. Resources are needed as additional incentives. Equally important, state organizational barriers to

collaboration (such as financing formulas, staff benefits and transportation issues) need to be minimized or eliminated in order to encourage a greater degree of interdistrict activities furthering racial and cultural diversity which will impact a more substantial number of metropolitan area students.

The proposed rule leaves specific strategies to be determined by the districts, with community involvement. This emphasis on school choice, resources, and employing district level strategies is a constructive approach.

Greater clarification and definition is needed in the sections of the rule that address the duties of school districts, enforcement of desegregation and the integration of identifiable schools, and the criteria used to define intentional and unintentional segregation.

Our comments and suggestions for specific language changes are the following:

3535.0200 Definitions

3. Segregation:

This definition is appropriately broad.

4. Racially Identifiable Schools within a District:

We believe that an enrollment level of 20% rather than 15% students of color would be a more reasonable standard that reflects the current demographic trends experienced by most inner-ring suburban school districts.

5. Racially Isolated School Districts:

This definition of "racial isolation" is, to our knowledge, without legal precedent.

3535.0500 Information Gathering Duties of the Commissioner

Subp.1.

All school districts are currently submitting data to the commissioner in compliance with the current rule. This section substantially broadens the amount of information that schools are required to report if the Commissioner determines there are racially identifiable school within a district.

Although no general criteria is identified by which to judge the definition of "intentional acts", we believe the items listed under (a) are legitimate conditions that could result in segregation, while items (b) through (h) have no relation to a district's engagement in deliberate acts of segregation. Since the proposed rule does not establish student achievement as a basis for remedying intentional acts of segregation, these items as well as the last paragraph, should be deleted.

3535.0600

Subp.2.

As written, the language is not clear if the plan or the remedy must be provided within 60 days. We recommend the language read:

"If the Commissioner determines that a condition of segregation exists, the district shall provide, within 60 days, a plan..."

3535.0800 Integration of Racially Identifiable Schools

Subp.2.

Although we note, with approval, that districts that are racially isolated or adjoin racially isolated districts are required to engage in collaborative planning, we believe the effort should include any districts that are in close proximity.

Under the 15% standard established by the proposed rule, three school districts (Roseville, Columbia Heights, and Robbinsdale) adjoin more than one racially isolated district. The rule should clarify if these districts are required to develop plans with one district or both.

To facilitate the planning process we believe districts should be given the option of using interdistrict councils currently utilized by cooperating districts. This could be accomplished by amending subp.3c. to read:

"If the racially isolated and adjoining districts have an existing interdistrict committee whose composition reflects...."

Or, incorporate this option into the language in subp.2.

3535.9000 Evaluation of Integration Results

Subp.1.

The Commissioner alone is given the authority to decide if a plan has been successfully implemented. Specific criteria that defines successful implementation needs to be outlined.

- b. This provision assumes that schools are dealing with a static student population when the reality is just the opposite. To remedy this problem we suggest a more reasonable time-frame of more than one year be allowed to demonstrate adequate progress towards a well defined standard of success.

3535.1000 Integration of Racially Isolated School Districts

Subp.2.

As with the provision in 3535.0800, we suggest districts be given the option of using a inter-district council in lieu of establishing separate Community Collaboration Councils.

In conclusion, we wish to acknowledge the limited ability of any desegregation rule to address the more comprehensive issues that impact segregation and poverty.

Schools, as an integral part of the larger community, must be accountable for addressing the learning needs of all students, including students who reside in segregated neighborhoods. However, we believe the responsibility to provide equal educational opportunity to all students is best carried out in cooperation with the larger community with the goal of strengthening families and neighborhoods. This goal can best be achieved with policies that provide employment opportunities, affordable housing, strong schools, and good transportation systems.

We are ready to take responsibility for our part in the resolution of this important issue and to share leadership with other governmental and community groups. and to share leadership with other governmental and community groups.

10 May 1996

Mr. Robert Miller, Manager
Office of Desegregation/Integration
564 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101-2273

Dear Mr. Miller,

Thank you for the opportunity to comment on the Minnesota State Board of Education's Desegregation/Integration Rule.

A significant improvement in the rule is the provision that requires collaboration among neighboring school districts when one of the districts has a substantially greater concentration of students of color than its neighbors. We also agree that a condition of intentional segregation should not exist when a concentration of students of color has occurred as the result of informed choices by parents. All of these approaches acknowledge demographic realities. The rule also emphasizes the importance of ensuring that both school choices and resources are directed to the students with the greatest needs in districts with one or more racially identifiable schools.

The proposed rule leaves specific strategies to be determined by the districts, with community involvement. This emphasis on school choice, resources, and employing district level strategies is a constructive approach.

Greater clarification and definition is needed in the sections of the rule that address the duties of school districts, enforcement of desegregation and the integration of identifiable schools, and the criteria used to define intentional and unintentional segregation.

Our comments and suggestions for specific language changes are the following:

- 2 -

3535.0200 Definitions

3. Segregation:

This definition is appropriately broad.

4. Racially Identifiable Schools within a District:

We believe that an enrollment level of 20% rather than 15% would be a more reasonable standard that reflects the current demographic trends experienced by most inner-ring suburban school districts.

5. Racially Isolated School Districts:

This definition of "racial isolation" opens up new legal ground that, to our knowledge, is without legal precedence.

3535.0500 Information Gathering Duties of the Commissioner

Subp. 1.

All school districts are currently submitting data to the commissioner in compliance with the current rule. This section substantially broadens the amount of information that schools are required to report if the Commissioner determines there are racially identifiable schools within a district.

Although no general criteria is identified by which to judge the definition of "intentional acts", we believe the items listed under (a) are legitimate conditions that could result in segregation, while items (b) through (h) have no relation to a district's engagement in deliberate acts of segregation. Since the proposed rule does not establish student achievement as a basis for remedying intentional acts of segregation, these items as well as the last paragraph, should be deleted.

3535.0600

Subp.2.

As written, the language is not clear if the plan or the remedy must be provided within 60 days. We recommend the language read:

"If the Commissioner determines that a condition of segregation exists, the district shall provide, within 60 days, a plan...."

3535.0800 **Integration of Racially Identifiable Schools**

Subp.2.

Although we note, with approval, that districts that are racially isolated or adjoin racially isolated districts are required to engage in collaborative planning, we believe the effort should include any districts that are in close proximity to those that are racially isolated.

Under the 15% standard established by the proposed rule, three school districts (Roseville, Columbia Heights, and Robbinsdale) adjoin more than one racially isolated district. The rule should clarify if these districts are required to develop plans with one district or both.

To facilitate the planning process we believe districts should be given the option of using interdistrict councils currently utilized by cooperating districts. This could be accomplished by amending subp.3c. to read:

"If the racially isolated and adjoining districts have an existing interdistrict committee whose composition reflects...."

Or, incorporate this option into the language in subp.2.

3535.9000 Evaluation of Integration Results**Subp. 1.**

The Commissioner alone is given the authority to decide if a plan has been successfully implemented. Specific criteria that defines successful implementation needs to be outlined.

- b. This provision assumes that schools are dealing with a static student population when the reality is just the opposite. To remedy this problem we suggest a more reasonable time-frame of more than one year be allowed to demonstrate adequate progress towards a well defined standard of success.

3535.1000 Integration of Racially Isolated School Districts**Subp. 2.**

As with the provision in 3535.0800, we suggest districts be given the option of using a inter-district council in lieu of establishing separate Community Collabortation Councils.

In conclusion, we wish to acknowledge the limited ability of any desegregation rule to address the more comprehensive issues that impact segregation and poverty. Schools, as an integral part of the larger community, must be accountable for addressing the learning needs of all students, including students who reside in segregated neighborhoods. However, we believe the responsibility to provide equal educational opportunity to all students is best carried out in cooperation with the larger community with the goal of strengthening families and neighborhoods. This goal can best be achieved with policies that provide employment opportunities, affordable housing, strong schools, and good transportation systems.

We are ready to take responsibility for our part in the resolution of this important issue and to share leadership with other governmental and community groups.

Sincerely,

DRAFT 3/29/96

DESEGREGATION RULE

3535.0100. POLICY STATEMENT

It is the policy of the State Board of Education to reaffirm the principles which underlie the landmark decision of Brown v. Board of Education, and the case law following the Brown decision, namely, that equality of education cannot exist if students are intentionally segregated on the basis of race. Further, it is the policy of the State Board of Education that school districts must identify and work towards eliminating racially identifiable schools. These policies are intended to ensure that all students will have comparable opportunities to improve student achievement. The State Board of Education therefore adopts the following rules to advance those policies.

3535.0200. DEFINITIONS

1. **Commissioner:** Means the Commissioner of Children, Families and Learning (or the Commissioner of any successor agency).
2. **Learners of Color.**
 - a. Students who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives, Asian/Pacific American and Chicano/Latino Americans. American Indian learners are defined as those students, living on or off a reservation, who are enrolled in or are eligible for enrollment in a federally recognized tribe. Minnesota American Indian learners possess dual status as learners of color and members of sovereign tribal nations. In further recognition of the political status of American Indian tribes and learners, this rule does not apply to schools on or near reservation areas where the percentage of American Indian learners causes a school to be determined a racially identifiable school or a district to be determined a racially isolated district.
 - b. Students having origins in more than one of the categories described above may be identified by their parents, guardians or may self-identify as "multi-racial"; students in the "multi-racial" category will be considered "learners of color."
3. **Segregation:** Segregation is the intentional act or acts by a school district which has the purpose of causing students to attend particular programs or schools within the district on the basis of their race. Segregation does not exist if there are concentrations of learners of color 1) which are not the result of intentional acts by districts, 2) at schools which are not racially identifiable based on the factors identified under 3535.0500 and 3) a concentration of learners of color has occurred as the result of informed choices by parents.
4. **Racially Identifiable Schools within a District:** Schools are racially identifiable when the enrollment of learners of color at a school within the district is more than 15% above the

3535.0500. INFORMATION GATHERING DUTIES OF THE COMMISSIONER

Subp. 1. The Commissioner shall review the data submitted by the local boards within 60 days of its receipt. If the Commissioner determines that there are racially identifiable schools within a district, or if the Commissioner receives a complaint alleging that a District is engaged in intentional acts of segregation, the Commissioner shall request and the district shall provide additional information which will enable the Commissioner to determine whether the district has engaged in segregation. This additional information includes, but is not limited to:

a. Information about how students are assigned to schools within the district, including:

1. For schools which have been newly added or renovated or if attendance zones have changed, a description of what the attendance zones were and what the racial composition of each zone was at the time the school was planned and added or renovated;

2. A description of the assignment and transfer options at each of the schools serving the grade levels in question, and the outreach efforts that were made to ensure parents received information about and were able to understand, the availability of those options;

3. A comparison of the racial composition of the attendance area of the site in question as it relates to the composition of the district as a whole;

b. A list of curricular offerings and rates of participation by students on the basis of race;

c. A listing of the extra-curricular options available at each of the schools serving the grade levels in question;

d. A list that breaks down, by race and school, the teachers assigned to all of the schools serving the grade levels in question. If, considering the average percentage of teachers of color in the district, there is a concentration of teachers of color assigned at the school(s) at issue, an explanation of why must be provided;

e. A list that shows how the qualifications and experience of the teachers at the racially identifiable site(s) compares to teachers at the sites which are not racially identifiable;

f. Evidence that the racially identifiable school has been provided financial resources on an equitable basis with other sites which are not racially identifiable;

g. A comparison of the facilities, materials and equipment at the racially identifiable school with the sites which are not racially identifiable;

notifying the State Board of Education of the finding of intentional segregation, may pursue one or more of the following:

- a. Notify the district that its aid will be withheld pursuant to Minn. Stat. § 124.15;
- b. Refer the condition to the Minnesota Department of Human Rights for investigation and enforcement;
- c. Report the District's actions to the Legislature the following session with recommendations for financial or other appropriate sanctions.

3535.0800. INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS

Subp. 1. If it is determined that the the racially identifiable school(s) examined under 3535.0500 are not the result of intentional segregation, then the district shall develop a plan, and submit it to the Commissioner for approval, which provides incentives to racially integrate the student population. The plan shall be developed within the current school year, and implemented the next school year. The plan could include, but is not limited to:

- a. Duplicating programs which have demonstrated success in improving student learning at schools which are racially identifiable;
- b. Providing incentives for learners of color to transfer to schools which are not racially-identifiable, and to Caucasian students to transfer to schools which are racially identifiable, such as giving them priority for space at the schools of their choice, providing transportation, providing inter-district opportunities and incentives for collaborative efforts with other districts;
- c. Providing incentives to teachers in a way which will more carefully balance the distribution of minority/non-minority teachers at schools across the district, including staff development opportunities and strategies for attracting and retaining staff who serve as role models and have a record of success in teaching students of color and of poverty.
- d. Greater promotion of programs provided at racially-identifiable schools designed to attract Caucasian students;
- e. Providing smaller class-sizes, greater counseling and support services, and more extra-curricular opportunities and other resources at racially-identifiable schools with higher concentrations of low income students as compared to schools which are not racially-identifiable.
- f. Programs promoting instruction about cultural diversity.

Subp. 2. The district shall establish and utilize a community collaboration council, as defined in part 3535.1000, subp. 3, to assist in developing the district's plan under this part.

DRAFT Subject to Revision

DRAFT ONLY

REVISED RECOMMENDATIONS FROM THE ROUNDTABLE
DISCUSSION GROUP

Chapter 3535
State Board of Education
Equality Of Education Opportunity,
School Desegregation Integration, And Prohibition Of Discrimination
Practices

FEBRUARY 13, 1995

Rules Relating to Equality of Educational Opportunity, and School
Desegregation/Integration, Chapter 3535

3535.0300

3535.0200 POLICY

~~The State Board of Education recognizes many causes for inequality in educational opportunity, among which are racial segregation. The State Board of Education agrees with the United States Senate Report of the Select Committee on Equal Educational Opportunities that, "the evidence, taken as a whole, strongly supports the value of integrated education, sensitively conducted, in improving academic achievement of disadvantaged children, and in increasing mutual understanding among learners from all backgrounds."~~

~~The State Board of Education recognizes its duty to aid in the elimination of racial segregation in Minnesota public schools and, therefore, adopts these rules, the purpose of which are to direct and assist each school district in the identification of and the elimination of racial segregation which may exist in the public schools within the district. The rules which follow are designed to implement the policy of the State Board of Education as set forth in "Educational Leadership Role for Department of Education and Board of Education in Providing Equal Educational Opportunity," November 9, 1970.~~

The State Board of Education (hereinafter referred to as "the State Board") reaffirms the holding of the United States Supreme Court in *Brown v. Board of Education* that racially segregated schools are inherently unequal. Racial segregation in schools prevents equal educational opportunity and leads to segregation in the broader society. In addition to its obligations to ensure desegregated/integrated schools in Minnesota, the State Board in 1983, assumed the legal responsibility to eliminate racial segregation

in the Minneapolis Special School District No. 1. In reliance upon the State Board's action, the federal district court dissolved its supervision of the Minneapolis Public School's desegregation plan. Booker v. Special School District No. 1, No. 4-71 Civ. 382 4 (D. Minn. 1983) (memorandum order June 8, 1983). Since that time, housing and migration patterns in the state's metropolitan areas have rendered effective desegregation impossible within the boundaries of individual school districts. The State Board thus recognizes and declares that the responsibility to desegregate schools within each of the state's metropolitan areas is shared by the State Board and all school districts in each metropolitan area.

To further these principles set forth in Brown vs. Board, it is the policy of the State Board to ensure access to opportunities or settings that result in equal educational achievement for diverse groups of learners educated in Minnesota. It is the policy of the State Board to prevent the concentration of racial and socioeconomic segregation in the schools and to ensure that school districts shall participate in a fair measure to help prevent racial, and socioeconomic segregation.

Since education is the responsibility of the State, desegregation/integration is not the responsibility of a single district, rather a broader sharing of responsibility between and among districts and between districts and the State. Thus, the State Board recognizes the need for interdistrict efforts to promote Desegregation/Integration.

The State Board of Education recognizes that a successful Desegregation/Integration policy must insure the following:

- 1. The learning of all students will be improved;***
- 2. The learning gap between learners living in high concentrations of poverty, who are predominantly persons of color, and their peers will be reduced;***
- 3. Students will better understand and accept the rich cultures of students/families different from theirs;***
- 4. Racial balance will be improved to provide an integrated learning environment to prepare students for a globally diverse society.***

Desegregation/Integration efforts should be shared by all learners and not borne only by learners of color. Equitable treatment of all learners should occur in an atmosphere free of discrimination so all learners attend school in a positive learning environment.

The State Board recognizes that school integration takes place when affective interactions between diverse groups of people where common trust, respect, and honor are acknowledged by all.

An integral part of local district *Community Learning and Desegregation/Integration Plan* must be staff development for teachers and staff as well as the districts' efforts to recruit staff of color for each school site.

The State Board is committed to the involvement of site councils and community and parental involvement in the development, implementation and evaluation of a *Community Learning and Desegregation/Integration Plan*.

The State Board recognizes the unique political status of American Indian learners. Neither the State Board nor school districts may adopt policies or practices which would have the effect of undermining federal Indian education statutes and programs.

The State Board recognizes that long term success in school desegregation is influenced by policies and practices of other governmental authorities. *The State Board and local school districts will seek ways to collaborate with other authorities regarding housing, jobs, planning, and transportation that promote desegregation/integration.*

The following rules are promulgated pursuant to the Board's legal duty to assure effective desegregation in Minnesota's public schools.

3535.0200

3535.0300 DEFINITIONS

Subpart 1. Scope

For the purpose of M.R. 3535.0200 to 3535.2200 .1300, the following words and phrases terms defined in these parts shall have the meanings ascribed to them.

~~Subpart 2c~~ Equal Educational Opportunity

~~"Equal educational opportunity" is defined as the provision of educational processes where each child of school age residing within a school district has equal access to the educational programs of the district essential to his needs and abilities regardless of racial or socioeconomic background.~~

Subpart 2 Equal Educational Opportunity

Equal educational opportunity is fair and equitable access to programs and resources that support equal educational **achievement** including the provisions of 3500.0550 "Education Diversity Rule."

Equal educational achievement results when equitable progress is being achieved across racially and economically diverse groups of learners. The results and progress are documented measurable growth criteria towards goals in their district Community Learning and Desegregation/ Integration Plan.

Subpart 3 ~~Minority group students~~ **Learners of Color**

~~The term "minority group students" "Learners of color" is defined as students who are Black are persons who identify themselves or are identified in the general categories of African/Black Americans, American Indian/Alaskan Natives; oriental Asian/Pacific Americans, or Chicano/Latino Americans. The term "Spanish surnamed American" includes persons of Mexican, Puerto Rican or Spanish origin and ancestry.~~

Minnesota Indian learners possess a dual status as learners of color and as members of sovereign tribal nations.

Subpart 4 Metropolitan Area (Metro Area)

The metropolitan area includes school districts in the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Subpart 5 Desegregation

"Desegregation" is the process of eliminating intentional or unintentional separation of learners of color or staff of color within or among school districts.

