



Frequently Asked Questions Minnesota Desegregation Rule and Integration Revenue Statute

Revised February 27, 2008

**Minnesota Department of Education
Division of School Choice and Innovation
1500 Highway 36 W
Roseville, MN 55113-4266
Phone: 651-582-8616
Fax: 651-582-8291**

**Morgan Brown, Assistant Commissioner
Office of Student Support Services**

Introduction

Minnesota's Desegregation Rule for public schools addresses the fundamental goal of providing equal educational opportunities for all students to achieve academic success. The Rule bans intentional segregation and provides procedures for determining whether it has taken place and how it should be remedied. For racially isolated districts and racially identifiable schools that are not the result of intentional segregation, the Rule requires schools and communities to work together to design and implement educationally justifiable, effective, voluntary strategies that provide meaningful choices of integrated learning environments for students and their families.

The Department of Education (MDE) has created this Frequently Asked Questions (FAQ) document to provide guidance to districts impacted by the Desegregation Rule. It clarifies what types of programming are emphasized by the Rule and qualify for funding under the Minnesota Statute on Integration Revenue. The best source of guidance on the Desegregation Rule is the text of the Rule itself. The following FAQ document is intended to assist schools in implementing planning procedures aligned with the Rule and to develop programs and activities that are consistent with the intent of the Rule and meet the requirements of the Integration Revenue statute.

All information in the FAQ is derived from Minnesota Rules 3535.0100 to 3535.0180 and Minnesota Statute 124D.86. Please see web links below:

www.revisor.leg.state.mn.us/arule/3535/
www.revisor.leg.state.mn.us/stats/124D/86.html

For assistance, please contact the Department's staff for integration programs in the Division of School Choice Programs & Services at 651-582-8616.

Please note that all changes to this document, which was revised both in April 2006 and April 2007, are identified in italics. These revisions to the original document, which was released in May 2005, often resulted from requests for clarification from school districts. The Department welcomes further questions or suggestions for how the FAQ guidance document could be improved.

Getting Started and General Questions

Please read the Desegregation Rule carefully, especially the sections that pertain to the specific reasons your district is eligible to receive integration revenue.

What is the purpose of the Minnesota Desegregation Rule?

As stated in part [3535.0100](#), the purposes of the Desegregation Rule include the following:

- Recognize that the primary goal of public education is to enable all students to have opportunities to achieve academic success.
- Reaffirm the state of Minnesota's commitment to the importance of integration in public schools.
- Recognize that while there are societal benefits from schools that are racially balanced, there are many factors which can impact the ability of school districts to provide racially balanced schools, including housing, jobs, and transportation.
- Recognize that providing parents a choice regarding where their child should attend school is an important component of Minnesota's education policy.
- Recognize that there are parents for whom having their children attend integrated schools is an essential component of their children's education.
- Prevent segregation in public schools.
- Encourage districts to provide opportunities for students to attend schools that are racially balanced when compared to other schools within the district.
- Provide a system that identifies the presence of racially isolated districts and encourage adjoining districts to work cooperatively to improve cross-district integration, while giving parents and students meaningful choices.
- Work with rules that address academic achievement, including graduation standards and inclusive education, by providing equitable access to resources.

How does a school district qualify for integration revenue?

Districts qualify for integration revenue through one or more of the following designations under the Minnesota Desegregation Rule:

- The district has a "racially identifiable" school site(s)
- The district is a "racially isolated" district
- The district adjoins a racially isolated district(s)
- The district has voluntarily joined an existing collaborative to assist in reducing the isolation of a racially isolated district(s).

Qualifying under more than one of the above criteria does not increase the maximum amount of integration revenue a district is eligible to generate.

What is the timeline for district and school identification under the Desegregation Rule and for budget review and approval under the Integration Revenue statute?

- **April 30th of each year:** MDE notifies in writing newly identified "racially isolated" districts, newly identified "adjoining" districts, and newly identified "racially identifiable" school sites. MDE also notifies in writing districts with current obligations under the rule of any new or changing obligations. (For example, an adjoining district also becomes an isolated district.)
- **April 15th of each year:** All integration revenue budgets are due to MDE for review. If the district is newly identified by the Minnesota Desegregation Rule, its first budget proposal will be a modest "planning budget." For all other districts, an annual implementation budget proposal is required.
- **June 15th of each year:** MDE will notify districts of full approval, partial approval, or denial of funding in their integration revenue budgets.

