Transportation

Shall vs. may: What are school districts required to provide for transportation?

As another school year begins, the question surrounding transportation typically asks: What is a school district required to provide?

As statutes are read, pay attention to “shall” vs. “may.” According to statute, the district shall provide transportation to and from school for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student’s parent or guardian.

The district must provide necessary transportation for a child with a disability not yet enrolled in kindergarten for the provision of special instruction. Transportation shall be provided on all regularly scheduled school days or make-up days. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, at the discretion of the district, on staff development days.

When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children and determination of fees, and any other matter relating thereto must be within the sole discretion, control, and management of the school board. If a video or audio recording device is placed on a school bus, the bus also must contain a sign (or signs) conspicuously placed, notifying riders that their conversations or actions may be recorded on tape.

See TRANSPORTATION, Page 2

Submit legislative resolutions by September 28

The MSBA Board of Directors encourages your participation in the policymaking process. Submit your idea(s) by Friday, September 28, for potential consideration at MSBA’s Delegate Assembly using MSBA’s Legislative Resolution form.

- Read the September-October 2018 MSBA Journal magazine (Pages 18-21) to learn more about the resolution process and more at http://www.mnmsba.org/Journal.
TRANSPORTATION: “Shall” and “may” are key to requirements

The district may, at its discretion, also provide transportation to any student to and from school, at the expense of the district, for any other purpose deemed appropriate by the school board. This service may be provided to any person when such use of a bus does not interfere with the transportation of students and the cost of providing such transportation is paid by those individuals using these services or some third-party payer.

The district may provide bus transportation, on a space-available basis, for part-time students enrolled in secondary classes, for participants in early childhood family education and school readiness programs, and for students attending programs at an area learning center. The district is also allowed to charge for transportation in the following instances:
- transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional;
- transportation to and from school of students living within two miles from school and all other transportation services not required by law; and
- transportation to and from postsecondary institutions for students enrolled under the Postsecondary Enrollment Options program.

For the transportation of a resident student to nondistrict schools, the district shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options program.

For nonpublic schools students, the board of any local district must provide school bus transportation to the district boundary for schoolchildren residing in the district at least the same distance from a nonpublic school actually attended in another district as public school pupils are transported in the transporting district.

The school board of any local district may provide school bus transportation to a nonpublic school in another district for school children residing in the district and attending that school, whether or not there is another nonpublic school within the transporting district, if the transportation is to schools maintaining grades or departments not maintained in the district or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means.

If the board transports children to a nonpublic school located in another district, the nonpublic school must pay the cost of such transportation provided outside the district boundaries. If the district transports students within the district, the expenses are submitted to the state for use in the calculation of nonpublic pupil transportation aid.

Minnesota Department of Education

Every Student Succeeds Act update meeting set for September 24

The Minnesota Department of Education is hosting an Every Student Succeeds Act (ESSA) stakeholder meeting at 6 p.m. Monday, September 24.

This meeting will be held at the MDE office located at 1500 Highway 36 West in Roseville (Rooms 15-16, Conference Center B) and will include:
- A brief overview of the 2018 accountability results.
- An opportunity to provide feedback on school identification and recognition.
- A kickoff of Phase 3 of stakeholder engagement, focused on fiscal transparency reporting.

See https://content.govdelivery.com/accounts/MNMDE/bulletins/20cc3e4 for more details and registration access.
The Professional Educators Licensing and Standards Board (PELSB) announced on September 18 that Minnesota Office of Administrative Hearings Chief Judge Tammy Pust issued an order regarding PELSB’s proposed rules on tiered teacher licensure. Judge Pust approved nine changes that PELSB recommended to its original submission and disapproved two changes. The disapproved items must be corrected before the rules can be formally adopted.

The two disapproved items focus upon (1) the definition of "professional license from another state," which relates to Tier 3 licenses; and (2) the circumstances under which a school district may hire a Tier 1 teacher even though one or more Tier 2-4 licensed applicants applied for the position.