Subpart 6 Integration

Integration is the result of eliminating barriers in bringing about equal educational **opportunities** for **all** diverse groups of learners.

Subpart 7 Racially Isolated District

Any school district which exceeds 50 percent learners of color.

Subpart 8 Reconstituted School Site

A school site whose staff is **dissolved** because the learners of that site have not made adequate progress toward reducing the gaps for learners of color identified in Subpart 2.

Once a school site is dissolved, it will be reconstituted by recomposing a staff and/or administration that is approved by the local Board of Education. The recomposed staff and or administration will initiate effective methods and results in closing the learning gap for learners of color.

Subpart 9 Resegregation

"Resegregation" is intentional or unintentional separation of or discrimination against learners of color or staff of color within a desegregated building or school district.

Subpart 10 Segregation

~~Segregation occurs in a public school district when the minority composition of the pupils in any school building exceeds the minority racial composition of the student population of the entire district, for the grade levels served by that school building, by more than 15 percent.~~

A. "Segregation" is intentional or unintentional separation of learners of color or staff of color within a building or school district.

B. A district is considered to be segregated when:

1. A metro area district has a district-wide average **learners of color population** that is **15 percentage points** or more ~~over the metro-wide learners of color percentage~~, or,
2. A district in the metropolitan area:
 - a) has less than 10 percent learners of color in the district; or,
 - b) is below 1/2 of the metro-wide learners of color percentage.

A district shall use (a) or (b) whichever is greater.
3. **Any school site in the district where the population of learners of color varies by more than 15 percentage points above or below the school district average for the grade levels served by that school site.**
4. **The school site is a metro-wide magnet school where the population of learners of color is less than 5 percentage**

points above the metro-wide learners of color percentage or exceeds 50 percent learners of color.

- C. If a school district chooses to establish a school which is designed primarily for attendance by American Indian learners which includes a culturally relevant curriculum, then that school is not a segregated school. Any learner in the district may choose to attend such a school. However, no learners may be required to attend such a school.
- D. In further recognition of the political status of American Indian tribes and learners, this rule does not apply to schools on/near reservation areas where the percentage of American Indian learners exceeds the percentages for learners of color established in B, C, and D of this subpart.
- E. Until September 1, 1996, the following definition shall be in effect:

Segregation occurs in a public school district when the composition of learners of color in any school building exceeds the learners of color percentage of the entire district by more than 15 percent for the grade levels served by that school building.

M.S. 121.11

Subpart 11 Unique Political Status

Unique political status is derived from the treaty making relationship between sovereign tribal nations and the United States Government.

M.S. 121.11 Subdivision 7, 12; 124.14

Subpart 12 State Approved Metro Magnet Schools

Public schools established under the provisions of Minn. Stat § 124C.498 and Minn. Law, Chapter 643, Section 38 (1994).

3535.0700 0400 STANDARDS—COMMUNITY LEARNING AND DESEGREGATION/ INTEGRATION PLANS

~~The 15 percentage points requirement of part 3535.0200, shall be used as the standard for local school boards in the process of developing plans to remove racial segregation in the district. Notwithstanding the 15 percentage points standard, the commissioner shall, if the local board can justify an educational reason for a variance to the State Board of Education from the comprehensive school desegregation plan submitted, approve school desegregation plans that vary from the standard except the variance may not cause any school building to exceed 50 percent minority enrollment.~~

~~An educational reason shall include the effect on bicultural and bilingual programs, making magnet schools available to minorities, effectiveness of school pairing programs, and other educational programs that should result in a better education for the children involved. In determining whether the educational reason put forth by the district justifies the variance, the State Board of Education shall determine whether other alternatives are educationally and economically available to the district such that the variance is not needed.~~

M.S. 121.11 Subdivisions 7.12; 124.14

Subpart 1. Criteria for Districts Submitting Plans

- A. All districts must submit a plan that addresses subpts. 2 and 3 of this part.**
- B. All districts meeting the criteria specified in part 3535.0300, subpt. 10 must submit a plan that addresses the provisions of subpt. 2, 3, and 4 of this part.**
- C. All metropolitan districts that do not meet the criteria specified in part 3535.0300, subpt. 10 must submit a plan as to how it will collaborate with other metropolitan districts to maintain or improve an educational program that is consistent within the provisions of part 3535.0300, subpt. 5 and 6.**
- D. All district desegregation/integration plans must be reviewed and approved by the district's Community Learning Council established under 3535.0500 prior to approval by the local Board of Education.**

Subpart 2. Learning Gap Component. The component of the plan for closing the learning gap must include at least the following:

- A. Current achievement levels of all students district-wide at least in the areas of reading, mathematics, and writing;
- B. District criteria which identify the learners to be served by compensatory learning revenues;
 - 1. Low achievement levels
 - 2. Attendance Information
 - 3. Drop out rates
 - 4. Compensatory interventions
 - 5. Suspension and expulsion information
 - 6. Self-perception inventory
 - 7. Language Assessment
- C. Measurable results which the district expects to achieve with learners being served by compensatory revenue program(s), over a two year period of time, through the implementation of the Community Learning Plan;
- D. Measurement procedures to determine progress toward achieving results;
- E. The process as to how the results will be reported to the public;
- F. Identify instructional methods and/or strategies to be implemented to address the learning needs of all students;
- G. Strategies for professional development training of district staff to address the diverse learning needs of all students;
- H. Identify the local, state, and federal educational resources that will improve the achievement of all learners and that reflect the diversity of educational needs;
- I. Identify other public agencies that will assist and commit resources in students attaining learning results.

Subpart 3 Education Diversity Component: The component of the plan addressing education diversity must comply with the provisions of the Education Diversity rule, as set forth in part 3500.0550.

Subpart 4 Racial Balance Component. The component of the plan required under subpt. 1 B. of this part must address racial balance within and among school districts. The racial balance component may include an array of options to allow for school district flexibility in implementing a racial balance plan. The plan must include at least the following:

- A. District goals and strategies for achieving them that assures that the district will eliminate segregation to the greatest extent possible;
- B. Documentation of substantial community involvement and recommendations from the community learning council in developing the racial balance plan;
- C. Description of the specific activities to be implemented by the district in addressing racial balance;
- D. Descriptions of the array of options that will be available so individual students and parents may make informed decisions when participating in racial balance efforts;
- E. Justification for exceptions, if necessary, to the efforts to eliminate segregation at the school site;
- F. Evidence of collaboration with other districts to address racial balance on an interdistrict basis;
- G. Evidence of efforts to eliminate resegregation patterns, such as tracking and enrollment patterns in courses and programs;
- H. Anticipated building and remodeling programs to be utilized in desegregation/integration efforts, as appropriate;
- I. District staffing assignments and practices to retain, recruit, and prepare educators and staff of color;
- J. Availability of transportation to implement the strategies for addressing racial balance;
- K. Timelines for implementing the plan; and
- L. An evaluation of the effectiveness of the plan.

Subpart 5. Consortia For those districts choosing to form a consortium of districts to develop a joint plan under this part, the plan shall describe the governance structure for implementation of the plan.

Subpart 6. Racial Isolation School districts located in the same county as racially isolated school districts and school districts located in the metropolitan area must address how they will reduce the disparities in the racial composition of the learner of their district(s) and the racially isolated school district(s).

Subpart. 7 Community Forums A district required to submit plans under this part shall hold community-wide public discussion opportunities to receive and record public comment on the proposed impact of the plan on the community and schools. A summary of the comments from the community forum must be included in the report to the commissioner.

SUBPART 3535.0500 ESTABLISHMENT OF A COMMUNITY LEARNING COUNCIL

A. The local school board for those districts as specified in M.R. 3535.0400 Subpart 1, shall establish a local Community Learning Council. A consortium of districts may cooperate to establish one Community Learning Council. The purpose of the Community Learning Council shall be to:

- 1) advise and report to the local board on the development and implementation of the district's **Community Learning and Desegregation/Integration Plan;**
- 2) serve as a communications link with the community;
- 3) review and monitor the implementation of the **Community Learning and Desegregation/Integration Plan;**
- 4) provide input to the content of the **Community Learning and Desegregation/Integration Plan;** and
- 5) review district staff development plan as it relates to desegregation/integration.

B. Composition of the Community Learning Council:

1. The overall composition of the Community Learning Council shall be culturally and racially diverse. The Council's composition shall have substantial input by communities of color or reflect the constituency of people of color within the school district.

To the extent possible, the Community Learning Council shall include the following members:

- a) Parents or guardians;
- b) Learners;
- c) Community agency representatives (social services, migrant services, employment, mental health personnel, public and private agencies, etc.);
- d) Law enforcement representative;
- e) Housing representative;
- f) Transportation representative;
- g) Representative of a local business;
- h) Local city and county representative;
- i) Representative of post secondary education or higher education institutions;
- j) School administrator;
- k) Teachers and school support staff;
- l) School board member;
- m) Site council members; and,
- n) Others appointed by the local school board.

The majority composition of the committee shall be persons who are not employees of the district.

- 2. For communities that have a significant American Indian population, an elder of the community may be considered to serve on the Community **Learning** Council.
- 3. To encourage the participation of non-English speaking constituencies, the district shall make interpreters/translators available to the council.
- 4. If a district already has an existing committee available whose composition reflects the various groups listed above, the committee may be used for the purposes described in M.R. 3535.0500, Subpart 4. (A).

~~3535.1200 CONSIDERATION OF EQUITY IN DEVELOPING THE PLAN.~~

~~All plans to effect school desegregation and integration shall be equitable and nondiscriminatory. Within the constraints imposed by feasibility and educational soundness, inconvenience, or burdens occasioned by desegregation shall be shared by all and not borne disproportionately by pupils and parents of minority group students.~~

~~3535.1300 NO USE OF PUPIL GROUPING OR CLASSIFICATION.~~

~~Local board shall not adopt or maintain pupil grouping or classification practices, such as tracking, which result in racial segregation of pupils within a given school.~~

3535.0600 DUTIES OF LOCAL BOARDS, TO SUBMIT DATA ON RACIAL COMPOSITION AND COMMUNITY LEARNING AND DESEGREGATION/INTEGRATION PLAN

Subpart 1. Submission of Data Regarding Racial Composition

~~Each local board shall, if segregation is found to exist in any of its schools submit to the commissioner a comprehensive plan for the elimination of such segregation that will meet the requirements of parts 3535.0200 to 3535.2200; submit information to the commissioner on the progress of implementation of any comprehensive plan which has been approved; and implement in accordance with its schedule a comprehensive plan which has been approved. The penalty for noncompliance with parts 3535.0200 to 3535.2200 shall be the reduction of state aids pursuant to Minnesota Statutes 1971, Section 124.15.~~

A. Timeline for Submission of Data

~~Each~~ All local boards shall submit to the Commissioner by November 15 of each year data indicating the number of learners by race for each of the school sites under its jurisdiction. If a local board fails to submit such data by November 15 annually, the commissioner shall notify the local school board of noncompliance. A reasonable time of 15 days shall be allowed for compliance. The local board shall submit data, as required within 30 calendar days of notification by the commissioner.

B. Options for Determining Race

In order to collect information from reports, all local school boards shall employ one racial or cultural identification procedure in the order of preference as follows:

- 1) Parent or guardian identification, with parent or guardian being encouraged to discuss the identification rationale with the learner prior to the identification;
- 2) Age-appropriate learner self-identification, when parent or guardian identification is not an option; or

- 3) Sight counts may be employed only if parent, guardian, or learner self-identification methods are not possible. Districts shall utilize written guidelines to develop sight counts as administered by the principal or designee.
- 4) In districts where the American Indian population is over 10 or more learners, the State Indian Education Act Statutory Committee, in consultation with American Indian parents they represent, may select as their count one of the following methods:
 - a) parent/guardian self-identification;
 - b) the Federal Indian Education Act - Title V Count (Indian Certification Form #506); or
 - c) a district shall use the same method of count as for other learners.

Subpart 2. 35S35.0600 Submission of COMMUNITY LEARNING AND DESEGREGATION/INTEGRATION PLAN.

~~The commissioner shall examine the data which are submitted pursuant to part 3535.0500. Whenever the commissioner finds from the examination of such data that segregation exists in any public school, he shall in writing within 30 days after receipt of data notify the local board having jurisdiction over said school that such finding has been made. The commissioner may after data has been submitted and examined, pursuant to parts 3535.0500 and 3535.0600 determine from additional data received at any subsequent time that a condition of segregation exists and request action to correct the situation. Any local board receiving notification of the existence of segregation shall forthwith prepare a comprehensive plan to eliminate such segregation and shall file a copy of such plan with the commissioner within 90 days after the receipt of the notification.~~

~~If the local board fails to submit a plan within 90 days, the commissioner shall notify the local board of noncompliance. A reasonable time of 15 days shall be allowed for compliance.~~

A Timelines for Submission of Community Learning and Desegregation/Integration Plan

Each district defined in M.R. 3535.0400 Subpart 1 shall submit its Community Learning and Desegregation/Integration Plan within the following timelines:

- A. By January 1, 1996, all required districts shall submit Desegregation/Integration Plans to the Commissioner.
- B. All plans shall be subject to continuing review and evaluation by districts at least every three years after the date of initial approval or more frequently as directed by the commissioner. Districts shall submit amendments or modifications to the **Community Learning and Desegregation/Integration Plan**. The implementation of any proposed amendments or modifications shall not take effect until it has been approved by the commissioner.

Subpart 3 Data Regarding Closing the Learning Gap

By November 15, 1998 and annually thereafter, districts required to implement a **learning** gap reduction plan shall submit data, as required by the commissioner, to document its compliance or lack thereof.

3535.0700 METRO ENROLLMENT OPTIONS

- A. In addition to the provisions of the open enrollment statutes learners of color from a racially isolated school district shall at any time, have the right to transfer to any other district which is segregated under the provisions of 3535.0300 Subpart 11, B.2 and be granted the same rights as if the learner resides in that district. Transportation shall be the responsibility of the receiving district, consistent with the provisions of Minnesota statutes.
- B. In addition to the provisions of the open enrollment statutes, white learners from a school district which is segregated under the provisions of 3535.0300 Subpart 11, B.2 shall, at any time, have the right to transfer to a racially isolated school district and be granted the same rights as if the learner resides in that district. Transportation shall be the responsibility of the receiving district consistent with the provisions of Minnesota statutes.
- C. Any learner has the right to apply for admission to a state or metro-wide magnet school provided the school meets the provisions of 3535.0300 Subpart 11 C.3.

3535.1500-.0800 REVIEW OF COMMUNITY LEARNING AND DESEGREGATION/INTEGRATION PLAN BY THE COMMISSIONER

Subpart 1. Review.

The Commissioner shall review any district Community Learning Desegregation/Integration Plan or amendment submitted under these provisions and shall determine whether they comply with the requirements of these rules M.R. 3535.0400. If the commissioner determines that the plan will eliminate segregation in the schools of the district submitting the plan, and that the dates for implementation of the plan will not exceed two years, and that any proposed transportation to achieve desegregation is not restricted to minority students, he shall approve the plan and notify the State Board of Education and the local board within 30 days.

Subpart 2. Approval

Within 60 days of receipt, the commissioner shall notify the local board of the plan approval if it has been deemed likely to promote desegregation/integration. The commissioner shall provide the local board of education such technical assistance and services as requested by the local board and deemed necessary by the commissioner in order to implement the plan. If the commissioner finds that the plan will not eliminate segregation in the schools of the district submitting the plan, or that the dates for implementation will exceed two years or that any transportation to achieve desegregation is restricted to minority students, he shall reject the plan.

M.S. 121.11 Subdivisions 7.12; 124.14

3535.0900 PENALTY FOR FAILURE TO COMPLY

- A. If a district fails to collect and report the data required by 3535.0500 or fails to submit or meet the goals of the Community Learning and Desegregation/Integration Plan provided in 3535.0400 Subpart 1., the commissioner shall provide assistance regarding the submission of the data or the development of the Plan. Continued noncompliance shall result in action pursuant to Minn. Stat. §124.15.
- B. If a district fails to reduce the learning gap as provided by 3535.0400 Subpart 2.A.2. after a three year period, the following procedure shall be followed:
 - 1. Within 60 days after receipt of the gap reduction data the commissioner shall inform the district whether the goals of the plan are being achieved satisfactorily for each site.

2. If satisfactory progress has not been achieved, the commissioner shall monitor the school site within 30 days of the notification of noncompliance.
3. The commissioner shall provide assistance to the site to develop strategies to work towards achieving goals within 60 days following the monitoring.
4. Within one year after receiving technical assistance and revising the plan, if the site is still in noncompliance, the commissioner may direct the local board of education to reconstitute the school site.
5. The local board of education shall have the authority to reconstitute a school site irrespective of bargaining agreements.

3535.1000 CONSIDERATION OF DESEGREGATION WHEN PLANNING NEW SCHOOL SITES.

All decisions by local boards concerning selection of sites for new schools and additions to existing facilities shall take into account, and give maximum effect to, the requirements of eliminating and preventing racial as well as socioeconomic segregation in schools. The commissioner will not approve sites for new school building construction or plans for addition to existing buildings when such approval will perpetuate or increase racial segregation.