What are the first steps to planning?

If your district has been notified that it has a **racially identifiable school site**, the district is required to collect data for a review to determine the causes of the school being racially identifiable. This data collection phase, by the Department of Education, should precede a community planning process to develop integration strategies to address the identified causes. As this background work is being completed, you will develop a budget for your planning process so that community representatives from the racially identifiable school can work with others in your district to develop integration strategies for consideration by your school board.

If you have been notified that your **district is racially isolated** or that your **district adjoins a racially isolated district**, or if your **district has chosen to voluntarily participate in an multi-district collaborative** to address the racial isolation of a school district, then your first step is to develop a modest budget for a planning process that includes starting a Multi-District Collaboration Council. The racially isolated district must be involved in all phases of planning for the funding generated for inter-district integration. After the joint planning process conducted by community members from the various districts is completed, each district's school board can approve, modify or reject the proposed integration plan and a detailed budget to implement the plan. (Minnesota Rules [3535.0170](#), Subpart 6 and [Minn. Stat. 124D.86](#), Subdivision 1b)

How does the MDE review and determination process work if our district is identified under the Desegregation Rule as having a racially identifiable school?

The Commissioner of Education is required to determine whether racial imbalance at a school site was caused, at least in part, by discriminatory acts of a district. A determination must be made when a school is first identified as racially identifiable (or when the agency receives a complaint alleging that a district is engaged in acts of segregation). The determination process requires the school district to provide additional information as specified in the Desegregation Rule or may be requested by MDE. The process looks at what has happened throughout the district, not just at the racially identifiable site. A district that has a school listed as racially identifiable for the first time should allow adequate time in its planning process to develop an integration plan to incorporate into the plan the research and findings that occur during the determination phase.

How often does a district need to submit an integration plan to the Minnesota Department of Education (MDE)?

- For a district required to address the racially identifiable status of a school site, a plan must be submitted every three years.
- For districts that are part of a multi-district collaborative required to address the racial isolation of a school district, a plan must be submitted every four years.

Does MDE approve integration plans submitted by school districts?

In most circumstances in which districts are required to submit an integration plan to MDE under the Desegregation Rule, MDE does not have authority to “approve” the plan. Department staff will review the plan and may provide feedback to the district or make inquiries regarding the plan. MDE also is required to regularly evaluate whether districts have met their plan's goals (please see question below on evaluation.) However, the Commissioner of Education does have increased involvement in integration plans in the following two scenarios:

- If the Commissioner determines that the racially identifiable status of a school is the result of “acts motivated at least in part by a discriminatory purpose” (please see question above on the “determination process”), the district's plan must be developed in consultation with the Commissioner and the Commissioner has the authority to reject all or any part of the plan. ([Minnesota Rules 3535.0150](#))
- If a racially identifiable school remains racially identifiable after a three-year period, the district must work in consultation with the Commissioner to develop a new integration plan. ([Minnesota Rules 3535.0160, Subpart 6](#))

How often does a district need to submit an integration revenue budget to MDE for approval?

Annually. Budgets need to include substantial detail on the upcoming school year's expenditures and must be part of the district's multi-year integration plan. Please refer to the section of this document entitled "Appropriate Uses for Integration Revenue" for further information on requirements specified in the Integration Revenue statute.

When are multi-year integration plans and annual integration revenue budgets due to MDE?

MDE must receive plans and budgets by April 15th of each year so that the Department can meet the annual deadline for certifying levy limitations to school districts. **Please note:** If districts want to ensure that approved integration revenue is included in their first metered payment of the fiscal year on July 15, their plans and budgets must be received by MDE by April 15th. Receipt of plans and budgets after June 1 may cause integration revenue metered payments to be delayed.

Does a district automatically get the maximum amount of revenue for which it is eligible?