PELSB staff recommends that the PELSB board members adopt the judge’s suggested changes to these two items. The PELSB Board is scheduled to meet on Thursday, September 20.

MSBA staff anticipate that the board will follow the staff recommendation and accept the judge’s recommended changes. This step will allow PELSB to formally adopt the rules. This action, together with some final procedural matters, means that the rules will be effective on or about October 15. MSBA will notify school districts when the tiered teacher licensure rules formally become effective.

School districts should be especially aware of the following:

**Professional License from Another State**

Under the Tier 3 statute, a candidate may receive a license if the candidate holds a professional teaching license from another state. Judge Pust recommended that the rules define “professional license from another state” as a license “issued by the responsible state agency of another state and required by law of that state for an individual to teach in a public school, but does not include an emergency, temporary or substitute teaching license.”

**Acceptable Applicants**

Under the Tier 1 statute, a school district may hire a Tier 1 teacher if the district cannot hire “an acceptable teacher with a Tier 2, 3, or 4 license.” PELSB’s proposed rules attempted to set forth the criteria for determining when an applicant is not “acceptable.” The judge’s report disapproved PELSB’s approach and recommended that a district may find an applicant to be unacceptable in the following circumstances:

1. no individual with a Tier 2-4 license for the assignment applied;
2. no individual with a Tier 2-4 license for the assignment accepted the position;
3. for each Tier 2-4 licensed applicant that may have accepted the position, the district documents that the applicant was unacceptable because, for example:
   a. the applicant is not fluent in the language required for the position;
   b. the applicant was unwilling to abide by or unable to apply the pedagogical model of the district or school;
   c. the applicant had disciplinary action with the board or final disciplinary action in a district;
   d. the applicant was unwilling to abide by culturally responsive teaching principles; or
   e. the applicant had references that indicated an unwillingness or ineligibility to rehire the applicant, including in the applying district.

**Out-of-Field Permissions**

The Minnesota Legislature repealed license variances effective July 1, 2018. To place teachers in assignments outside of their field of licensure, districts have applied for “temporary” Tier 1 or Tier 2 licenses.

When the rules are formally adopted, school districts should contact PELSB to convert these “temporary” Tier 1 or Tier 2 licenses to an out-of-field permission (the term that replaces “variance”).

The criteria for new out-of-field permissions are very similar to the circumstances in which a district may hire a Tier 1 teacher (see above under “Acceptable Applicants”). In addition to the Tier 1 circumstances, a district may apply for an out-of-field permission when “the licensed applicant is an internal hire with one or more years of employment in the district.”

**Mentorship Program**

Teachers holding a Tier 1 license must participate in the district’s mentorship program and professional development. School districts with one or more Tier 1 teachers must institute a mentorship program during the 2018-19 school year. The rules set...
**2019 Leadership Conference**

Only two days left to submit workshop topics; take part in School Excellence Showcase, nominate board members for MSBA awards

Participate in the **2019 MSBA Leadership Conference** by submitting a **Call for Presentations** proposal for a workshop and/or a roundtable session, applying for your school(s) to be featured in the **School Excellence Showcase** (formerly Show & Tell) or nominating a school board member for one of MSBA’s awards — **All-State School Board** and the **Rising Star** award.

The Leadership Conference is set for **January 17-18, 2019**, at the Minneapolis Convention Center.