~~3535.0900 TRANSPORTATION TIME STANDARD.~~

~~If to alleviate the isolation of minority group students, required transportation would exceed more than one hour trip per day, then a standard may be determined by the commissioner based on the data presented by the district for each such school within the district.~~

~~3535.0900 CONTENTS OF COMPREHENSIVE PLAN~~

~~The comprehensive plan, submitted pursuant to part 3535.0600-0800 shall contain a detailed description of the actions to be taken by the local board to eliminate segregation. Each plan shall contain a detailed description of the actions to be taken by the local board to eliminate segregation. Each plan shall contain: an explicit commitment by the local board to fulfill the requirements of these rules; a detailed description of the specific actions to be taken to correct racial segregation of students and faculty, showing the intended effect of each action proposed with respect to the entire plan, and each specific action proposed in the plan; a time table showing dates of initial implementation and completion; evidence that broad community participation and involvement was secured in the planning and development of the plan; and specific affirmative proposals to~~

~~ensure that the integration process provides an effective learning environment for all children based upon mutual cultural and personal respect. The plan shall also include a narrative description of changes in the staffing patterns of the school district, curriculum changes to meet the needs of students in a desegregated environment, any anticipated building or remodeling programs, present and projected attendance patterns, staff preparation or projected in-service training programs. The implementation period shall not exceed two years. The plan shall specify the effect which each proposed action will have on the racial composition of each school within the district and shall include projections of the racial composition of each school within the district which may be expected upon completion of the plan.~~

Stat Auth: M.S. 121.11 Subdivisions 7.12 and 124.14

~~3535.1600 NOTIFICATION OF REJECTION OF THE PLAN.~~

~~The commissioner shall notify the local board of the rejection of the plan within 30 days. The notice shall specify the reasons for the rejection of the plan, the revision necessary to make the plan satisfactory, and a period of 45 days in which the local board shall submit a revised plan.~~

~~3535.1700 NOTIFICATION OF FAILURE TO COMPLY.~~

~~If no revised plan is received within 45 days, or if the revised plan fails to contain the revisions specified by the commissioner, or if the plan fails to meet the requirements of parts 3535.0200 to 3535.22200 the commissioner shall notify the local board of action to be taken pursuant to part 3535.0400.~~

~~3535.1800 SUBMISSION OF INFORMATION ON IMPLEMENTATION OF PLAN.~~

~~If a local board has submitted a plan which has been approved by the commissioner, the local board shall submit to the commissioner at such times as he shall request, such information as he deems necessary concerning the implementation of the plan. If the local board fails to submit such information, the commissioner shall notify the local board of the noncompliance. A reasonable time of 15 days shall be allowed for correction of noncompliance.~~

~~3535.1900 IMPLEMENTATION OF THE PLAN.~~

~~The commissioner shall examine the information requested to part 3535.1800. If he determines that there is any discrepancy between the schedule in the plan as approved and the progress which has been achieved in the implementation of the plan, he shall notify the local board of noncompliance. A reasonable time, which shall be determined by the commissioner according to the nature of the discrepancy shall be allowed for correction of the discrepancy.~~

~~3535.2000 APPEARANCE BEFORE THE STATE BOARD.~~

~~Any school district aggrieved by a decision required by the commissioner by parts 3535.0200 to 3535.2200 may serve a written request on the State Board of Education within 30 days of any such decision to appear before said board.~~

~~The appearance shall be made at the next regular state board meeting following receipt of such request. Following such appearance the board may in writing support, modify, or reject the commissioner's decision. Any such notice served by a school district shall stay any proceeding pursuant to Minnesota Statutes 1971, section 124.15 to reduce state aids for noncompliance with parts 3535.0200 to 3535.2200 until a determination by the board.~~

~~3535.2100 NOTICES.~~

~~Any notice to a local board which is required by these rules shall be written and shall be sent by certified mail, to the superintendent, and to the clerk of the local board of the district at their respective business addresses. For the purpose of parts 3535.0200, the business address of the clerk of the local board is deemed to be the main administrative office of the district.~~

~~The content of any notice of noncompliance shall be such as specified in Minnesota Statutes 1971, section 124.15, subdivision 3. The reasonable time for correction of noncompliance shall be such as specified in parts 3535.0200 to 3535.2200.~~

~~3535.2200 NO DISTRICT EXEMPT FROM PART 3535.0500.~~

At no time shall any local board be exempt from the reporting requirements of part 3535.0500.

PROHIBITION OF DISCRIMINATORY PRACTICES IN EDUCATION
~~3535.2300~~ .1000 POLICY

The policy of the State Board of Education is to assure compliance with state and federal law prohibiting discrimination because of age, race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, sexual orientation, or disability and to promote the elimination of these discriminatory practices in public schools and public educational agencies under its general supervision.

M.S. 124.15 Subdivision 2a

~~3535.2400~~ .1100 DUTIES OF LOCAL BOARDS, PENALTY FOR FAILURE TO COMPLY RELATING TO DISCRIMINATORY PRACTICES IN EDUCATION

Each local board shall submit to the commissioner such data as specified in M.R. ~~3535.2500~~ .1000 for purposes of determining that the educational program is meeting provisions of state and federal law prohibiting discrimination on the grounds listed in M.R. ~~3535.2300~~ .0800.

Each local board shall comply with all state and federal law prohibiting discrimination on the grounds listed in M.R. ~~3535.2300~~ .0800.

Each local board shall direct the superintendent to coordinate, implement, and report to the local board the district's efforts to comply with M.R. ~~3535.2300~~ .0800 to ~~3535.2900~~ .1300.

Each local school board shall, pursuant to Title IX of the Educational Amendments of 1972 (Public Law Number 92-318), disseminate on a continuing basis its policy of nondiscrimination on the basis of gender.

The penalty for noncompliance with M.R. ~~3535.2300~~ .0800 to ~~3535.2900~~ .1300 shall be the reduction of state aids pursuant to M.S., Section 124.15.

M.S. 124.15 Subdivision 2a

~~3535.2500~~ .1200 COMPLIANCE REPORTS AND SUBMISSION OF DATA RELATING TO DISCRIMINATORY PRACTICES

Annually, on November 15, each school board shall submit to the commissioner a statement of compliance with state and federal law prohibiting discrimination on the grounds specified in M.R. 3535.2300 .0800 and, in support of that statement, shall complete the form contained in M.R. 3535.9920, and submit a report as required by Code of Federal Regulations, title 29, section 1602.41 (EEO-5 report), showing the number of certificated and noncertificated personnel employed which belong to each race and gender for each of the schools under its jurisdiction.

The statement of compliance required by M.S., Section 124.15, Subdivision 2a, shall be specified in M.R. 3535.9910.

The form to be completed in support of the assurance statement shall be specified in M.R. 3535.9920.

M.S. 124.15 Subdivision 2a

3535.2600 .1300 NOTICES

The content of any notice of noncompliance shall be such as is specified in Minnesota Statutes, section 124.15, Subdivision 3.

Any notice to a local board which is required by M.R. 3535.2300 .0800 to 3535.2900 .1200 shall be written and shall be sent by certified mail to the superintendent and to the clerk of the local board of the district at their respective business addresses. For the purposes of M.R. 3535.2300 .0800 to 3535.2900 .1200 the business address of the clerk of the local board is deemed to be the main administrative office of the district.

The commissioner shall provide to each school district in the state of Minnesota the documents specified in M.R. 3535.9920, and shall update the material as needed to insure compliance.

M.S. 124.15 Subdivision 2a

3535.2700 .1400 APPEAL OF COMMISSIONER'S DETERMINATION

Any school district aggrieved by a decision required of the commissioner under M.R. 3535.2300 .0800 to 3535.2900 .1200 may dispute that decision with the State Board of Education pursuant to M.S., Section 124.15, Subdivision 4.

M.S. 124.15 Subdivision 2a

3535.2800- .1500 DUTIES OF THE COMMISSIONER

Upon receipt of the school board's assurance of compliance and the supporting data, the commissioner shall:

In order to determine whether special state aid shall be withheld, process the data and forward it to the commissioner of human rights, pursuant to M.S., Section 124.15, Subdivision 5a.

In order to determine whether a violation of federal laws prohibiting discrimination has occurred: within 90 days of the receipt of the data, the commissioner of education shall review it to determine whether a school district is in compliance with federal law prohibiting discrimination; if, after review of the data, it appears to the commissioner that a violation of federal law exists, ~~he~~ the commissioner shall make a prompt investigation; and if the investigation indicates noncompliance with federal law, the commissioner shall inform the school district. If the noncompliance cannot be resolved by informal means, the commissioner may proceed to suspend or terminate federal assistance.

M.S. 124.15 Subdivision 2a

~~3535.2900~~ EXEMPTIONS

~~No district shall be exempt from parts 3535.2300 to 3535.2900~~

~~M.S. 124.15 subd 2a~~

You may use the following recommendations to call into the State Register:

The number is 296-2822.

Recommendations for State Register

Group 1:

1. Increase parental exchange and contact with teachers to improve students performance.
2. Hold PTO meetings in communities--kids are bussed out of.
3. Increase cultural diversity in curriculum
4. Inservice training for teachers to deal with minority children
5. Maximize student teacher contact
6. Reform disciplinary procedures
7. Teacher raises on merit
8. More teacher aids
9. Discard stigmatizing labels
10. Improve self esteem of students

Group 2:

1. What difference does intent make
2. Eliminate the use of the word intentional in the rule
3. Dump neo-segregationists document for round tables's proposals
4. Define all white schools as segregated also
5. Speak in terms of integration in terms of race, socioeconomic, gender, and ability
6. Appoint board members who actually have "our" best interest in mind--will provide candidate name
7. Submit diversity rule with deseg rule
8. Dealing with issues of acculturation and assimilation
9. Purpose of education not simply generating employees but nurturing human beings

Group 3:

1. Intention is difficult to prove.
2. "Shall" gives schools choice to segregate
3. SBE excludes Greater MN
4. Does Greater MN have to become like cities before addressing segregation?
5. Students of color should see teachers of color.
6. Plan to eliminate segregation must include measurable outcomes of student achievement.
7. Deseg plan must include diverse education components "not eurocentric" and respectful of different cultures.
8. Deseg plan must recruit and retain teachers, counselors, and administrators that reflect the diversity of student body.
9. Deseg plan must include ongoing significant and meaningful onsite cultural education and sensitivity training.

Group 4:

1. Refocus attention the SBE has on numbers to these
 - a. Spending money on training on teachers for cultural based learning
 - b. Understanding, recognizing, and respecting cultural difference within the student body.
2. Add the requirements and act on them from the roundtable's plan to eliminate segregation
3. Enforcement should have some teeth if the plan is not followed through, the school board teachers, and administration need to held accountable e.g., the replacement of the school board and the Superintendent.

KEY POINTS OF THE STATE BOARD OF EDUCATION DESEGREGATION RULE DRAFT AND THE ROUNDTABLE RECOMMENDATIONS

STATE BOARD OF EDUCATION
PROPOSED DESEGREGATION RULE

POLICY STATEMENT

SBE seeks to eliminate racially identifiable schools and ensure comparable opportunities to improve student achievement.

BOTTOM LINE:

Separate does not mean equal. Separate ensures unequal educational achievement for students of color.

DEFINITION OF SEGREGATION

School district's intentional act of separating students in school on the basis of race. In the new draft, segregation only exists if it is intentional - - only then does a school have to address desegregation.

BOTTOM LINE:

In the State Board of Education's proposed rule, unintentional segregation is not addressed, and , therefore, is okay.

PLAN TO ELIMINATE SEGREGATION

A school district shall develop a Desegregation Plan if it is determined that they have intentionally segregated students. The plan must address the conditions which contributed to segregation. If the segregation is not intentional, a district shall develop a plan which provides incentives for integration such as smaller class size, school choice, and transportation.

BOTTOM LINE:

The only way to determine if a school is segregated is for a school to admit it has done so.

ENFORCEMENT OF THE RULE

Sanctions or penalties will be applied only if a district is found to have intentionally segregated students. Penalties could include withholding of district aid; referral to the MN Department of Human Rights for investigation; or a report to the State Legislature for appropriate action.

BOTTOM LINE:

It is extremely difficult for district to be found to have intentionally segregated students, and, therefore, sanctions cannot be applied.

ROUNDTABLE RECOMMENDATIONS

POLICY STATEMENT

SBE will ensure access to opportunities which result in equal educational achievement for all learners.

DEFINITION OF SEGREGATION

Intentional or unintentional separation of learners or staff of color within buildings. Intent doesn't matter, all school districts must address segregation.

PLAN TO ELIMINATE SEGREGATION

All districts must submit a Desegregation Plan which addresses: reducing the learning gap between learners of color and their white peers; educational diversity; racial balance; recruitment of staff of color; remodeling, rebuilding and new school construction; and community involvement.

ENFORCEMENT OF THE RULE

Any school district will be subject to sanctions or penalties if they fail to reduce the learning gap between learners of color and their white peers. Sanctions or penalties include reconstitution or complete replacement of staff or administration of the school.

The Urban Coalition

2610 University Avenue West, Suite 201
Saint Paul, Minnesota 55114

Telephone (612) 348-8550
Fax (612) 348-2533

Yusef Mgeni
President

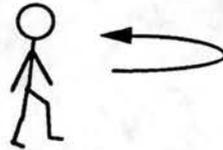
STATE DESEGREGATION RULE COMMUNITY DISCUSSION GROUPS FACILITATORS TRAINING AGENDA April 25, 1996

1. Welcome
2. Introductions/Expectations
3. Art and Science of Facilitation
 - Definitions
 - Values
 - Readiness
 - Style
 - Management
4. **Break**
5. Skills Management Content
6. Skills Management Process
7. Closing/Wrap-up

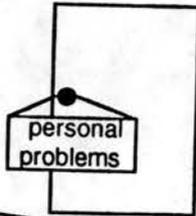
•

Personal Readiness

Visualize yourself walking through entire workshop. Answer the questions yourself.



appropriate dress



leave personal problems on the doorknob

Physical Involvement



Eye contact

positive body language



inviting tone of voice

FACILITATOR ROLE



Methods

flexibility

humor

"collaborative" language



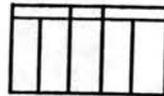
listening skills
• hear what's being said behind the words
• active listening



Process

Content

product



decisions

experiential objectives



keep on track

honor others' insights

rational objectives

comfortable with silence

Journey of Group



questions that probe creativity insight

Style

STATE DESEGREGATION DISCUSSION GROUP

FACILITATORS INFORMATION

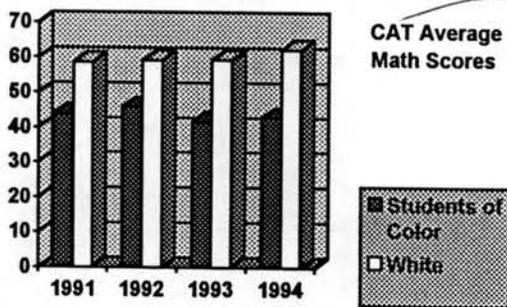
MINNEAPOLIS PUBLIC SCHOOLS DATA

Student Population and General Data

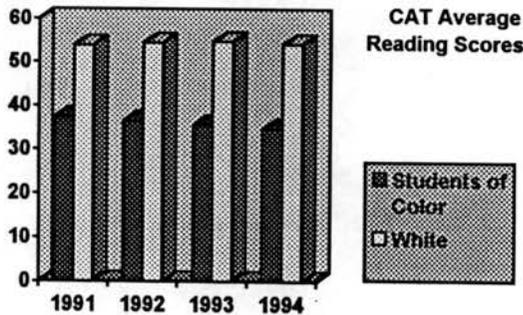
Currently students of color make up 65% of the total district population. Low-income students, according to the free and reduced lunch guidelines, make up 60% of the total district population. Staff of color comprise 15.5% of total district staff.

Currently 14 Minneapolis schools have over 80% students of color. Out of these 14 schools, seven schools have nearly 99% students of color. Those schools are Bethune (99%), Bryn Mawr (96%), Hall (99%), Lincoln (99%), Lucy Laney (99%), North Star (99%), and West Central Academy (99%).

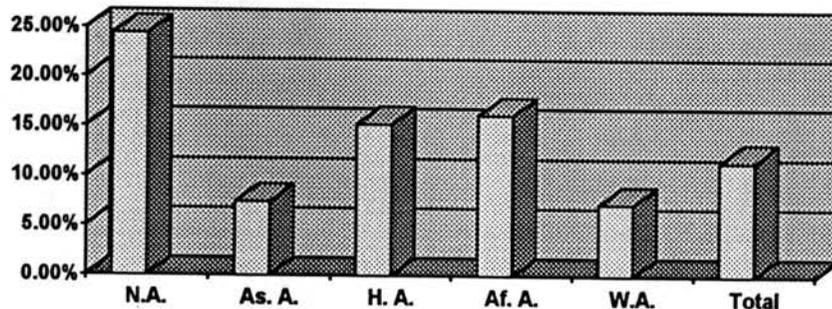
Minneapolis Public Schools Achievement Data



Calif. Achievement Test



Minneapolis Public Schools 1994-1995 Drop-out Rates for Native Americans, Asian American, Hispanic Americans, African Americans, and White American Students Grades 7-12



St. Paul Public Schools

- In 1994-95, there were 20,929 (51.9%) students of color in St. Paul Public Schools. 33% of K-12 enrollment were students of color in 1984-85.
- In 1994-95, there were 260 teachers of color, 11.1% of all teachers.

Enrollment Trends for Students of Color in the St. Paul Public Schools

	African American	Hispanic American	Asian American	American Indian	% Students of Color
1970-71	3,155	1,606	123	458	10.75%
1984-85	4,348	1,713	3,476	648	33.19%
1995-96	9,032	2,832	10,530	631	54.31%

St. Paul Schools with the Highest Percent of Students of Color in Each Grade Level

School	Grade Level	Af/Am	Hisp/Am	Am/Ind	Wh/Am	As/Am	Percent Students of Color
East Consolidated Elementary	K-6	212	39	13	188	300	75%
Highland Park Junior High	7-8	168	19	3	175	139	65.28%
Como Park Senior High	9-12	293	51	21	639	429	55.41%

Post-It™ brand fax transmittal memo 7671		# of pages > 1	
To <i>Nanny Smith</i>	From <i>Shirly Lee</i>		
Co. <i>Urban Co.</i>	Co. <i>CC-DSJ</i>		
Dept. <i>2533</i>	Phone # <i>291-4477</i>		
Fax # <i>348-2553</i>	Fax # <i>290-1628</i>		

DRAFT

	<p align="center">State Board of Education's (SBE) Proposed Desegregation Rule (3/29/96)</p>	<p align="center">Roundtable's Recommendations on the Desegregation Rule</p>
<p>Policy Statement</p>	<p>The SBE reaffirms the principles of <u>Brown v. Board of Education</u> which supports that equality of education can't exist if students are <u>intentionally segregated</u> on the basis of race. The SBE seeks to eliminate racially identifiable schools and ensure that all students will have comparable opportunities to improve student achievement.</p> <p><i>Key diff: intentionality of segregation</i></p> <p><i>Questions:</i> Is it a given What is intentional? How do you prove it? Is intentionality even an issue? How</p>	<p>The SBE reaffirms the <u>Brown v. Board of Education</u> decision that racially segregated schools are inherently unequal. The SBE recognizes and declares the responsibility to desegregate schools within each of the metro areas is shared by the SBE and all school districts in each metro area; it is not the responsibility of a single school district and shall not be borne only by learners of color.</p> <p>The SBE will ensure access to opportunities that will result in equal educational achievement for diverse groups of learners, improve learning of all students, eliminate the learning gap between students of color and their peers, require students to learn about diverse cultures, and improve racial balance to prepare students for a globally diverse society.</p> <p>School Community Learning and Desegregation/Integration Plans will include staff development, community involvement, effective evaluation, and collaboration with authorities regarding housing, planning, and transportation issues which promote desegregation.</p>
<p>Definitions</p>	<p><i>Why no defin of intentional segregation?</i></p>	<p><u>Equal Educational Opportunity</u>: Fair and equitable access to programs and resources that support equal educational achievement including the provisions of the Educational Diversity Rule. Equal educational achievement exists when documented, measurable, and equitable progress is achieved across racially and economically diverse groups of learners.</p>

Post-It™ brand fax transmittal memo 7871 # of pages **5**

To <i>Nancy Smith</i>	From <i>Shirley Lee</i>
Co. <i>Urban LWA</i>	Co. <i>CC-DSJ</i>
Dept. 2593	Phone # <i>291-4477</i>
Fax # <i>348-2553</i>	Fax # <i>290-1628</i>

	<p align="center">State Board of Education's (SBE) Proposed Desegregation Rule (3/29/96)</p>	<p align="center">Roundtable's Recommendations on the Desegregation Rule</p>
<p>Definitions, continued</p> <p><i>> no mention of unintentional segregation</i></p> <p><i>> no mention</i></p>	<p><u>Segregation:</u> The intentional act or acts by a school district which has the purpose of causing students to attend particular schools on the basis of race. Segregation does not exist if: it is not the result of intentional acts by districts, the school is not racially identifiable, or if it is the result of informed choices by parents.</p> <p><u>Racially Identifiable Schools Within a District:</u> Schools where the enrollment of learners of color at a school within the district is more than 15% above the learners of color enrollment of the entire district, for the grade level served by that school.</p> <p><u>Racially Isolated School Districts:</u> School districts where the learners of color enrollment of the district exceeds the learners of color enrollment of any adjoining district by more than 15%.</p>	<p><u>Learners of Color:</u> African/Black American, American Indian/Alaskan Natives, Asian/Pacific Americans, or Chicano/Latino Americans. Minnesota Indian learners possess dual status as learners of color and members of sovereign tribal nations.</p> <p><u>Segregation:</u> The intentional or unintentional separation of learners or staff of color within buildings or school districts. A district is segregated when: a metro area district has a district-wide average learners of color population 15% or more over the metro-wide learners of color percentage; or a metro area district has less than 10% learners of color, or is below one-half off the metro-wide learners of color; or any school site varies by more than 15% above or below the school district average for grade levels served; or any school site is a metro-wide magnet where the learners of color are less than 5% above the metro-wide learners of color percentage or exceeds 50% learners of color.</p> <p><u>Racially Isolated School District:</u> Any school district which exceeds 50% learners of color.</p>

*District - metro
De*

	State Board of Education's (SBE) Proposed Desegregation Rule (3/29/96)	Roundtable's Recommendations on the Desegregation Rule
Collection and Submission of Data	Each local board will submit data on the racial composition of each school and by grade level to the Commissioner on an annual basis. Each school district will employ one racial identification procedure, as outlined in 3535.0400.	By November 15th of each year, all local boards must submit to the Commissioner (of the Department of Children, Families, and Learning) the number of learners by race for each of the school sites in its jurisdiction. The local boards will have 30 calendar days from notice of noncompliance to submit the data.
Plan to Eliminate Segregation/Desegregation Plan	If the Commissioner determines that a condition of segregation exists, the district shall provide a plan that proposes how it will remedy the segregated conditions within 60 days. If the district and the Commissioner cannot mutually arrive at a plan within 45 days after the plan has initially been rejected, the Commissioner shall develop a revised plan which the district will implement in the time frame specified by the Commissioner.	All districts must submit a Community Learning and Desegregation/Intregation Plan that includes both learning gap and educational diversity components. Segregated school districts must submit a plan that addresses both of the above and a racial balance component. All metro school districts must submit a plan that addresses how they will collaborate with other school districts to maintain or improve a desegregation and intregation plan. All district desegregation plans must be reviewed and approved by their Community Learning Council.

