



The Charter School Advocate

Thursday, August 23, 2018

AGENDA TO FULFILL THE PROMISE: The Latitude for Innovation – Accountability vs Autonomy

Work continues on defining the specific positions that will flesh out our “**Agenda to Fulfill the Promise**” which will outline the Association’s legislative goals for the next biennium and beyond.

Today we just want to outline the framework and the topics that are addressed in **The Latitude for Innovation – Accountability vs Autonomy**.

Chartered public schools were based on the idea of freeing up educators and schools from the strictures and conventions that had been placed over time on the public education sector to try new, different and innovative ways of: providing educational programming and services, teaching methods, ways of assessing student achievement and success, measures of institutional results, and professional opportunities for educators.

The question needs to be asked: *Why don’t accountability systems align with the public policies that promote autonomy (self-governance) and innovation?*

The Answer: *There is no reason.*

The topics in this section of the Agenda include:

Authorizing, Board Governance, Charter Contract Accountability, Online Education, MDE Role with Charters, Mental Health, Public Reporting, School Closures, School and Student Safety, Special Education, Teacher Licensing, Student Opportunities, and Transportation.

In the next edition of the Advocate we will share proposed specific positions related to these topics.

ADMINISTRATIVE LAW JUDGE RULES ON NEW EDUCATOR LICENSE RULES

On August 16th, the Office of Administrative Hearings issued its findings on the new Teacher Licensing Rule proposed by the Professional Educator Licensing and Standards Board (PELSB).

The Office of Administrative Hearings ruled that the Board “...***has the statutory authority to adopt the rules, and that the rules are necessary and reasonable, except for the following proposed rules in which the Administrative Law finds defects:***”

The defects include the Definition of some terminology, certain provisions of Tier 1, 2 and 4 licenses, Out-of-Field Permissions, and various provisions related to Speech-Language Pathologist, School Psychologist, and School Counselor Licenses.

The Board now has the option of: 1] correcting the defects and resubmitting the rules to the Chief Administrative Law Judge who will make a determination if the defects have been corrected, or 2] choose not to correct the defects and submit the rule as is to the Legislative Coordinating Commission and the Legislative Committees that have jurisdiction over state government operations for review.

NOTE: One area that the Association is going to be monitoring closely is the requirement that the Board must define and outline the parameters of Mentoring Programs, as the definition and parameters of mentoring could have a major and significant impact on charter schools.

MINNESOTA SENATE on E-12 POLICY HEARING

Earlier this week the Senate E-12 Policy Committee held another hearing on the issue of Special Education Funding. At the hearing Tom Melcher, School Finance Director, MDE provided an overview of Special Education Funding Trends, the Funding Formula, and Concerns and Potential Solutions.

According to the information in **FY19, Special Education Funding will be about 2.5 billion dollars**, with the **Cross-Subsidy being about 735 million** of that amount, and the projection for FY22 is the Special Education Funding will be 2.77 billion dollars, with a Cross-Subsidy of 817 million dollars.

The Education Commission of the States shared that **Minnesota is unique in how it funds Special Education compared to other states**. Minnesota uses two different models for funding Special Education - both a multiple student weights and reimbursement system. No other state uses more than one funding model.

Special Education is expected to be a major issue in the 2019 Legislative Session ... there are already a number of legislative proposals being floated to address the issue of Special Education Funding.

McKINNEY-VENTO AND TITLE 1 Part A FUNDS

In late July, the U.S. Department of Education sent a letter to states responding to questions from states about ESSA and Title 1, Part A funds to serve homeless students. One of the questions dealt with how much Title 1 funding must be reserved for serving homeless students.

QUESTION: Does ESEA require an LEA to reserve a specific amount of Title 1 funds to service homeless students under section 1113(c)(3)? [Note: *Every charter in MN is an LEA*]

ANSWER: No. The ESEA does not prescribe a specific amount.

ESEA does require that the amount be sufficient to provide 'related support services' to homeless children and youth. The full [U.S. Department of Education Letter](#)

CHARTERING ACROSS AMERICA

8/9/2018 – PUERTO RICO. The Puerto Rico's Supreme Court dismissed a legal challenge by the teacher's union to the U.S. territory's plans to allow charter schools, ruling that charter schools are **constitutional**.

8/3/2018 - OHIO - Governor John Kasich signed into law a bill that will bring more **transparency and accountability to full-time virtual charter schools**. The requires full-time virtual charter schools to automatically un-enroll students who miss a certain number of consecutive unexcused hours, and creates a legislative committee to make recommendations on a performance-based funding model for virtual charter schools.

5/17/2018 – NEW JERSEY - A former New Jersey Supreme Court Justice is lead lawyer suing the State of New Jersey, the New Jersey State Board of Education and the Education Commissioner arguing that the **state law which requires most children to attend public school within their communities** has led to some of the worst school segregation in the nation, **is unconstitutional**.

The lawsuit also alleges that because charter schools are required to give priority to students who reside in their respective districts that charter schools are contributing to the segregation of public schools and in fact violating the charter school law which charter schools, "... to the maximum extent possible, *seek the enrollment of a cross section of the community's school aged population including racial and academic factors.*"

MACS ANNUAL MEETING & AWARDS CELEBRATION

We invite you to the **MACS Annual Meeting & Award on Thursday, September 27th at the Union Depot in St. Paul from 5:00 -7:00 p.m.** when we will recognize six individuals for their Pioneering work in the development of Minnesota's first in the nation charter school law, and the 2018 Charter School Champion.

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