- The **Call for Presentations** form allows you to submit topics you’d like to present at a workshop or roundtable session. **The submission deadline is Friday, September 21.**
- The **School Excellence Showcase** application is for school districts to showcase exemplary student, adult, or early childhood programs to the 2,000-plus conference attendees. The program displayed can be unusual or traditional and should be a program that reflects an innovative activity or program in which staff and students from your district are actively involved. **The submission deadline is Thursday, November 1.**
- Nominate one of your fellow school board members for the **2019 MSBA All-State School Board** and **Rising Star** award. The nominated school board member must have attended the Phase I, Phase II and Phase III workshops, and have attended at least two Leadership Conferences. The new Rising Star award is for outstanding board members who are in their first term of service. **The nomination deadline for both awards is Monday, October 15.**

The 2018 All-State School Board members are (standing from left to right) George Hoeppner (Stillwater Area); James Buckley (Redwood Area); Walter Hautala (Mesabi East); and (sitting from left to right) Helen Bassett (Robbinsdale Area); Karen Kirschner (Mora); and Betsy Anderson (Hopkins). Not pictured: Sue Kaslow, Hill City.

**Conference Forms**

Links to the **Call for Presentations** form, **School Excellence Showcase** application, and **All-State School Board and Rising Star awards** forms are available online. Please visit [www.mnmsba.org](http://www.mnmsba.org) or [www.mnmsba.org/LeadershipConference](http://www.mnmsba.org/LeadershipConference).

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**Tobacco 101**

**A Teacher’s Guide to Anti-Tobacco Lesson Planning**

Looking for a fun, interactive way to teach your students about tobacco and the tobacco industry? Check out Tobacco 101, a free guide for Minnesota educators. [www.ansrmn.org/tobacco101](http://www.ansrmn.org/tobacco101)
Walk-ins welcome to attend final Advocacy Tour stops

The MSBA Advocacy Tour concludes this week. (Please see the remaining schedule in the accompanying box.) During these meetings, ideas are generated for MSBA’s legislative agenda.
- Discuss policy and funding issues that are impacting your school district with the MSBA Government Relations staff.
- Hear about the latest news concerning tiered licensure, the Janus court decision, unrequested leave of absence and more from MSBA’s Management Services staff.

Learning

Learn how your school board can gain The Trust Edge

Be part of a more successful school board by joining MSBA for its Trust Edge for School Districts workshop Sunday, October 28 (6:30 p.m. to 9:30 p.m.) and Monday, October 29 (8:30 a.m. to 3:30 p.m.).

This workshop will be held at Sourcewell (formerly the National Joint Powers Alliance). Sourcewell is located at 202 12th Street NE in Staples.

Advance registration closes Monday, October 15, and is limited to the first 30 pre-registered members. No walk-ins will be accepted. Housing is available at Timberlake Hotel across the street.

A lack of trust is costly to school districts. Research shows that education is one of the most trusted institutions. As trust rises, school districts may see positive results like staff retention, student enrollment, and student achievement.

Developing trust and gaining its advantages starts with individuals and then extends to their respective school board teams and beyond.

Learners are guided by Trust Edge-trained MSBA staff with content within David Horsager’s national best-seller, “The Trust Edge.”

For complete information, visit www.mnmsba.org/TheTrustEdge.
**Personnel**

**Minnesota minimum wage increases go into effect January 1, 2019**

During the 2014 legislative session, Minnesota’s minimum wage statute (M.S. 177.24) was amended to include an automatic inflationary increase provision. Recently, the Minnesota Department of Labor announced the adjusted minimum-wage rates for 2019. The resulting increase is 21 cents per hour for large employers and 17 cents per hour for small employers.

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<th>PROVISION</th>
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<th>NEW MINIMUM WAGE EFFECTIVE JANUARY 1, 2019</th>
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<td>Large Employer*</td>
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<tr>
<td>Small Employer**</td>
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According to the Minnesota Department of Labor, a school district will need to look at its total funding revenues in order to determine if it is a “large employer*” or a “small employer**.” Visit the Minnesota Department of Labor website at [http://www.doli.state.mn.us/business/employment-practices/minimum-wage-minnesota](http://www.doli.state.mn.us/business/employment-practices/minimum-wage-minnesota) for more information regarding Minnesota’s minimum wage, including training wages and youth wages.