- More specific date
- Provides for noncompliance



- Plan only necessary if the Comm determines a district is segregated
- ~~iff~~



- All districts must submit a cmty learning + deseg/integ plan
- inds both learning gap + diversity components in addition to racial balance
- All districts must submit plan on collaborating w/ other districts on deseg/integ
- All plans must be approved by Cmty Learning Council

Questions:

	State Board of Education's (SBE) Proposed Desegregation Rule (3/29/96)	Roundtable's Recommendations on the Desegregation Rule
Efforts to Integrate Racially Identifiable Schools	<p>If the existence of racially identifiable schools is not the result of intentional segregation, then the district shall develop and submit a plan which provides incentives to racially integrate students. The plan may include providing incentives such as school choice, transportation, and/or smaller class-sizes.</p>	<p>See Efforts to Eliminate Racially Isolated School Districts. Additionally, learners of color from a racially isolated school district may transfer to any other segregated school district. White learners from a segregated school district may transfer to a racially isolated school district. Any learner may apply to a state or metro-wide magnet.</p>
Evaluation of Integregation Efforts	<p>The Commissioner will evaluate the integration plan at the end of the academic year. The Commissioner will report to the SBE and to the Legislative Education Committees as to the success/failure of the plans, and make recommendations for appropriate legislative action.</p>	<p>The Commissioner shall review the desegregation plan and notify local boards within 60 days if the plan is likely to promote desegregation and integration. The Commissioner will provide technical assistance if needed to implement the plan.</p>
Efforts to Eliminate Racially Isolated School Districts	<p>Once a district is notified that it is racially isolated or adjoins a racially isolated district, the districts affected shall <u>immediately begin collaborative efforts</u> to provide incentives for integration across district boundaries. The districts will appoint a <u>Community Collaboration Council</u> to give input on the collaboration.</p>	<p>All districts must submit a Community Learning and Desegregation/Integregation Plan which addresses: closing the learning gap, educational diversity, racial balance among school districts including evidence of efforts to retain and recruit staff of color, elimination of resegregation, and documentation of community involvement. Districts may develop joint desegregation plans. Districts in the same county as racially isolated school districts must address how they will reduce the disparity of racial composition of districts.</p>

	<p align="center">State Board of Education's (SBE) Proposed Desegregation Rule (3/29/96)</p>	<p align="center">Roundtable's Recommendations on the Desegregation Rule</p>
<p>Evaluation of Collaborative Efforts</p>	<p>The Commissioner shall <u>biennially evaluate the results of district collaborative efforts</u>. The Commissioner will <u>report successful efforts to the SBE and to the Legislature</u>. Unsuccessful efforts or lack of effort will also be reported for evaluation of state aid, re-drawing of district boundaries, or providing transportation for voluntary inter-district transfers.</p>	<p>All Community Learning and Desegregation/Integration plans will be <u>reviewed and evaluated every 3 years</u> after date of approval. By November 15th of each year, districts are required to <u>implement a learning gap reduction plan to document compliance or lack thereof</u>.</p> <p><i>• Only learning plans to be reviewed + eval. (vs just evaluating collaborative efforts) • Annual plan for learning gap reduction</i></p>
<p>Enforcement of Desegregation Rule</p>	<p>If a district fails to submit data required by the Commissioner, provide a plan to remedy the segregation, or to implement a plan developed by the Commissioner, the Commissioner <u>must notify the SBE of the finding of intentional segregation</u>. The Commissioner may also seek the withholding of state aid, refer the condition to the Minnesota Department of Human Rights for investigation, or report the district's actions to the Legislature for appropriate sanctions.</p>	<p>If a district fails to report data or fails to meet goals of their plan, the Commissioner shall provide assistance in submission of the data or development of the plan. If a district fails to reduce the learning gap after a 3 year period, the Commissioner will inform the district within 60 days after receipt of the gap reduction data, whether the goals of the plan are being satisfactorily achieved. If progress is not satisfactory, the Commissioner will monitor the site within 30 days of notification of noncompliance. Within 60 days of monitoring, the Commissioner will provide assistance to the site to achieve gap reduction goals. If after one year, the site is still in noncompliance, the Commissioner may direct the local board of education to reconstitute the school site. The recomposed staff and/or administration will initiate methods and results in closing the learning gap for learners of color.</p>

vs.:
 - just eval collaborative
 + unsuccessful effort will deny the eval.
 for receiving state aid

Desegregation Proposals

Proposal	Roundtable	Current rule
<ul style="list-style-type: none">• focus on "intentional" segregation	<ul style="list-style-type: none">• intentional or unintentional separation	<ul style="list-style-type: none">• 15% rule
<ul style="list-style-type: none">• segregation as intentional acts by the school district	<ul style="list-style-type: none">• segregation is intentional or unintentional; district exceeding 15% of metro population; district less than 10% learners of color; district 50% less than metro percentage; schools 15% of district average	<ul style="list-style-type: none">• 15% rule
<ul style="list-style-type: none">• racially identifiable schools uses 15%	<ul style="list-style-type: none">• not defined	<ul style="list-style-type: none">• not defined
<ul style="list-style-type: none">• racially isolated districts as 15% more learners of color than an adjoining district	<ul style="list-style-type: none">• racially isolated districts which exceed 50% learners of color	<ul style="list-style-type: none">• not defined
<ul style="list-style-type: none">• resegregation and integration not defined	<ul style="list-style-type: none">• resegregation within desegregated districts or school buildings• integration results from eliminating barriers to equal education	<ul style="list-style-type: none">• not defined
<ul style="list-style-type: none">• racially identifiable schools and racially isolated schools must submit plans to provide incentives to racially integrate the student population	<ul style="list-style-type: none">• segregated schools required to submit desegregation/learning plans that address racial balance and learning gap	<ul style="list-style-type: none">• plans must be submitted for removing racial segregation; commissioner could waive additional 15% if educational justification
<ul style="list-style-type: none">• community collaboration council to assist in developing plan	<ul style="list-style-type: none">• community council	<ul style="list-style-type: none">• calls for community involvement
<ul style="list-style-type: none">• results to be evaluated and reported to the SBE and the House and Senate education committees; Commissioner may recommend financial incentives for success; recommend actions to House and Senate committees	<ul style="list-style-type: none">• SBE assume responsibility for school upon failure to meet desegregation and learning gap closure; reconstitution of school district personnel; learning gap goal defined as 1/2 standard deviation	<ul style="list-style-type: none">• penalty for non-compliance is reduction in state aid
<ul style="list-style-type: none">• dropped	<ul style="list-style-type: none">• Commissioner has authority to reject new school sites if promoting segregation	<ul style="list-style-type: none">• same

5/2/96

Alliance mtg on Desegregation

John Jewell

- see hand-outs

- Part of the problem w/ deseg is language
 - perhaps need to define "deseg" first
 - need to tackle head on: "Why does a black child need to sit next to a white child to learn? Can't we educate on our own?"

- always gets asked; never answered

- reality: ^{urban} majority black schools

are poor

- hv not ^{historically} been careful to say "poor

blacks or low-inc blacks" or "m-class

whites" → hv just talked abt ~~the~~ race

- Plessy v. Ferguson (1896)

- framed as a property case

- No one argues that students learn best when concentrated by socioeconomic status
 - concentration ^{+ isolation} of poor children higher than at any time in history

short answer:

Resources that go

to poor schools are fundamentally different than go to affluent schools

- Diff. kind of resources:

- > teachers
- > curriculum
- > teachers
- > what students bring

- Another common question: "What are we integrating into or segregating from?"
- answer: the ^{larger} opportunity structure of m-class society

- Need for isolated communities to be connected into the ^{larger} economic system

- Another question: "Why not give us the \$ + let us ^{use it ourselves} ~~use it~~"
- Black Wealth, White Wealth \neq \Rightarrow net assets/wealth of black country is 0
- need not to romanticize segregation
- the longest history we hv in terms of race besides slavery is segregation
- remember Kansas City, Tuskegee
+ it ~~hasn't~~ ^{hasn't} worked anywhere

\Rightarrow We've given the neo-segregationists a free ride
- the burden of proof has been on integrationists
- ask to show where it's worked
- it has worked in places - but w/ problems
 \rightarrow need to ask segregationists where it's worked

\Rightarrow Need to reformulate the debate

- White poverty + black poverty is not the same
- ~~does~~ don't follow the same trajectory
- poor whites can move out, as can m-class blacks
 \Rightarrow poor blacks can't

- Reason ~~blacks~~ blacks are isolated: (or hyper-segregated)

→ The challenge is to talk abt both race + class

- Statistic abt the # of blacks willing to be the first blacks

- Real possibilities for building coalitions around this

- despite sniping, diff. language, there is a lot of common ground, esp.

>>> urban sprawl?

- for enviro
- for race relations
- for urban planning

Georgina Stevens

- see hand-outs

- Current deseg rule: ^{1978?} 15% rule

- In revision since 1982

- 1992: watershed year

- ^{SBE} proposed rule that no one liked (esp. NAACP)

→ Urged legis. to form roundtable to develop new rule

- Difficulty of getting conservatives to table

- ^{peps} but in 1995: Bykora + League

- hearings in suburbs

- framed debate as deseg vs achievement

- this March: new rule

- Diff issues raised on both sides (see her issue sheet)

SBE adopted much of the roundtable's recommendations

- reported this to legis.

o - + started ~~for~~ public hearings

- never got to Revisor's Ofc

194-95

→ event on + on

- Sytkora + League

- # of new SBE agents.

- political pressure from governor's Ofc

} Governor

Question of how to respond to: "Has int./deseg worked?"

- Relative short history of busing

- has been disappointed for yrs already

- ~~the~~ Integration's greatest ~~features~~ successes

+ longest life have bn in the South

- interesting: they didn't try magnet schools, etc.

- it was all mandatory ~~to~~ integration

- different jurisprudence in the north + south &

(since it started "coming home to Boston, Detroit," etc.)

- Data on test scores can be "played w/"
- Data on _____ "
- But data on "life ~~change~~ chances" is clear

Three issues we shd look @ for metro stuff

- > Housing
 - > Education
 - > Transportation
- } everything else will follow

Importance of education

- Myron has been relatively successful @ pointing out that inner suburbs are in even worse trouble

- noting to keep them there (we have some amenities, DT, etc.)

- Millions to come to state ^{from Fannie Mae} in next 10 yrs for "moderate income" hsg ~~for~~

- Difference in timeframes w/ hsg + schools

- Hsg: 10 yrs., even w/ legal + legis. backing
- Educ: soon

- Need to address the "cover" that ~~some class~~ blacks don't want integration

- The argument that blacks don't want it

→ Sharon Sawyer, Belmont etc.

Question of integrating schools by income

- Earl Clane did it (Superintendent did it)
- m-class parents went berserk @ first
- but: test scores of poor students went up so much that everyone likes it now

Lawsuit

- piece that's really missing: education ^{audiences} ^{around} ^{their} ^{large} ^{self-interests}
- in Raleigh-Durham: business com. went to legis.

+ legis. did it against ~~the~~ its constituents (who voted 2-to-1 against it)

Georgia: but how do you get them to the table to talk abt these issues?

Allen:

- Maybe get those moderate Republican business

John: ① Need the church/religious institutions' ^{voice}
^{- cd be mediating institutions}
② Get business & from other cities to talk to them

Ron: imp to frame the issue as ~~systemic~~ systemic → otherwise & will focus on the personal (behaviors, etc.)

Strategies (per John)

All about
giving people's
attn +
educating

- > More op-ed pieces, more visibility
in papers, etc.
- > Lawsuits
- > Educating the "confused" X

Georgina

- imp. to identify moderate Republicans
who can stand up + support
desegregation
- figuring out response to question
"Why should I care?"

John

- Do "Talking Piece" for responses to
common questions
 - w/ responses
 - + add'l readings
- Elevate this to a moral issue
 - the Christian right has courage to
speak to values + morals

5/2/96
Deleg Rule comty discussion @ MLK (St Paul)

John Shulman

- Welcome & intro
- Rule reflects "dominant culture"
- Rulemaking process
 - our challenge: to make the process democratic — to include it into it that will be involved before
- Overall plan for tonight
 - > discuss the assumptions of the rule
 - > 4 issues

Shirley Lee

- SBE: appointed by governor
- Roundtable

Facilitators #1 (Colmicee + Bruce)

- Policy Strit

Organiz

- Districts + neighborhood orgs
- Friends of Public Education

→ Talk to Mike

> John Powell
5/2/96 hand out

Notes for Alliance Meeting

What are the reasons or arguments for continuing to pursue desegregation in education today? What are the implications of current trends in the Twin Cities school districts?

- Equal access to adequate education is the driving force behind desegregation in education. The strong link of segregation by race to segregation by poverty underscores this issue. A study done by the National School Boards Association in 1993 showed that both African-American and Latino students are much more likely than whites to find themselves in schools with concentrated poverty. And in these doubly segregated schools, student performance--measured by attendance rates, grades, and reading levels--was much worse than the performance of students enrolled in low poverty schools. Minority students in such schools have to combat not only stereotypes and racial bias about their predominantly racially segregated schools but they must combat the substantially lesser budgets and materials allotted to those schools, which are likely struggling within neighborhoods of concentrated poverty and the community problems associated with it.]
- With the prominence of the school choice movement and its unfulfilled promises of equal choices and equal access to those choices, desegregation has come to be viewed by some as a policy relic of little lasting use. In fact, the desegregation outcomes, especially for black students in the South and border states where desegregation received the toughest federal enforcement, had lasting positive effects that came to be dismantled in the 1980s as the Justice Department sought to rescind desegregation orders. During the Bush Administration, resegregation of African-American students occurred for the first time since *Brown v. Topeka*. From 1986 to 1991, the proportion of black students in schools with more than half minority students rose, reaching the level existing before the Supreme Court's first busing decision in 1971.]

Intersection of Race and Poverty

- Based on over 83,000 schools in the Education Department's Common Core dataset in 1991, 13% of American schools were

classified as high poverty with over 50% of their students were poor--receiving free and reduced lunch. Another 18% had between 25-50% students in poverty; but half of American schools had less than 10% of the students in poverty. Over two-thirds of the schools with less than one-tenth students in poverty had 10% or fewer African-American and Latino students. Conversely, among the high poverty schools, only one-seventh had less than a tenth African-American and Latino students. Three-fifths of all high-poverty schools in the U.S. have majorities of black and Latino students.

- In Minnesota, the percentages of blacks in a school typically populated by white students is 2.4%; the percentage of white students in a school typically populated by black students is 59.1% (NASB 1993). Nationwide, Minnesota and Oregon have the highest fractions of their relatively small African-American enrollments in predominantly minority schools--Oregon with 35% and Minnesota with 46%. Such isolation fundamentally limits a child's "life chances" as detailed by Amy Stuart Wells and Robert Crain. Not only are students affected by the quality of their instruction, the facilities, and the opportunities that well-supported schools offer, but they are substantially influenced by exposure to other students in an integrated setting, establishing patterns of social interaction, coping, and human education that profoundly shape their life as adults.

Why should we pursue a metropolitan-wide solution to education desegregation? What cities should we emulate? Which provide examples of "policy gone wrong"?

- Desegregation plans that do not cross district lines, especially when the districts are small, do not fully address the problem of segregation. Boston, for example, which has a relatively small school district and did not include many middle-class white students in its desegregation plan, was and continues to be beset by segregation problems. Charlotte, North Carolina, however, included middle-class white students in its metro-wide desegregation plan and has had extensive desegregation even two decades after the initial plan was effected.

- Metro-wide solutions are also important as the old picture of the suburbs is changing. Millions of minority families have relocated to the suburbs but have not left segregation behind. The suburbs of the nation's largest metropolitan areas contained 1.3 million black and 947,000 Latino students in 1991, but two-thirds of the Latinos and three-fifths of the blacks were in predominantly minority schools. Suburbs can be even more vulnerable than cities to school segregation since they are much smaller, have a less diverse housing market, and are deeply affected by neighborhood-level changes in the housing market. As with urban areas, suburbs with small school districts are particularly at risk.
- Minnesota dropped below the national average in its per pupil funding in 1989-90 and has remained below ever since. In 1992-93, our funding of \$5,554 ranked us 21st, below the national spending figure of \$5,594. Property taxes fundamentally perpetuate disparities in wealth between districts; alternative proposals such as property tax levies would keep the funds raised primarily within the district, only being partially equalized by the state. State provided supplemental revenue, however, that is in excess of the basic guaranteed basic revenue provided by the state or a debt service levy, where locally authorized taxes are used to finance school buildings, are not tied to a district's relative tax wealth. Some mixture of local control and broader state or metro-wide planning would help reduce the funding decline and disparity for students.
- States with court-ordered desegregation busing: Mobile, AL, which was permitted to end its busing program in the mid 80s. In 1987, the district served 68,000 students, including roughly one-eighth of Alabama's black students holding better-than-average white enrollments; this balance has begun to erode. Oklahoma City was allowed to dismantle its desegregation plan in the mid 80s and saw an increase of 6% in a two-year period of blacks in intensely segregated schools; the typical black student was now in a school with 6% fewer whites than before the stop of the desegregation plan. There was also a 10% decline in the exposure of blacks to white students. Milwaukee, with court-ordered desegregation, had a

limited suburban exchange program that did little to counteract a declining white population in the central city. Milwaukee, its suburban districts, and the state later agreed to expand this failing effort to a metro-wide voluntary transfer plan. Indianapolis also had a metro-wide plan that had 46% of the black students in majority white schools and almost none in intensely segregated schools during the mid 80s when there was a large growth in the city's black population. Norfolk, Va., serves as another example of dismantled desegregation leading to resegregation. Neighborhood schools and the failure of desegregation efforts were cited as the reasons prompting an end to desegregation in Norfolk, which spread to other cities across the nation. Neighborhood schools in the city did not stem "white flight"--the proportion of white to black students has substantially decreased--or increase parent participation, as had been suggested. Rather, the concentration of the parents in poverty more strongly affects parental involvement than relative proximity to the school. Also, the Norfolk schools have witnessed a widening of the achievement gap between black and white students since reverting to segregated, poverty-concentrated neighborhood schools.

The Urban Coalition

2610 University Avenue West, Suite 201
Saint Paul, Minnesota 55114

Telephone (612) 348-8550
Fax (612) 348-2533

Yusef Mgeni
President

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 5/1/96 TIME: _____

TO: Darcy Seaver #7 (MICHA)

FAX NUMBER: ~~871-8984~~ 870-3663

FROM: Nancy Smith

OF PAGES (including cover sheet) 6

MESSAGE: Here is your packet. You will be co-facilitating w/ Mel Duncan & Travis. We'll play it by ear if it seems that we need to break into more than 4 groups. See you at MLK at 5:30 p.m. Call me about a coffee-maker. Thx.

CONFIRMATION REQUIRED: YES NO

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE PERSONS OR ENTITIES NAMED ABOVE. IF YOU ARE NOT SUCH PERSONS OR ENTITIES, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION OR REPRODUCTION OF THIS FACSIMILE MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY CALL US AT (612) 348-8550.

(PLEASE CONTACT THE SENDER AT THE ABOVE NUMBER IF TRANSMISSION IS INCOMPLETE OR CANNOT BE READ)

DESEGREGATION RULE DISCUSSION GROUP AGENDA

1. Welcome and explanation of meeting purpose
2. Presentation of first handout, school data, and keypoints of Synopsis, what is the SBE and Roundtable?
3. Breakout into small discussion groups
4. Back to large discussion group
5. Phone calls to State Register

St. Paul Public Schools

- In 1994-95, there were 20,929 (51.9%) students of color in St. Paul Public Schools. 33% of K-12 enrollment were students of color in 1984-85.
- In 1994-95, there were 260 teachers of color, 11.1% of all teachers.

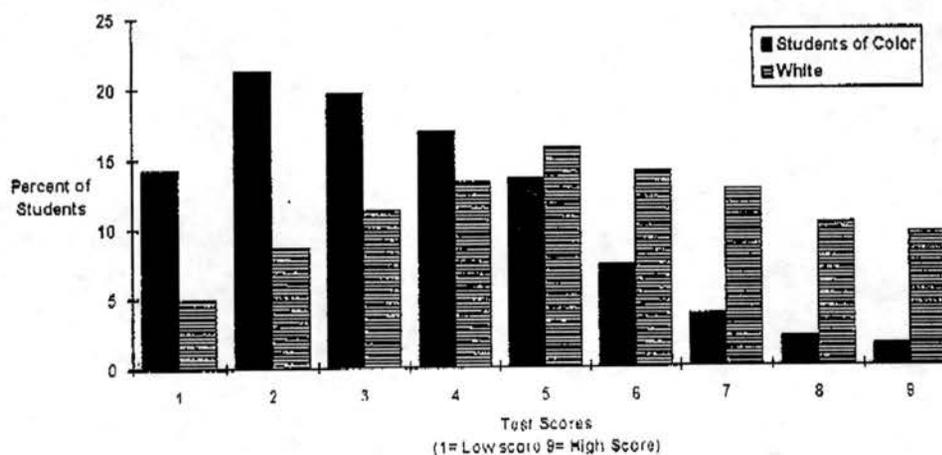
Enrollment Trends for Students of Color in the St. Paul Public Schools

	African American	Hispanic American	Asian American	American Indian	% Students of Color
1970-71	3,155	1,606	123	458	10.75%
1984-85	4,348	1,713	3,476	648	33.19%
1995-96	9,032	2,832	10,530	631	54.31%

St. Paul Schools with the Highest Percent of Students of Color in Each Grade Level

School	Grade Level	Af/Am	Hisp/Am	Am/Ind	Wh/Am	As/Am	Percent Students of Color
East Consolidated Elementary	K-6	212	39	13	188	300	75%
Highland Park Junior High	7-8	168	19	3	175	139	65.28%
Como Park Senior High	9-12	293	51	21	639	429	55.41%

1994 Metropolitan Achievement Test Scores for Grades 2-8
Students of Color vs. White Students
St. Paul Public Schools



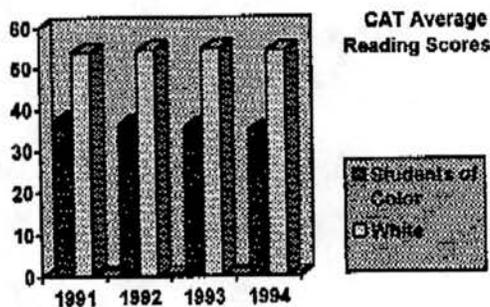
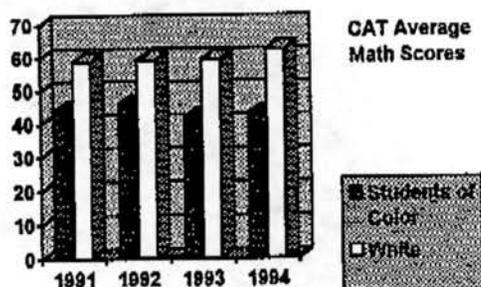
MINNEAPOLIS PUBLIC SCHOOLS DATA

Student Population and General Data

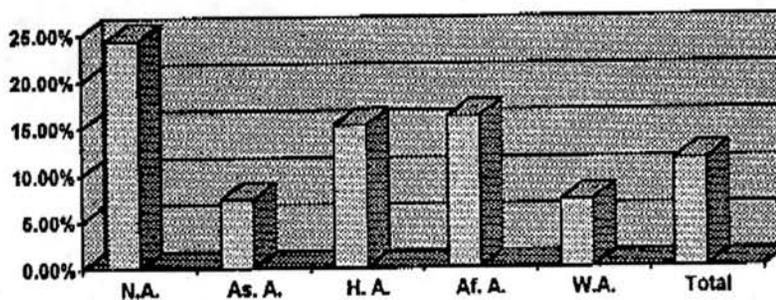
Currently students of color make up 65% of the total district population. Low-income students, according to the free and reduced lunch guidelines, make up 60% of the total district population. Staff of color comprise 15.5% of total district staff.

Currently 14 Minneapolis schools have over 80% students of color. Out of these 14 schools, seven schools have nearly 99% students of color. Those schools are Bethune (99%), Bryn Mawr (96%), Hall (99%), Lincoln (99%), Lucy Laney (99%), North Star (99%), and West Central Academy (99%).

Minneapolis Public Schools Achievement Data



Minneapolis Public Schools 1984-1996 Drop-out Rates for Native Americans, Asian American, Hispanic Americans, African Americans, and White American Students Grades 7-12



IT'S ABOUT YOU, YOUR COMMUNITY AND YOUR CHILDREN'S EDUCATION!

Robert Miller
Office of Desegregation
564 Capitol St.
560 Cedar St.
St. Paul MN
55101-2273

ATTEND A COMMUNITY DISCUSSION GROUP ON THE STATE DESEGREGATION RULE

- fax:
296-3272

Learn more about the State Board of Education's proposed Desegregation Rule and how it may impact your community, your school and your child's education. Discuss and decide with your neighbors about what recommendations you'd like to make. **You can make your voice heard in this important rulemaking process.**

The community focus groups are scheduled for:

Thursday, May 2nd
Martin Luther King Center
270 Kent Street
St. Paul
6:30 p.m. to 8:00 p.m.

Tuesday, May 7th
Sabathani Community Center
310 E. 38th Street
Minneapolis
6:00 p.m. to 7:30 p.m.

The discussion groups are free and open to the public. Child care will be available at both community centers and refreshments will be served. For further information, contact: Nancy Smith at the Urban Coalition (348-8550), Bettye King at the Minnesota Alliance for Progressive Action (641-4050), or Shirley Lee at the Catholic Charities Office for Social Justice (291-4477).

FACILITATORS DEFINITIONS:

State Board of Education: Governor appointed board from each of the congressional districts. They have the authority to develop or change the State Desegregation Rule and to enforce it. They recently amended/changed the Desegregation Rule on 3/11/96.

Roundtable: Group of community persons/leaders who were organized by the State Board of Education to make changes to the State Desegregation Rule. Their recommendations were not adopted by the State Board of Ed. Their recommendations are summarized in the Synopsis and are available for whoever wants to pick them up.

Desegregation Rule Process:

The State Board of Ed has recently amended the Rule. They are taking public comment through the State Register until May 10th. It is critical that the public/community members call in with their recommendations. We will have the recommendations from this discussion group available at the end of the meeting. The Rule will be amended by them several more times before it is finalized. That process may take several months.

DESEGREGATION RULE DISCUSSION GROUP AGENDA

1. Welcome and explanation of meeting purpose
2. Presentation of first handout, school data, and keypoints of Synopsis, what is the SBE and Roundtable?
3. Breakout into small discussion groups
4. Back to large discussion group
5. Phone calls to State Register

What is **SEGREGATION**?

Generally, segregation is the separation or isolation from others or from a main body or group. In our case, segregation is the separation from the rest of society based on class or race.

What is **DESEGREGATION**?

Desegregation is the abolishment of segregation, referring mostly to cases of racial segregation.

What is the impact of educational segregation?

- Educational segregation produces a gap in educational achievement.
- Educational segregation reduces the life chances of poor children and children of color.
- What else?

What is the impact of educational desegregation?

- Educational desegregation allows for racial, cultural and socioeconomic diversity, adding to a child's education
- Educational desegregation is one part of breaking concentrations of poverty.
- What else?

KEY POINTS OF THE STATE BOARD OF EDUCATION DESEGREGATION RULE DRAFT AND THE ROUNDTABLE RECOMMENDATIONS

STATE BOARD OF EDUCATION
PROPOSED DESEGREGATION RULE

POLICY STATEMENT

SBE seeks to eliminate racially identifiable schools and ensure comparable opportunities to improve student achievement.

BOTTOM LINE:

Separate does not mean equal. Separate ensures unequal educational achievement for students of color.

ROUNDTABLE RECOMMENDATIONS

POLICY STATEMENT

SBE will ensure access to opportunities which result in equal educational achievement for all learners.

DEFINITION OF SEGREGATION

School district's intentional act of separating students in school on the basis of race. In the new draft, segregation only exists if it is intentional - - only then does a school have to address desegregation.

BOTTOM LINE:

In the State Board of Education's proposed rule, unintentional segregation is not addressed, and, therefore, is okay.

DEFINITION OF SEGREGATION

Intentional or unintentional separation of learners or staff of color within buildings. Intent doesn't matter, all school districts must address segregation.

PLAN TO ELIMINATE SEGREGATION

A school district shall develop a Desegregation Plan if it is determined that they have intentionally segregated students. The plan must address the conditions which contributed to segregation. If the segregation is not intentional, a district shall develop a plan which provides incentives for integration such as smaller class size, school choice, and transportation.

BOTTOM LINE:

The only way to determine if a school is segregated is for a school to admit it has done so.

PLAN TO ELIMINATE SEGREGATION

All districts must submit a Desegregation Plan which addresses: reducing the learning gap between learners of color and their white peers; educational diversity; racial balance; recruitment of staff of color; remodeling, rebuilding and new school construction; and community involvement.

ENFORCEMENT OF THE RULE

Sanctions or penalties will be applied only if a district is found to have intentionally segregated students. Penalties could include withholding of district aid; referral to the MN Department of Human Rights for investigation; or a report to the State Legislature for appropriate action.

BOTTOM LINE:

It is extremely difficult for district to be found to have intentionally segregated students, and, therefore, sanctions cannot be applied.

ENFORCEMENT OF THE RULE

Any school district will be subject to sanctions or penalties if they fail to reduce the learning gap between learners of color and their white peers. Sanctions or penalties include reconstitution or complete replacement of staff or administration of the school.

St. Paul Public Schools

- In 1994-95, there were 20,929 (51.9%) students of color in St. Paul Public Schools. 33% of K-12 enrollment were students of color in 1984-85.
- In 1994-95, there were 260 teachers of color, 11.1% of all teachers.

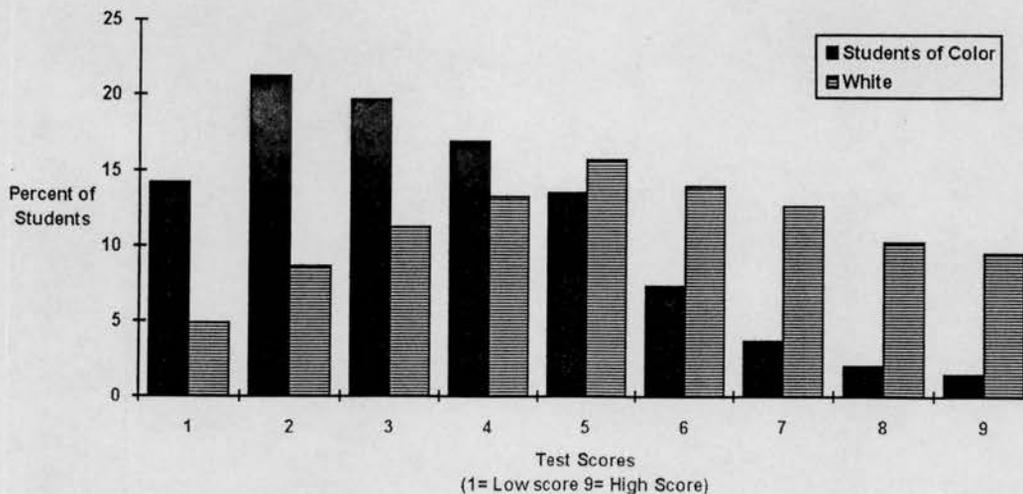
Enrollment Trends for Students of Color in the St. Paul Public Schools

	African American	Hispanic American	Asian American	American Indian	% Students of Color
1970-71	3,155	1,606	123	458	10.75%
1984-85	4,348	1,713	3,476	648	33.19%
1995-96	9,032	2,832	10,530	631	54.31%

St. Paul Schools with the Highest Percent of Students of Color in Each Grade Level

School	Grade Level	Af/Am	Hisp/Am	Am/Ind	Wh/Am	As/Am	Percent Students of Color
East Consolidated Elementary	K-6	212	39	13	188	300	75%
Highland Park Junior High	7-8	168	19	3	175	139	65.28%
Como Park Senior High	9-12	293	51	21	639	429	55.41%

**1994 Metropolitan Achievement Test Scores for Grades 2-8
Students of Color vs. White Students
St. Paul Public Schools**



MINNEAPOLIS PUBLIC SCHOOLS DATA

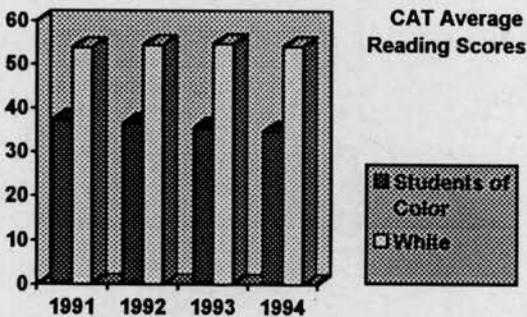
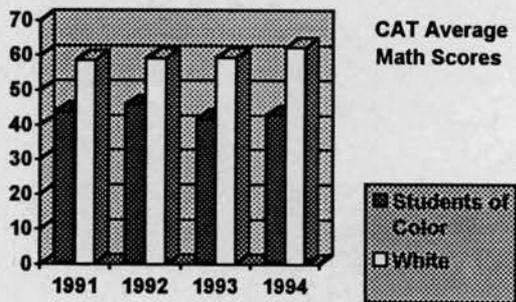
Student Population and General Data

Currently students of color make up 65% of the total district population. Low-income students, according to the free and reduced lunch guidelines, make up 60% of the total district population. Staff of color comprise 15.5% of total district staff.

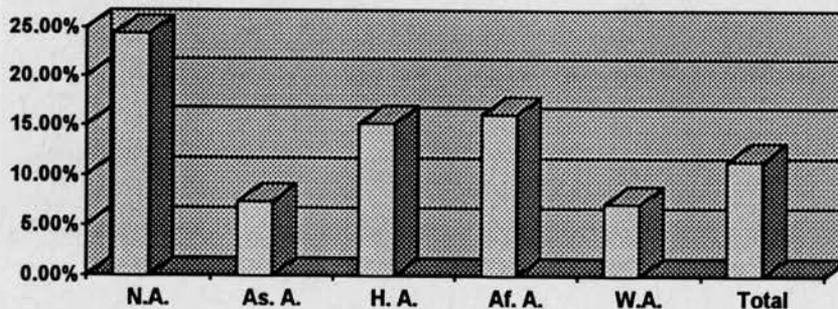
*Project
to Meyer
2000*

Currently 14 Minneapolis schools have over 80% students of color. Out of these 14 schools, seven schools have nearly 99% students of color. Those schools are Bethune (99%), Bryn Mawr (96%), Hall (99%), Lincoln (99%), Lucy Laney (99%), North Star (99%), and West Central Academy (99%).

Minneapolis Public Schools Achievement Data



Minneapolis Public Schools 1994-1995 Drop-out Rates for Native Americans, Asian American, Hispanic Americans, African Americans, and White American Students Grades 7-12



2.

POSSIBLE OPENING DIALOGUE, KEY MESSAGES, AND QUESTIONS

Key Message: The proposed desegregation rule is totally null and void because of the use of the term "intentional segregation." Further, there is no accountability by the State Board of Education to either desegregate schools or to reduce the learning gap between students of color and white students.