*Large employer means an enterprise whose annual gross volume of sales made or business done is not less than $500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

**Small employer means an enterprise whose annual gross volume of sales made or business done is less than $500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

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**MSBA’s Strategic Planning Services gets your school board-superintendent team on the same page.**

- Create clear expectations for school district operations
- Drive your district to continually improve in pursuit of excellence
- Meet requirements to establish a plan to develop the World’s Best Workforce

Contact MSBA’s Jeff Olson for more information today!

800-324-4459 | jolson@mnmsba.org | www.mnmsba.org/StrategicPlanningServices
Apply today for NSBA’s Magna Awards

The National School Boards Association’s Magna Awards program has a long history of recognizing school district innovation and creativity in helping increase student achievement.

The 2019 Magna Awards program will focus on equity in education and will recognize district programs that remove barriers to achievement for vulnerable or underserved children.

A grand prize and five winners will be awarded in each enrollment category: under 5,000 enrollment; 5,000 to 20,000 enrollment; and more than 20,000 enrollment.

Three grand prize winners will showcase their winning programs at a special Master Class session during NSBA’s 2019 annual conference in Philadelphia (March 30 to April 1). All winning school districts will be featured in the April issue of the “American School Board Journal.”

For the 2019 awards, the judges will look for programs that:

- Remove barriers to achievement for vulnerable or underserved children, based on race, ethnicity, gender, special needs, geography, or socioeconomic status.
- Support their school board’s equity mission and vision for the district.
- Exhibit success over time.
- Have longevity and sustainability.
- Can be replicated by other school districts with similar conditions and resources.

The Magna Awards are sponsored by Sodexo.

Apply for Local Government Innovation Awards

School districts are encouraged to apply for the Local Government Innovation Awards (LGIA).

The University of Minnesota Humphrey School of Public Affairs’ Public and Nonprofit Leadership Center conducts these awards in collaboration with the Bush Foundation. These awards recognize innovation, impact, sustainability, and potential for growth for schools, cities, counties, townships, and Native nations in Minnesota.

Partners in the awards program include MSBA, the League of Minnesota Cities, the Association of Minnesota Counties, and the Minnesota Association of Townships. “Their involvement in the program ensures the integrity of review and serves as a way to gain ongoing feedback on the challenges local governments face,” says Jay Kiedrowski, Humphrey School senior fellow and LGIA program lead. “As we determined last year, the gaps in resources look vastly different among the categories, and it reconfirmed the need for LGIA as a means to track, understand, and innovate to solve these challenges.”

This year’s awards will honor up to 20 local government entities (five cities, five counties, five townships and five schools).
MSBAIT Matters

Trustees updated on Risk Protection Program

By Denise Drill, Director of MSBAIT/Financial Services

The Board of Trustees of the Minnesota School Boards Association Insurance Trust (MSBAIT) held a meeting on Thursday, September 6, 2018. Seven trustees represent Minnesota public school districts and like entities: Kevin Donovan (Mahtomedi), Kathy Green (Austin), Kirby Ekstrom (North Branch Area), Walter Hautala (Mesabi East), David Klatt (Albert Lea Area), Roy Nelson (Red Lake), and Kent Thiesse (Lake Crystal Wellcome Memorial). MSBA Executive Director Kirk Schneidawind serves as an ex officio trustee. During the meeting, the Trustees heard presentations from more than 12 presenters relating to risk management in Minnesota public school districts.

The MSBAIT Trustees provide resources to more than 375 school districts and like entities in the MSBAIT Risk Protection Program, Life Insurance Program, Long-Term Disability Insurance Program, and the MSBAIT Advanced Protection Program. They also encourage the collaboration of MSBA and MSBAIT to provide additional risk management tools.

The MSBAIT Trustees were updated on the current status of the MSBAIT Risk Protection Program by representatives from the Marsh & McLennan Agency and MSBA staff. The MSBAIT Risk Protection Program encompasses school districts’ property casualty coverage and workers’ compensation. Four workers’ compensation and five property casualty carriers currently support the program and meet the standards the Trustees expect for Minnesota public school districts. The MSBAIT Trustees expect outstanding service, loss control services, cost effective premiums, prompt hassle-free claims handling, and risk avoidance assistance. They want to assist Minnesota school districts on educating students and saving money, so the money can be used in the classroom.