Prior to opening the discussion, read both the state board of education proposed desegregation rule and the roundtable recommendation.

STATE BOARD OF EDUCATION PROPOSED DESEGREGATION RULE

DEFINITION OF SEGREGATION

School district's intentional act of separating students in school on the basis of race. In the new draft, segregation only exists if it is intentional -- only then does a school have to address desegregation.

ROUNDTABLE RECOMMENDATION

DEFINITION OF SEGREGATION

Intentional or unintentional separation of learners or staff of color within buildings. Intent doesn't matter, all school districts must address segregation.

BOTTOM LINE: In the State Board of Education's proposed rule, unintentional segregation is not addressed, and is therefore okay.

Intentional segregation refers to deliberately separating students by race within cities, school districts, or even within individual schools. Unintentional segregation refers to the separation of students by race because of other factors besides deliberate intent such as demographics (where people live).

Referring to your Saint Paul Public Schools Data, take a moment to look at the learning gap between white students and students of color. As you can see comparable opportunities have not resulted in equal educational achievement for students of color.

AND/OR

Referring you to the Minneapolis Public Schools Data sheet, in paragraph 2 you will note that in Minneapolis there are 14 schools that have over 80% students of color. There are seven schools that have nearly 99% students of color.

- Q. What are some examples that you've seen or experienced of the negative effects of segregation?
- Q. Are the effects of segregation the same whether it's intentional or unintentional?
- Q. Should school districts develop desegregation plans regardless of whether segregation is intentional or unintentional? Why?

The roundtable recommends that all schools districts must address desegregation. The language that they propose does not allow schools districts an out based on intent.

DEVELOP RECOMMENDATIONS:

2

FACILITATORS' PACKET

- White sheet - - Facilitators' Dialogue
- Salmon sheet - - Agenda for evening
- Blue sheet - - definitions and impacts
- Yellow sheet - - keypoints from Synopsis
- Green Sheet - - St. Paul Schools Data
- Gray Sheet - - Minneapolis Schools Data

DESEGREGATION RULE DISCUSSION GROUP AGENDA

1. Welcome and explanation of meeting purpose: (5 minutes)
2. Presentation of first handout, school data, and keypoints of Synopsis, what is the SBE and Roundtable: (15 minutes)
3. Breakout into small groups: (5 minutes to get moved around and situated)
4. Small group discussion: (10 minutes/keypoint, scenario, questions, and recommendations - - 40 minutes total)
5. Back to Large Group: (15 minutes to report small group recommendations and 5 minutes for closure and distributing script and recommendations for phone calls)
6. Phone calls to State Register.

2.

POSSIBLE OPENING DIALOGUE, KEY MESSAGES, AND QUESTIONS

Key Message: The proposed desegregation rule is totally null and void because of the use of the term "intentional segregation." Further, there is no accountability by the State Board of Education to either desegregate schools or to reduce the learning gap between students of color and white students.

Prior to opening the discussion, read both the state board of education proposed desegregation rule and the roundtable recommendation.

STATE BOARD OF EDUCATION PROPOSED DESEGREGATION RULE

DEFINITION OF SEGREGATION

School district's intentional act of separating students in school on the basis of race. In the new draft, segregation only exists if it is intentional -- only then does a school have to address desegregation.

ROUNDTABLE RECOMMENDATION

DEFINITION OF SEGREGATION

Intentional or unintentional separation of learners or staff of color within buildings. Intent doesn't matter, all school districts must address segregation.

BOTTOM LINE: In the State Board of Education's proposed rule, unintentional segregation is not addressed, and is therefore okay.

Intentional segregation refers to deliberately separating students by race within cities, school districts, or even within individual schools. Unintentional segregation refers to the separation of students by race because of other factors besides deliberate intent such as demographics (where people live).

Referring to your Saint Paul Public Schools Data, take a moment to look at the learning gap between white students and students of color. As you can see comparable opportunities have not resulted in equal educational achievement for students of color.

AND/OR

Referring you to the Minneapolis Public Schools Data sheet, in paragraph 2 you will note that in Minneapolis there are 14 schools that have over 80% students of color. There are seven schools that have nearly 99% students of color.

- Q. What are some examples that you've seen or experienced of the negative effects of segregation?
- Q. Are the effects of segregation the same whether it's intentional or unintentional?
- Q. Should school districts develop desegregation plans regardless of whether segregation is intentional or unintentional? Why?

The roundtable recommends that all schools districts must address desegregation. The language that they propose does not allow schools districts an out based on intent.

DEVELOP RECOMMENDATIONS:

What is **SEGREGATION**?

Generally, segregation is the separation or isolation from others or from a main body or group. In our case, segregation is the separation from the rest of society based on class or race.

What is **DESEGREGATION**?

Desegregation is the abolishment of segregation, referring mostly to cases of racial segregation.

What is the impact of educational segregation?

- Educational segregation produces a gap in educational achievement.
- Educational segregation reduces the life chances of poor children and children of color.
- What else?

What is the impact of educational desegregation?

- Educational desegregation allows for racial, cultural and socioeconomic diversity, adding to a child's education
- Educational desegregation is one part of breaking concentrations of poverty.
- What else?

St. Paul Public Schools

- In 1994-95, there were 20,929 (51.9%) students of color in St. Paul Public Schools. 33% of K-12 enrollment were students of color in 1984-85.
- In 1994-95, there were 260 teachers of color, 11.1% of all teachers.

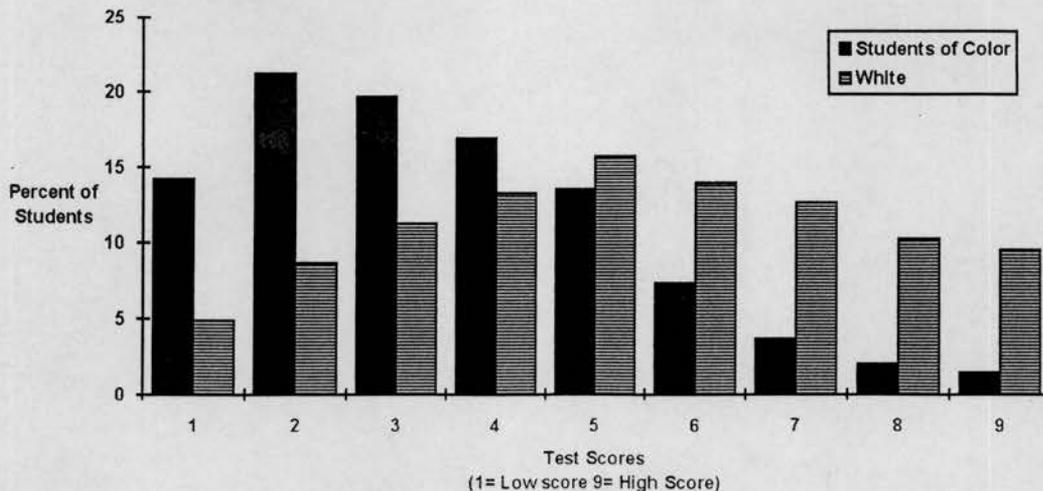
Enrollment Trends for Students of Color in the St. Paul Public Schools

	African American	Hispanic American	Asian American	American Indian	% Students of Color
1970-71	3,155	1,606	123	458	10.75%
1984-85	4,348	1,713	3,476	648	33.19%
1995-96	9,032	2,832	10,530	631	54.31%

St. Paul Schools with the Highest Percent of Students of Color in Each Grade Level

School	Grade Level	Af/Am	Hisp/Am	Am/Ind	Wh/Am	As/Am	Percent Students of Color
East Consolidated Elementary	K-6	212	39	13	188	300	75%
Highland Park Junior High	7-8	168	19	3	175	139	65.28%
Como Park Senior High	9-12	293	51	21	639	429	55.41%

1994 Metropolitan Achievement Test Scores for Grades 2-8 Students of Color vs. White Students St. Paul Public Schools



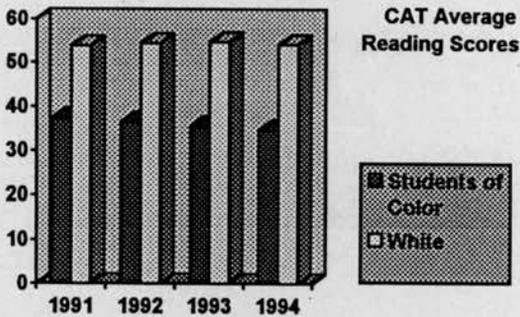
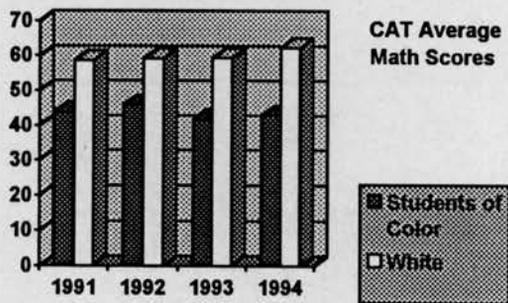
MINNEAPOLIS PUBLIC SCHOOLS DATA

Student Population and General Data

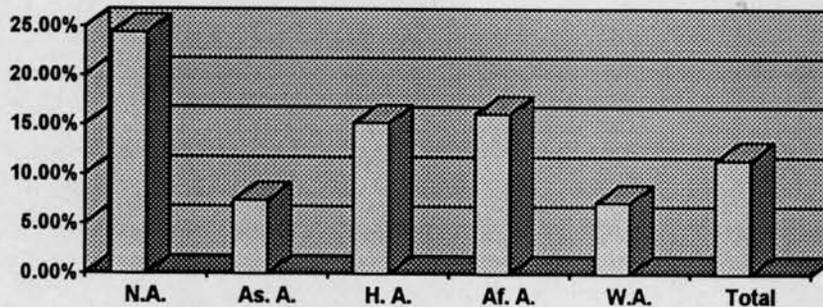
Currently students of color make up 65% of the total district population. Low-income students, according to the free and reduced lunch guidelines, make up 60% of the total district population. Staff of color comprise 15.5% of total district staff.

Currently 14 Minneapolis schools have over 80% students of color. Out of these 14 schools, seven schools have nearly 99% students of color. Those schools are Bethune (99%), Bryn Mawr (96%), Hall (99%), Lincoln (99%), Lucy Laney (99%), North Star (99%), and West Central Academy (99%).

Minneapolis Public Schools Achievement Data



Minneapolis Public Schools 1994-1995 Drop-out Rates for Native Americans, Asian American, Hispanic Americans, African Americans, and White American Students Grades 7-12



*Darry -
 Comments/suggestions?
 We'll be @ the Urban Coalition
 W5/1 10AM-noon
 Shirley*

DRAFT

KEYPOINT QUESTIONS FOR FACILITATORS

Policy statement:

1. How is not ensuring equal educational achievement results harmful to your children?
2. Should school districts be mandated to produce results in reducing the learning gap as part of a Desegregation Plan?

Definition of Segregation:

1. Should school districts develop a Desegregation Plan regardless if segregation is intentional or unintentional?
2. Can segregation exist in a school building even if the school district appears to be desegregated?

Plan to Eliminate Segregation:

1. What is the advantage of a Desegregation Plan for your children?
2. Should a Desegregation Plan only address the number of students of color in a school? Why or why not?

Enforcement of the Rule:

1. Should segregated school district be mandated to desegregate? Why?
2. Who should determine if a school district is segregated?
3. What should the remedies be if it is determined that a school or school has segregated students?

Post-It™ brand fax transmittal memo 7571 # of pages **4**

To <i>Darry</i>	From <i>Shirley Lee</i>
Co. <i>MICAH</i>	Co. <i>OSTD</i>
Dept.	Phone # <i>291-4477</i>
Fax # <i>871-8984</i>	Fax # <i>290-1628</i>

DRAFT

- Q. What ^{impact} ~~impact~~ would recruiting staff of color have ~~impact~~ on students of color?
- Q. What is the advantage of a Desegregation Plan? Should it include reducing the learning gap?
4. The State Board of Education's proposed rule, sanctions will be applied only if a district is found to have been intentionally segregated. The Roundtable recommends that sanctions apply if a district fails to reduce the learning gap. Again, the Roundtable is more concerned about your child's progress in school.
- Q. In your ~~opinion~~, would it be easy for someone to determine a ~~schools~~ district's intent as it applies to segregation?
- Q. Are you more ~~concerned~~ about who your child goes to school with or ~~how~~ your child achieves in school?

St. Paul Public Schools

- In 1994-95, there were 20,929 (51.9%) students of color in St. Paul Public Schools. 33% of K-12 enrollment were students of color in 1984-85.
- In 1994-95, there were 260 teachers of color, 11.1% of all teachers.

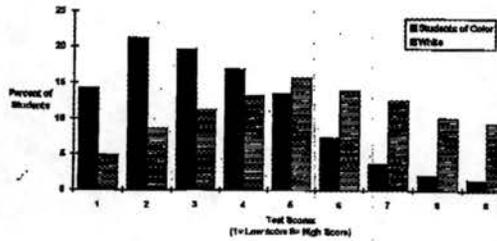
Enrollment Trends for Students of Color in the St. Paul Public Schools

	African American	Hispanic American	Asian American	American Indian	% Students of Color
1970-71	3,155	1,606	123	458	10.75%
1984-85	4,348	1,713	3,476	648	33.19%
1995-96	9,032	2,832	10,530	631	54.31%

St. Paul Schools with the Highest Percent of Students of Color in Each Grade Level

School	Grade Level	Af/Am	Hisp/Am	Am/Ind	Wh/Am	As/Am	Percent Students of Color
East Consolidated Elementary	K-6	212	39	13	188	300	75%
Highland Park Junior High	7-8	168	19	3	175	139	65.28%
Como Park Senior High	9-12	293	51	21	639	429	55.41%

**1994 Metropolitan Achievement Test Scores for Grades 2-8
Students of Color vs. White Students
St. Paul Public Schools**



DRAFT

Possible Methods of Setting Up the Dialogue

Read both state board of education proposed desegregation rule and the roundtable recommendation.

1. Allowing for comparable opportunities to improve student achievement is not the same as those opportunities actually resulting in equal educational achievement as the Roundtable recommends.

Just because a textbook is on the shelf, which is an example of a comparable opportunity, does not mean that the teacher has to open it and teach your child its lessons. Referring to your Minneapolis Public Schools Data handout, you can see from the CAT average math and reading scores that comparable opportunities have not equaled educational achievement for children of color.

Q. How is not ensuring equal educational achievement results harmful to your kids?

Q. As parents, would you rather that your children have a comparable opportunity only or would you rather see actual results?

2. Referring you to the Minneapolis Public Schools Data sheet, in paragraph 2 you will note that in Minneapolis there are 14 schools that have over 80% students of color. There are seven schools that have nearly 99% students of color.

Q. You have heard of some of the negative results of segregation on children. What are some others?

Q. Is it fair to say that the results of unintentional segregation the same as intentional segregation?
Can it be improved?

The roundtable recommends that all schools districts must address desegregation. The language that they propose does not allow schools districts an out based on intent.

3. According to the State Board of Education's proposed desegregation rule, a school district only needs to develop a desegregation plan if it is determined that they are a segregated district. As you can see from the Minneapolis Public Schools Data sheet, currently several schools are segregated and children of color's scores are way below those of their white peers. The Roundtable's recommendation focuses on issues such as the learning gap, efforts to recruit staff of color, etc.

WEDNESDAY, APRIL 3 • 1996

INSIGHT: NAACP's Minneapolis branch

Waging a winning battle for respect

Lawsuits put local NAACP in spotlight as national group seeks relevance

By Wayne Washington
Star Tribune Staff Writer

The courtroom on the 16th floor of Hennepin County Government Center was packed Tuesday, just as a room at the State Office Building in St. Paul was a few weeks ago.

Each group had come to witness proceedings that could affect how children in Minneapolis and the rest of the state are educated. And at each gathering, the NAACP and its lawyers were present.

The national office of the civil rights organization may still be searching for a way to weigh in on issues important to its supporters, but the Minneapolis branch has taken on argument after argument.

That's not to say that those arguments are universally embraced by communities from which the association draws its support, but standing up to make those arguments raises the relevance and profile of an organization still piecing its national reputation back together.

At the Government Center on Tuesday, the argument was over how — or if — the state has

followed its own desegregation guidelines.

In asking for a summary judgment, the NAACP argued that many schools in Minnesota are segregated and that students are not getting an adequate education. The state asked Hennepin County District Judge Gary Larson to dismiss the case, arguing that districts have not caused segregation and are not responsible for making sure that students learn on an equal basis. Larson took the motion under advisement.

Last month at the State Office Building, the NAACP asked the state Board of Education to deny Minneapolis public schools a waiver from the desegregation rule designed to maintain racial balance. The board voted unanimously to grant the waiver, but the NAACP's presence had been felt.

Minority residents — told of the meeting time and site by NAACP officials — packed the room and offered stirring testimony on why waiving the desegregation rule and letting the district proceed with its plan for community schools would harm their children.

"The NAACP has been the backbone of the minority community in the U.S.," said board member Wendell Maddox. "They're always concerned about what happens to people of color. They are a positive force."

Nationally, that's not how the organization has been described. Debt-ridden, old-fashioned, out-of-touch, reckless. Those are the adjectives paired with the NAACP in the aftermath of former Executive Director Ben Chavis' surreptitious attempts to settle a sexual harassment suit, his overtures to Nation of Islam leader Louis Farrakhan and the alleged financial misappropriations of former NAACP Board Chairman William Gibson.

"The stuff at the national level hurt the local branches," said Yusef Mgeni, president of the Urban Coalition and a member of the NAACP's Minneapolis branch.

Bill Davis, president of the Minneapolis NAACP, said the local branch's recent battles, including efforts to desegregate housing in Minneapolis, will raise its public profile.

"I don't think that's our mission here," Davis said. "That's a byproduct of it."

Both Davis and Law Freeman, president of the Minneapolis branch from 1981 to 1985, said the NAACP's local branches always have been at the heart of the association's work.

Freeman pointed to the settlement of the Minneapolis housing segregation suit as an example of how the NAACP works.

"Housing discrimination is a problem the national NAACP takes a position on, and then it becomes a matter of local implementation," Freeman said.

Freeman knows that some believe the NAACP should focus on such issues as teen pregnancy and gangs, but he disagrees.

"We are a civil rights organization, not a social services organization," he said. "We don't have a sign out saying we're handing out condoms or buying back guns."

Over the long term, however, Freeman believes the legal fights taken up by local branches such as Minneapolis will make a difference for the association and its supporters.

"These are the kinds of battlegrounds the NAACP has traditionally been successful on," he said.

SUIT from B1

Watchers of NAACP suit wait to see if case will be dismissed

Holding a thick binder detailing Minnesota's education statutes, Assistant Attorney General Michael Vanselow told Larson that nothing in the statutes or in the state's Constitution requires Minnesota to achieve equal educational outcomes among students. But the NAACP, he said, is seeking to establish that respon-

sibility through the lawsuit.

"A superior educational opportunity in one district doesn't make the education in another district inadequate," he said.

Though he acknowledged differences in performance among students in different districts, Vanselow said those differences are the result of factors beyond the

control of school districts. Those issues shouldn't be addressed by the court, he said, but by politicians, policymakers, communities and families.

When NAACP attorney Daniel Shulman made his presentation, he showed a chart detailing Minneapolis elementary students' reading test scores. The chart, which tracked test performance from 1991 through 1994, showed the scores falling farther and farther below the national average.

Shulman said the scores are a manifestation of state practices and policies that have led to con-

centrations of poor and minority people in the inner city. The school districts, he said, cannot provide these students with an education equaling that in better-off districts.

"They have so many problems to deal with that are not strictly connected to reading, writing and arithmetic. They are overwhelmed by the sheer concentration of poverty and minority children together," he said.

Before the hearing ended, both attorneys agreed that trial preparation, should it be necessary, would probably take a year.

Community schools are key

New plan is best way to help every student achieve

By Bill Green

The No. 1 goal for the Minneapolis Public Schools is to ensure that all students learn. Last June, the school board embraced a set of values and set a direction for the district to support improved achievement for all students and to eliminate the achievement gap between students of color and white students.

Minneapolis Public Schools will begin implementing these policies for elementary students this fall. The policies, which expand grade configurations and provide for community schools, are based on the fact that family and community involvement is critical for improving achievement for all students and for reducing the learning gap between students of color and white students. The policies support student achievement by:

➤ **Providing stability for students.** Elementary schools will have at least six grades, allowing families and school staff to support each other over a longer time. Schools with fewer grades will expand.

➤ **Providing predictability in school choice.** Community schools with guaranteed attendance areas, magnet schools and partner schools replaced 18 choices in programs and grades.

➤ **Keeping students from the same family together in one school.** Priorities have been set to place all students in a family in the same school when requested.

➤ **Supporting diversity at all sites.** Our student population is becoming more racially and ethnically diverse in all areas of the city.

➤ **Placing more students in schools closer to home.** We want to enable and support family involvement in every child's education.

➤ **Building strong community support for schools and their students and families.** We are attempting to do this through the creation of community attendance areas.

➤ **Maintaining choices for families.** Families can choose among magnet schools, community schools and partner schools outside the community.

Families will still choose their schools, as they have for 20 years. Families located in guaranteed attendance areas can choose to send their children to their designated community school, or select a magnet school. Families in open attendance areas can select from among several community schools, partner schools or magnet schools. Sixty-two percent of students of color in our elementary schools live in areas where it is possible to guarantee them a spot in a school in their community.

Guaranteed attendance areas for community schools are located in all areas of the city — the areas are larger or smaller depending upon the number of children living close to the schools. This is because we are maintaining our commitment to low class size, and not displacing families now attending schools. Guaranteed attendance areas and open areas (without community school guarantees) exist in all areas of the city, representing a range of racial and income groups. Families living in open areas (without guaranteed community schools) will have more school choices, including community schools in their area, magnet schools and priority status to enter their community partner schools.

We are building schools where our students live. There will be several schools opened over the next three years in response to increased student enrollment. These schools will be located

where the greatest number of children live, between Lake St. in the south and Lowry Av. in the north. Space for more than 2,500 elementary school students will be added to create larger guaranteed areas as the schools are built.

Simply following guidelines that require certain percentages of students of color at each school location has not improved student achievement. We know that students do best academically when they attend schools close to home with stability and support from their families and communities. During 1994-95, with strong curriculum and instructional support, the greatest reading gains among elementary students were made by students who lived less than one mile from their schools.

Racial and cultural diversity is assured in this new plan. We value this diversity as one of our strongest educational tools in preparing students for life in a multicultural society. Students of color (of many racial and ethnic identities) represent the majority of students in this city and increasingly so each year. In just 3½ years, elementary students in Minneapolis Public Schools are projected to be close to 80 percent students of color. Based on the current rule, an elementary school with 95 percent students of color could be considered desegregated and in compliance with the rule.

We project that, under the community schools plan, fewer schools will be out of compliance with the state desegregation rule next year. New grade configurations at a number of schools will result in different student population there.

The state has long acknowledged that the current rule is outdated, and in fact has been working on revising this rule for several years. The school district has worked with the NAACP and other community organizations to revise this rule to emphasize student achievement.

The community schools approach does not violate federal law, the state Constitution or *Brown vs. Board of Education*. The school district has asked the state of Minnesota for a variance pursuant to the current desegregation rule. This variance is allowable by law and is not a violation.

While the district has committed itself to desegregation and will always comply with the law, it also has the obligation to ensure that all students learn. The plan includes strategies to assure that diversity continues. The plan takes into account who our students are and gives priority to their academic achievement.

Our intent is to minimize the distance and shorten the time on the bus. With community and partner schools, more students in each neighborhood will be attending the same schools, so that relationships can be strengthened. Students who are bused out of their community will be choosing a partner school or a magnet school, both with more integrated student bodies.

Accurate information is critical to understanding and judging this new approach. A map recently presented in parts of our community, and in this newspaper (inaccurately attributed to the school district) last Sunday, misrepresents the facts of school choices. Most importantly, it fails to show the racial composition of school-age children in the city. Not all the options available for families were shown, magnet schools were not shown, and the racial percentages were for the full population, which is far different from the student population.

Our community has been telling us how to change. For several years, the Minneapolis community has been discussing school attendance areas, school choice, how to assure racial and cultural diversity, and how to improve student achievement. Community input has been extensive. Our conclusion is that families throughout Minneapolis want to be able to choose a school, want the option of having their elementary students closer to home, and want to maintain diversity in their schools.

The community schools approach has strong support. Many neighborhoods have declared through their Neighborhood Revitalization Plans their desire for a closer relationship between school and community. The city has made a commitment to diversify housing throughout the city, rather than concentrating low-income housing in only a few areas. Mayor Sharon Sayles Belton and members of the Minneapolis City Council unanimously support bringing schools closer to parents and community.

Is the community school plan the only initiative to improve student achievement? Not by a long shot. Through high and relevant curriculum standards, staff development and other initiatives, the Minneapolis Public Schools is holding itself accountable to the community for student achievement on a level that does not exist for any other school district in Minnesota. Student achievement must be our No. 1 priority.

— Bill Green is chair of the Minneapolis Board of Education.

Our perspective

Desegregation

State Board should pass new rule

With all the ferment over private school vouchers for poor urban kids, a major irritant in urban education has been overlooked: The state's antiquated desegregation rule. On Monday the State Board of Education plans to fix that rule after nearly a decade of trying. The draft before the board — when coupled with a new diversity rule and graduation requirements — is the best any board can do, given its lack of power over the Legislature. The board should pass the new rule without delay. In doing so, it will be removing a persistent obstacle to creative educational solutions in city schools. It will also be adding valuable new levers for districts all over the state to solve problems that may arise if schools become racially isolated from their neighbors.

Under the proposed new rule, it is possible that a school could become 100 percent learners of color (something also possible under the current rule in a few years). However, the new rule wisely doesn't declare that condition inherently invalid if it resulted from "informed choices" by parents from an array of integrated programs, and if the school has staff, facilities and programs that are comparable or superior to those of other district schools. That common-sense approach is what families of color have sought for years.

On the other hand, the rule provides significant enforcement if "intentional segregation" is uncovered and not remedied, including withholding state school aid. It also proposes a

series of sensible incentives for districts to change practices if segregation exists but is not intentional. Solutions include moving students among schools for greater racial balance, but also enhancing programs for schools predominantly serving learners of color. Such approaches are far superior to today's simplistic racial head-counting that ignores the quality of programs, whether parents have chosen to be there and the academic results the school is achieving.

In an important new step, the proposed new rule would require interdistrict cooperation to the degree that one district differs in racial composition markedly from its neighbors. It also invokes the board's available power to deter districts from building new schools in segregated locations.

Could the proposed rule be strengthened? Not unless the Legislature were to grant the board power to directly control school site selection and direct fiscal power — to fully fund, for example, the education formula designed to assist poor children, funding the board has repeatedly recommended to the Legislature.

The desegregation rule revision process has seemed to take forever. The current board, under the able and prodding leadership of Jeanne Kling, deserves public applause for its success. It has wrestled an antiquated, politically charged rule into a much more flexible, ultimately more workable means to address the state's rapidly changing racial and ethnic mix. That's good work.

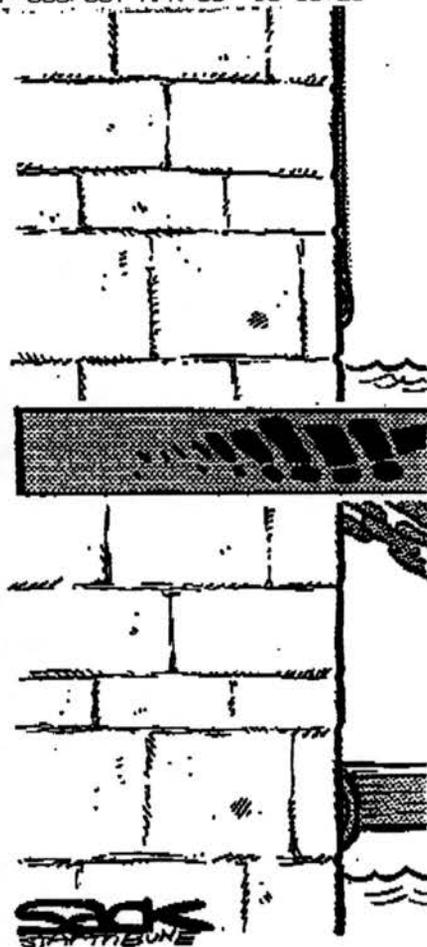
Budget blueprint

There's still hope for deficit reduction

House Speaker Newt Gingrich called President Clinton last week to explore ways of restarting the balanced-budget talks. Remember the balanced budget? Remember Newt Gingrich? Both have been swept from center stage by rhetorical gusts from the GOP presidential primaries. Congressional Republicans sought to govern on the politics of fiscal restraint and now find voters clamoring for economic security instead.

alistically into 2001 and 2002. And because the Coalition budget doesn't give away billions of dollars in tax cuts, as the Republicans do, it doesn't have to impose ill-conceived cuts in Medicare, Medicaid and welfare.

On Medicare, for example, the Blue Dogs aim for smaller savings than the Republicans, so they don't have to require massive cuts in payments to doctors and hospitals. But they save more than Clinton, chiefly by tougher



A lament for the landscape

The recent two-part series on urban sprawl was fine as far as it went, but I feel it understated the actual physical damage caused to the landscape by such haphazard proliferation of the '90s lifestyle.

Living 100 miles southeast of the Twin Cities, we can look in that direction at night and see the sky ablaze with reflected light. It grows brighter every year and it scares the hell out of me. The very essence of reality has changed. Darkness will never truly fall in that direction again.

The mind-set that nurtures this sprawl has leapfrogged down the Mississippi Valley. The defining feature of the valley, the bluffs, are now the trendiest places for those with ego problems to plop their overbuilt homes. Our most scenic and sensitive areas are being destroyed for the benefit of a few. It is as if a new culture has developed and is colonizing the countryside. Parcel by parcel, with little discussion, there seems to have been a consensus reached that the integrity of our landscape is disposable.

Where is it written that those who are slaves to greed, fashion and the

WHAT'S NEXT?

Many in the Twin Cities are convinced the answer to the 'learning gap' lies beyond busing or spending more on city schools, both obvious strategies that have failed to meet expectations.

Schools and race



Last of four parts

Promises Unfulfilled

As the percentage of minority students in St. Paul and Minneapolis schools rises, the "learning gap" between minority students, many of them poor, and their white peers grows wider.

The differences in national test scores, dropout rates and participation in honors courses reveal two distinct classes of students in Twin Cities schools.

BY DEBRA O'CONNOR

STAFF WRITER

The gap both tugs at the heart and rips at the social fabric of Minnesota. But the only thing everyone seems to agree on is that something should be done.

Beyond that, there is little consensus. The reason: None of the obvious approaches to fixing the problem seems to work well anywhere else. The learning gap is as intractable in Atlanta as it is in San Francisco, in Texas as it is in Connecticut. Although interviews and research are replete with anecdotes about successful students and their proud families, the overall numbers tell a much less hopeful story.

PROMISES CONTINUED ON 10A ▶

INSIDE

- Six Twin Cities leaders offer their perspectives on integrating schools. **Page 10A**
- Tell us what you think: Send the Pioneer Press your thoughts in the desegregation debate. **Page 10A**

Still, Minnesota lawmakers, community leaders and parents want to tackle the problem of low academic achievement among minority and poor children. Lawsuits have been threatened by the National Association for the Advancement of Colored People, which is primarily concerned with racial balance, and Minneapolis Public Schools, which is interested in more state money for educating poor children.

Maybe, as one national expert has suggested, what hasn't worked elsewhere can work in the Twin Cities. Or maybe, as another suggests, the Twin Cities need to exchange rose-colored glasses for binoculars and move from the false hope of a quick fix to slow but steady improvement in the long term.

Some Twin Cities opinion leaders appear ready to bypass the standard approaches to develop a new way to confront the problem. This year, for the first time, large groups of people are starting to talk about ways to address the problem that go far beyond the classroom.

Most of the public discussion has been about the two elements favored in Twin Cities planning — busing to achieve desegregation and compensatory funding for poor children's schools. The two approaches have been tried on a large and expensive scale in Milwaukee and Kansas City, Mo., respectively.

But those who've looked have failed to find solid evidence that either approach will eradicate the learning gap.

What is success?

To many Twin Cities observers, including superintendents, legislators and parents, a measurable increase in academic achievement for minorities — even equal achievement with whites — is what counts the most. But if that's their definition of success, the bulk of the evidence seems to indicate they will be disappointed.

If rising test scores are taken as the main measure of academic progress, national desegregation expert Leonard Stevens, among others, has said that moving children around hasn't done much good. The disparity between black and white achievement hasn't narrowed in desegregated districts, and in some cases it has increased, Stevens told a Hamline University desegregation conference in December.

Conservative legal scholar David Armor of George Mason University agrees.

"There is no desegregation program that I know of that has ever substantially changed education outcomes of children," Armor told Minnesota legislators and others last summer. The better way, he argues, is to take money earmarked for transportation and use it instead to beef up inner-city schools.

But other academics point out that compensatory funding plans haven't been effective, either. A Harvard study called "Resegregation in Norfolk, Virginia: Does Restoring Neighborhood Schools Work?" examined eight years of a "target school" improvement plan requiring extra money, smaller classes and better-educated teachers.

"The achievement gaps between students in segregated target schools and regular schools have grown wider since the end of busing," the study found.

To measure success meaningfully, some scholars say, Twin Citians must look beyond test scores.

Amy Stuart Wells of UCLA has analyzed studies of the long-term effects of desegregation and concluded that minority students are better off being bused to suburban schools with white students than receiving additional money for their own city neighborhood schools — even if their test scores don't equal those of their white peers.

"I would argue that you need to do the interdistrict remedy rather than just

spending the money in inner-city schools," she said.

Going to a school with more white students has long-term benefits for minority students when it's time to look for a college, a job or a place to live, she said.

"A suburban high school has more status in this society than an inner-city school with all black kids," she said. "It's very different to be in a suburban school where everyone goes to college than an urban, inner-city high school with a 50 percent dropout rate. It sets up a whole different set of expectations."

The real proof will be in another generation, after current minority students get into better colleges, live in desegregated neighborhoods as adults and are able to give their children better opportunities.

she said.

Closer to home, Rep. Myron Orfield's name brings a quick reaction from those who follow legislative policy. Orfield, DFL-Minneapolis, has for years tried to convince skeptical suburban legislators and veto-prone Gov. Arne Carlson that the answer to many Twin Cities problems, including school segregation, is establishing affordable housing in suburbs and encouraging the poor and racial minorities to break up urban concentrations of poverty.

He has a growing following in the metro area and a staunch supporter at Harvard University: His brother, Gary Orfield.

Gary Orfield leads the Harvard Project on School Desegregation and has written and lectured extensively on what works and what doesn't in dozens of communities that have grappled with racial balance and the learning gap.

Orfield, who grew up in Minneapolis, is familiar with the Twin Cities' situation as a consultant to the state's desegregation task force when it established recommendations to the state Board of Education.

The impact of attending a desegregated school is not on minority students' test scores, he said, but on their lives — where they live as adults, what they do for a living, how they fit into a white culture.

"I do think it's possible to get significant gains. Significant gains and equality are two different things," he said.

Orfield generally favors desegregation over compensatory funding. But the political will to involve suburban districts to the point where St. Paul and Minneapolis schools have less than 50 percent minority enrollment appears to be lacking in the state.

What Minnesota's leaders want

The blueprint included in a proposed Board of Education rule is the basis for plenty of political disagreement.

The board is in the uncomfortable position of being required by the Legislature to

design a plan but not having authority to pay for it. The board, appointed by the governor, relies on the staff of the Minnesota Education Department, which is run by a governor's appointee. And the legislators, the governor's office and the independent-minded board members don't always agree.

The potential cost of the plan, which some legislators see as a slippery slope to massive busing, has made it politically touchy.

Chairwoman Georgina Stephens points out that the board, by state law, begins from the position that desegregation is the key to the plan. But the plan must be made palatable to the politically powerful suburbs.

Thus the plan has drawn fire both for being overly ambitious and being too weak. A task force in 1994 asked the state to make suburban districts join widespread busing programs to desegregate city schools. It also insisted the learning gap between whites and minorities, as reflected in test scores, dropout rates and other measures, be closed.

Suburban superintendents balked, and the prospect of eradicating the gap alarmed urban educators. So the board's plan now settles for progress on the learning gap, rather than equal achievement, along with some voluntary magnet schools and exchange activities.

St. Paul Superintendent Curman Gaines says magnet schools have worked well in St. Paul to create desegregated schools. Using the same approach to attract suburban as well as urban students will help keep racial balance in city schools and will benefit suburban students, he believes. He doesn't mind starting small.

Some legislators think more needs to be done in the long run but that this is a good beginning.

"The short term I think we're addressing quite well with setting up magnet schools and encouraging voluntary desegregation efforts in our suburban districts," said Rep. Alice Johnson, DFL-Spring Lake Park.

Rep. Alice Seagren, IR-Bloomington, who opposes massive interdistrict busing, thinks these modest programs may make officials believe they've done their duty but won't fix the academic achievement problem.

"Having some little weekend things and fluffy stuff to assuage our conscience is not what we should be spending our money on. I'm sick and tired of these meaningless little programs that siphon our money," she said.

The issue makes some strange bedfellows. Several IR legislators would like to take state money slated for magnet schools, weekend programs and busing and funnel it into beefing up city schools where poor students aren't doing well.

That's not far from the position of Minneapolis Mayor Sharon Sayles Belton, who in this year's State of the City address said, "Today's problem is not segregation but the quality of education, particularly for children of color. . . . We need to rethink our \$8 million annual investment in busing and whether it should be redirected instead to student achievement."

But Sayles Belton cautions that doesn't mean she's giving up on integration. Rather, she'd like to make Minneapolis neighborhoods racially and economically diverse so integrated schools would evolve naturally. But that will take years, and she'd like to start with schools now.