In recent years, new risks have emerged in the Minnesota school arena. To address the new risks, the MSBAIT Trustees started the MSBAIT Advanced Protection Program. The coverages in the MSBAIT Advanced Protection Program are unique to each Minnesota school district. Marsh & McLennan Agency has been assisting the MSBAIT Trustees with the coverages which include drones, cybersecurity, international travel, builders’ risk, and TULIP (tenant user liability insurance program).

Another responsibility of the MSBAIT Trustees is monitoring and controlling expenses of the remaining 300 Workers’ Compensation claims. The MSBAIT Trustees anticipate the final claim will be closed in 2060.

Your MSBAIT Trustees and MSBA staff encourage you to review your risk management needs and work together to meet the needs of Minnesota public school districts.

“Employee Dishonesty — A Financial and Reputation Risk Issue” | Learn about the Association of Certified Fraud Examiners’ 2016 Report to the Nations on Occupational Fraud and Abuse. The report provides interesting and useful information concerning employee fraud, including information specific to the education field. See Pages 3-4 of Wright Specialty Insurance’s “At Issue: A Risk Management Newsletter for Elementary and Secondary Schools.”

LICENSURE: Tier 1 renewal involves cultural competency training

(Continued from Page 3) forth the following criteria for a Tier 1 mentorship program:
(1) a yearlong collaborative relationship with an experienced Tier 3 or 4 mentor teacher who is not currently on an improvement plan and voluntarily agrees to mentor the mentee teacher;
(2) the mentor has access to resources or training, develops common expectations for the mentorship experience, and encourages the mentee to select areas for growth over the course of the year;
(3) consists of sessions no less than once per month that focus on building a collaborative relationship with a focus on the exchange of knowledge, skills, and experiences, including the needs and questions of the mentee; and
(4) the sessions include discussion of:
(a) effective strategies to engage students;
(b) classroom management strategies that reflect an understanding of the stages of child development;
(c) the educational rights of students and their diverse needs and experiences;
(d) school policies and practices, including appropriate boundaries and data privacy; and
(e) how student learning data can be used to improve classroom planning and instruction.

• Cultural Competency Training
To renew a Tier 1 license, the teacher must have participated in cultural competency training within one year of receiving the initial Tier 1 license. The rules define “cultural competency training” as:
(a) a training program that promotes self-reflection and discussion including but not limited to all of the following topics: racial, cultural, and socioeconomic groups; American Indian and Alaskan native students; religion; systemic racism; gender identity, including transgender students; sexual orientation; language diversity; and individuals with disabilities and mental health concerns. Training programs must be designed to deepen teachers’ understanding of their own frames of reference, the potential bias in these frames, and their impact on expectations for and relationships with students, students’ families, and the school communities, consistent with part 8710.2000, subpart 4, and Minnesota Statutes, section 120B.30, subdivision 1, paragraph (q).

MSBA staff will continue to update school districts as PELSB’s tiered teacher licensure rules complete the adoption process.
MSBAIT endorses National Insurance Services as the preferred provider for life and long-term disability insurance.

The Advanced Protection Plan features insurance coverage enhancements designed specifically to protect schools. 

☑ Builder’s Risk ☑ Cyber/Data Breach ☑ Drones
☑ International Travel ☑ Tenants User Liability Program (TULIP)

The MSBAIT Risk Protection Program — developed in collaboration with Marsh & McLennan Agency — offers property, casualty, and workers’ compensation insurance and risk management products and services to eligible MSBA member school districts through select, participating insurers and other providers.

Call 800-324-4459 to speak with a MSBAIT representative or visit http://www.mnmsba.org/MSBAIT today!