Her approach has been echoed this spring by a number of influential opinion leaders with different vantage points.

Sen. Larry Pogemiller, DFL-Minneapolis, likes the idea of integrated schools drawn from neighborhoods. And he would go a couple of giant steps further: He would support legislation refusing state money to school districts that don't have enough of a racial mix. He would minimize busing and force districts that want state aid to arrange housing affordability and attendance boundaries so their schools would be racially diverse.

As extreme as Pogemiller's position may appear, there is a growing consensus that what has been tried most often — busing to achieve desegregation and compensatory funding of segregated schools — is not working. And simply changing the definition of success doesn't satisfy some people.

This spring, lawmakers and opinion leaders are looking at several plans that would have the effect of breaking up areas of concentrated poverty by expanding low-income housing in the suburbs. By extension, they hope, more integrated communities would lead to stronger families, stronger schools and stronger students.

Where to look for additional information

Readers who would like to express their thoughts to decision-makers can contact the superintendents of their local districts or the following:

- Desegregation Hotline: Callers can record their opinions and request copies of the state Board of Education's Draft Desegregation Rule: 297-2845.
- Rep. Alice Johnson, chairwoman, House K-12 Education Division, 539 State Office Building, St. Paul, Minn. 55155; phone 296-5510.
- Sen. Larry Pogemiller, chairman, Senate Education Committee, 235 Capitol, St. Paul, Minn. 55155; phone 296-7809.

For a deeper understanding of the issues surrounding metropolitan desegregation, readers can refer to these studies:

- "Roundtable Discussion Group on

Desegregation/Integration and Inclusive Education, Final Report to State Board of Education and State Legislature." Available through the state's hot line at 297-2845.

- The (Milwaukee) Chapter 220 Program Audit Summary. Wisconsin Legislative Audit Bureau, 131 W. Wilson St., Suite 402, Madison, Wis. 53703; (608) 266-2818.
- "Eliminating the Gap: Ensuring That All Students Learn." Minneapolis Public Schools, 807 N.E. Broadway, Minneapolis, Minn. 55413; 627-2191.
- "Still Separate, Still Unequal: The Limits of Milliken II's Educational Compensation Remedies," by Joseph Feldman, Edward Kirby, Susan E. Eaton and Alison Morantz, with a foreword by Gary Orfield. The Harvard Project on School Desegregation, 40 Holworthy St., Cambridge, Mass. 02138; (617) 354-4284.

- "Resegregation in Norfolk, Virginia: Does Restoring Neighborhood Schools Work?" by Christina Meldrum and Susan E. Eaton, with a foreword by Gary Orfield. The Harvard Project on School Desegregation, 40 Holworthy St., Cambridge, Mass. 02138; (617) 354-4284.
- "Money, Choice and Equity in Kansas City: Major Investments with Modest Returns," by Alison Morantz with a foreword by Gary Orfield. The Harvard Project on School Desegregation, 40 Holworthy St., Cambridge, Mass. 02138; (617) 354-4284.
- "Good Intentions Are Not Enough: The Peril Posed by Minnesota's New Desegregation Plan," by Katherine A. Kersten. Center of the American Experiment, 2342 Plaza VII, 45 S. Seventh St., Minneapolis, Minn. 55402; 338-3605.

WHAT THEY THINK

Here are what six key Minnesota opinion leaders think about desegregation and the learning gap.

CURMAN GAINES

Superintendent, St. Paul Public Schools

The success of district-wide magnet schools in St. Paul shows that a metrowide magnet system would work to achieve meaningful desegregation.



The Twin Cities can't wait for ideal communities to form for neighborhood schools to be integrated so busing is the answer. Already, many students are bused.

"I'm not just interested in bodies being together. Learning has to be the focus of what we do. We achieve quality integration by having children from different racial, ethnic and income backgrounds go to school together. The only way we get these kids together is movement."

Suburbs will slowly realize they must be involved in metro desegregation.

"I know it can work, but it takes time. You have to educate your communities. I use the term 'baby steps.' It doesn't bother me to start small."

LEROY KOPPENDRAYER

IR representative from Princeton, House Education Committee

Wants common-sense approach to learning gap that doesn't open state to big lawsuits due to fuzzy language in desegregation rules.



Introduced a 1995 bill that would repeal authority of State Board of Education to make desegregation rules but didn't get a hearing on it. Says studies show that special schools and busing children cost a lot but don't improve academic achievement.

"The gist of what I'm trying to get across is, 'Hey, somebody sit up and pay attention to what's being proposed.' What's being proposed could be extremely expensive. Nobody has conclusive evidence that it can or will succeed."

Would rather pump money into longer school calendar, small classes and better teachers than create elaborate magnet schools that serve only a handful of children.

"What in the world does (the new desegregation magnet school) do for the kid across the street ... who doesn't have enough money for books and pencils?"

ALICE JOHNSON

DFL representative from Spring Lake Park and chairwoman, House K-12 Education Finance Committee

Wants desegregation rule to take care of both the legal issue of racial balance and differences in academic achievement between minority and white students.



Must involve more than just moving kids around.

"We're asking that people show us that they are closing that learning gap. It's economic class as well as color of skin that makes a difference."

Short-term solution is getting magnet programs going and getting all suburban districts involved in some way. Long-term is changing housing patterns so community schools will be more racially and economically diverse and stronger academically.

That's why it's important to have a dual track, for those children who don't have parents who push real hard for them and who are destined to stay in their own neighborhood school. We need to have that be a good school."

Expects courts eventually to say what "enough" progress is.

GEORGINA STEPHENS

Chairwoman, Minnesota State Board of Education

Wants to involve all metro districts in some kind of desegregation activities but not mandated busing to achieve racial balance in each district.



Suggests summer camps, weekend exchanges. Even such low-key racial mixing must be mandated in a formal desegregation rule if the suburbs are to be helpful.

"The superintendents have told us, 'If you don't have a rule, we can't do anything because our constituents don't want us to do anything.' What's palatable to suburbanites may not be what minority kids need."

-And it's up to the state board to make a plan, largely because nobody else wants to.

"Both the governor's office and the Legislature see this as a political hot potato. So you've got the state board out there, which has no money — reflecting its power — leading the issue."

SHARON SAYLES BELTON

Mayor of Minneapolis

Wants Minneapolis to reduce busing and to put resources into schools that would draw from surrounding communities.



"Why not capture some of that transportation money? We should be allowed to take that money and redirect it to help close that learning gap. We've got kids who can't take the math book home because there aren't enough books."

In the long term, wants a big push to ensure that each community has a full economic spectrum of housing and to break up concentrations of poverty rather than worrying about racial balance.

"It's not so much they're the same color, it's the economic status. I think the race card gets played too much here."

Schools would serve as community centers so parents would feel more welcome.

"If my kid is going to the school up the street from my house, I'm going to be involved. Do we have to relearn that? Maybe."

LARRY POGEMILLER

DFL senator from Minneapolis and chairman, Senate Education Committee

Wants state education funding in the metropolitan area given only to "diverse" districts — those whose enrollments meet a racial balance determined by the state.



Believes learning gap would be narrowed by better racial balance.

"We need to change the focus from 'Minneapolis and St. Paul are in trouble because they have diversity' to 'Suburban districts are in trouble because they don't have diversity.' We can no longer afford to use state tax dollars for isolated schools."

Wouldn't use busing to achieve racial balance but would depend instead on suburbs encouraging minority families to move by providing jobs and housing that will encourage economic, and therefore racial, diversity.

"It's not fair to kids to bus them around."

Meeting Alert Meeting Alert Meeting Alert Meeting Alert

Alliance for Metropolitan Stability

DESEGREGATION WORK SESSION

WHEN: THURSDAY, MAY 2ND
3:00 - 5:00 PM

WHERE: MN. CHURCH CENTER
122 WEST FRANKLIN AVE.
in MINNEAPOLIS
(in one of the Assembly Rooms)

GUEST SPEAKERS:
john powell, Executive Director of the Institute
on Race and Poverty.

& Georgina Stephens, former President of the
State Board of Education

Each speaker has been asked to address the topic of
desegregated education in the Twin Cities
metropolitan area and the implications of current
policies. Ample time has been reserved for
questions and discussion.

04/15/96 15:14

FAX 612 290 1028

328 WEST KELLOGG

002

IT'S ABOUT YOU, YOUR COMMUNITY AND YOUR CHILDREN'S EDUCATION!

ATTEND A COMMUNITY DISCUSSION GROUP ON THE STATE DESEGREGATION RULE

Learn more about the State Board of Education's proposed Desegregation Rule and how it may impact your community, your school and your child's education. Discuss and decide with your neighbors about what recommendations you'd like to make. You can make your voice heard in this important rulemaking process.

The community focus groups are scheduled for:

Thursday, May 2nd
Martin Luther King Center
270 Kent Street
St. Paul
6:30 p.m. to 8:00 p.m.

Tuesday, May 7th
Sabathani Community Center
310 E. 38th Street
Minneapolis
6:00 p.m. to 7:30 p.m.

All discussion sessions are free and open to the public. Child care will be available at both

FOR IMMEDIATE RELEASE

**COMMUNITY URGED TO ATTEND STATE DESEGREGATION RULE
WORKSHOP**

The Urban Coalition, Minnesota Alliance for Progressive Action (MAPA), and the Catholic Charities Office for Social Justice will be sponsoring several community discussion groups about the State Desegregation Rule in Minneapolis and St. Paul. The community discussion groups are scheduled for Thursday, May 2nd at the Martin Luther King Center, 270 Kent Street, St. Paul from 6:30 p.m. to 8:00 p.m., and Tuesday, May 7th at Sabathani Community Center, 310 E. 38th Street, Minneapolis, from 6:00 p.m. to 7:30 p.m. Everyone is encouraged to attend to learn more about the Desegregation Rule and ways to make their voices heard in the rulemaking process.

The public will have an opportunity to review the current Desegregation Rule, which has been recently amended by the State Board of Education; discuss its impact; and formulate their own suggestions for input to the proposed rule which is currently in the public comment process in the State Register. Parents are especially encouraged to attend since the Desegregation Rule will have the most immediate impact upon their children's equitable educational achievement opportunities. The meetings are open to the public. Childcare will be available at both community centers and refreshments will be served. For further information contact: Nancy Smith at the Urban Coalition (348-8550); Bettye King at MAPA (641-4050; or Shirley Lee at the Office for Social Justice (291-4487).

4/25/96

Deseg rule facilitator training

Shirley Lee - intern @ OSJ

Process for rule

- public comment till 5/10
- comments put into state register
- then to revisor's form → state register again
- more testimony later

⇒ 3 opportunities for comment

Focus:

- educating public on the rule
+ the ^{meaning} process

Lynette - CORE Associates
- trains^m facilitation

Facilitation

- comes from the French for "easy" → to make the group's job easier
- also from Latin for "breathing life into"
- make sure what the group needs to do gets done
- not just educate, motivate

Facilitation values

- Democracy
- Responsibility
- Cooperation
- Honesty

Demonstrate these
+
foster these

PART II: SUBSTANCE / CONTENT

Discussion group structure

- Motivational opening (10 mins)
- Explanation of mtg expectations (5 mins)
- Small group breakouts (50 mins)
- Large group - presentations of small gps (25 mins)
- Take-home document

Info sheets

- Mpls Public Schools Data

Questions

IT'S ABOUT YOU, YOUR COMMUNITY AND YOUR CHILDREN'S EDUCATION!

ATTEND A COMMUNITY DISCUSSION GROUP ON THE STATE DESEGREGATION RULE

Learn more about the State Board of Education's proposed Desegregation Rule and how it may impact your community, your school and your child's education. Discuss and decide with your neighbors about what recommendations you'd like to make. You can make your voice heard in this important rulemaking process.

The community focus groups are scheduled for:

Thursday, May 2nd
Martin Luther King Center
270 Kent Street
St. Paul
6:30 p.m. to 8:00 p.m.

Tuesday, May 7th
Sabathani Community Center
310 E. 38th Street
Minneapolis
6:00 p.m. to 7:30 p.m.

The discussion groups are free and open to the public. Child care will be available at both community centers and refreshments will be served. For further information, contact: Nancy Smith at the Urban Coalition (348-8550), Bettye King at the Minnesota Alliance for Progressive Action (641-4050), or Shirley Lee at the Catholic Charities Office for Social Justice (291-4477).

IT'S ABOUT YOU, YOUR COMMUNITY AND YOUR CHILDREN'S EDUCATION!

ATTEND A COMMUNITY DISCUSSION GROUP ON THE STATE DESEGREGATION RULE

Learn more about the State Board of Education's proposed Desegregation Rule and how it may impact your community, your school and your child's education. Discuss and decide with your neighbors about what recommendations you'd like to make. **You can make your voice heard in this important rulemaking process.**

The community focus groups are scheduled for:

Thursday, May 2nd
Martin Luther King Center
270 Kent Street
St. Paul
6:30 p.m. to 8:00 p.m.

Tuesday, May 7th
Sabathani Community Center
310 E. 38th Street
Minneapolis
6:00 p.m. to 7:30 p.m.

The discussion groups are free and open to the public. Child care will be available at both community centers and refreshments will be served. For further information, contact: Nancy Smith at the Urban Coalition (348-8550), Bettye King at the Minnesota Alliance for Progressive Action (641-4050), or Shirly Lee at the Catholic Charities Office for Social Justice (291-4477).

IT'S ABOUT YOU, YOUR COMMUNITY AND YOUR CHILDREN'S EDUCATION!

ATTEND A COMMUNITY DISCUSSION GROUP ON THE STATE DESEGREGATION RULE

Learn more about the State Board of Education's proposed Desegregation Rule and how it may impact your community, your school and your child's education. Discuss and decide with your neighbors about what recommendations you'd like to make. **You can make your voice heard in this important rulemaking process.**

The community focus groups are scheduled for:

Thursday, May 2nd
Martin Luther King Center
270 Kent Street
St. Paul
6:30 p.m. to 8:00 p.m.

Tuesday, May 7th
Sabathani Community Center
310 E. 38th Street
Minneapolis
6:00 p.m. to 7:30 p.m.

The discussion groups are free and open to the public. Child care will be available at both community centers and refreshments will be served. For further information, contact: Nancy Smith at the Urban Coalition (348-8550), Bettye King at the Minnesota Alliance for Progressive Action (641-4050), or Shirley Lee at the Catholic Charities Office for Social Justice (291-4477).

The Urban Coalition

2610 University Avenue West, Suite 201
Saint Paul, Minnesota 55114

Telephone (612) 348-8550
Fax (612) 348-2533

Yusuf Mgoni
President

FOR IMMEDIATE RELEASE

Contact: Nancy Smith, 348-8550

COMMUNITY URGED TO ATTEND STATE DESEGREGATION RULE DISCUSSION GROUPS

April 10, 1996, St. Paul, MN – The Urban Coalition, Minnesota Alliance for Progressive Action (MAPA), and the Catholic Charities Office for Social Justice will be sponsoring several community discussion groups about the State Desegregation Rule in Minneapolis and St. Paul. The community discussion groups are scheduled for Thursday, May 2nd at the Martin Luther King Center, 270 Kent Street, St. Paul from 6:30 p.m. to 8:00 p.m., and Tuesday, May 7th at Sabathani Community Center, 310 E. 38th Street, Minneapolis, from 6:00 p.m. to 7:30 p.m. Everyone is encouraged to attend to learn more about the Desegregation Rule and ways to make their voices heard in the rulemaking process.

The public will have an opportunity to review the current Desegregation Rule, which has been recently amended by the State Board of Education; discuss its impact; and formulate their own suggestions for input to the proposed rule which is currently in the public comment process in the State Register. Parents are especially encouraged to attend since the Desegregation Rule will have the most immediate impact upon their children's equitable educational achievement opportunities. The meetings are open to the public. Childcare will be available at both community centers and refreshments will be served. For further information contact: Nancy Smith at the Urban Coalition (348-8550); Bettye King at MAPA (641-4050); or Shirley Lee at the Office for Social Justice (291-4487).

STATE DESEGREGATION RULE PROCESS

TIMEFRAME

MOST RECENT HEARING: MARCH 11, 1996

PUBLIC COMMENT: The public can comment on the current rule by phone or in writing. You can call the State Register and give comments or fax in your written comments.

- *State Register.* (call or write immediately) 296-2822 296-3272 (fax)
- *Comment Period Ends:* May 10, 1996

NEXT STEPS:

1. The Desegregation Rule is still in draft form and goes back to the State Board of Education for further revision, taking public input into account.
2. The State Board of Education will send the Rule to the Reviser's Office to be put into State Rule format. The State Board of Education will review it again.
3. The draft in rule form, will again, be published in the State Register for public comment.
4. After this public comment period, the rule draft will go to the State Attorney General's Office for review.
5. A Hearing will be scheduled. Members of the public may present oral testimony, comments, statements.
6. The Desegregation Rule will be finalized.

STATE BOARD OF EDUCATION:

- | | |
|---|----------------|
| 1. Marsha Gronseth, <i>Executive Director</i> | 297-1925 |
| 2. Jeanne Kling, <i>Board President (Willmar)</i> | (612) 235-1340 |
| 3. Nedra Wicks, <i>Member (Rochester)</i> | (507) 282-9073 |
| 4. Tom Lindquist, <i>Member (Savage)</i> | (612) 456-2110 |
| 5. Wendell Maddox, <i>Member (St. Louis Park)</i> | 936-9490 |
| 6. Erling Johnson, <i>Member (Anoka)</i> | 427-1442 |
| 7. George Jernberg, <i>Board V. President (Detroit Lakes)</i> | (218) 847-4234 |
| 8. Tom Peacock, <i>Member (Cloquet)</i> | (218) 726-6898 |
| 9. Robert Brown, <i>Member (Roseville)</i> | 962-5292 |
| 10. Shamus Roller, <i>Member (Wayzata)</i> | (612) 476-0533 |
| 11. Irma McIntosh Coleman, <i>Member (SBE)</i> | 297-4806 |

IT'S ABOUT YOU, YOUR COMMUNITY AND YOUR CHILDREN'S EDUCATION!

ATTEND A COMMUNITY DISCUSSION GROUP ON THE STATE DESEGREGATION RULE

Learn more about the State Board of Education's proposed Desegregation Rule and how it may impact your community, your school and your child's education. Discuss and decide with your neighbors about what recommendations you'd like to make. You can make your voice heard in this important rulemaking process.

The community focus groups are scheduled for:

Thursday, May 2nd
Martin Luther King Center
270 Kent Street
St. Paul
6:30 p.m. to 8:00 p.m.

Tuesday, May 7th
Sabathani Community Center
310 E. 38th Street
Minneapolis
6:00 p.m. to 7:30 p.m.

The discussion groups are free and open to the public. Child care will be available at both community centers and refreshments will be served. For further information, contact: Nancy Smith at the Urban Coalition (348-8550), Bettye King at the Minnesota Alliance for Progressive Action (641-4050), or Shirley Lee at the Catholic Charities Office for Social Justice (291-4477).