No. MDE reviews a district's budget based on its alignment to the Desegregation Rule and the district's integration plan and the value of its proposed activities as integration strategies. When budgets are reviewed, MDE will consider how much the proposed spending is likely to reduce the racially identifiable status of the identified school(s) or the racial isolation of the identified district(s), and whether the expected outcomes justify the costs. Your budget should detail realistic estimates of how many students from both isolated and adjoining sites will be directly impacted by proposed programs and activities. *Integration revenue is paid to districts as a reimbursement for actual expenditures during the school year to implement integration programming identified in the budget approved by MDE. There is no carryover of integration revenue to the next fiscal year.*

Does MDE evaluate integration plans?

Evaluation of integration plans occurs at two levels. Each district must review the results of its integration plan prior to updating the plan and incorporate these findings into the revised plan. Moreover, according to the Integration Revenue statute, "By June 30 of the subsequent fiscal year, each district shall report to the commissioner in writing about the extent to which the integration goals identified in the plan were met."

In addition, MDE is required by the Desegregation Rule to regularly evaluate and report on whether individual districts and multi-district collaboratives have met the goals specified in their integration plans. For districts with racially identifiable school sites, MDE is also required to report on the impact of the plan on those schools' racially identifiable status.

What guidelines may districts use to determine participation by students, families, and staff in integration programming?

The Desegregation Rule does not require the use of race or ethnicity as a test for anyone's participation in an activity funded with integration revenue. This includes school choice programs, magnet schools, teacher scholarship programs, or any other initiative or planning process. Districts may choose to use race-neutral guidelines for students, families, or staff to participate in programming, such as eligibility for the Free and Reduced Priced Lunch program or residency within a defined geographical area. (Please note: Special circumstances may exist where the Commissioner determines that a racially identifiable school was the result of intentional segregation.)

Community Collaboration Councils and Multi-District Collaboration Councils

Community Collaboration Councils only have members representing one district and are for integration planning for specific school sites. Multi-District Collaboration Councils represent multiple school districts and are for inter-district integration planning for a racially isolated school district.

What are the roles of a Community Collaboration Council or a Multi-District Collaboration Council as compared to the role of a district's school board in developing and approving an integration plan?

The councils are community-planning groups that are reasonably representative of the diversity of districts and are inclusive of representation from the racially identifiable school or racially isolated district. A council develops the integration plan and then submits it to the school board(s) for review, possible modification, and final approval before the school district(s) provides the plan to MDE. (For further information on this topic with regard to Community Collaboration Councils, please see [3535.0160](#), Subparts 2 & 3 of the Desegregation Rule. For information with regard to Multi-District Collaboration Councils, please see [3535.0170](#), Subparts 2-6.)

What level of representation from the racially identifiable school or racially isolated district is required on an intra-district or inter-district collaboration council and related planning groups developing the details of an integration plan?

All planning processes must have the identifiable school or the isolated district and adjoining districts represented. If possible and depending on the size of the collaboration council, MDE recommends that representatives from the school or district comprise at least one-third of the voting membership of the council. *If your district is using working groups or focus groups, for example, to review options for starting a new magnet school at a racially identifiable site, there must be community representation from the identifiable site on those groups as well.*

Can district staff members serve on collaboration councils?

Consistent with the intent of the Desegregation Rule, intra-district and inter-district collaboration councils should include substantial representation from the districts' broader communities to reflect the diversity of the participating district(s). MDE recommends that districts keep the number of their staff filling seats on a council to a minimum to allow for maximum participation from members of their broader communities. However, district staff can play an important role in informing the planning process by making presentations to the community members who comprise the council.

Do adjoining or voluntary districts need to establish an intra-district "community collaboration council"?

No. The Desegregation Rule does not address the establishment of an intra-district "community collaboration council" for districts that do not have any racially identifiable schools. An inter-district planning process and implementation of integration programs must include the racially isolated district. While MDE does not have a recommendation on whether an adjoining or voluntary district should establish its own "community council," districts need to understand that an intra-district community group cannot perform the functions of a Multi-District Collaboration Council since it is not set up to include ongoing participation from community members representing the racially isolated district.

What information is important to present to members of a Community Collaboration Council before developing an integration plan for a racially identifiable school site?

Information gathered during the determination process required by the Desegregation Rule for a district with a racially identifiable school should be incorporated into the planning process. Therefore, a district should share with its council the same information provided to MDE during this process. In general, MDE recommends that districts: (1) ensure that council members have access to all data showing what factors contributed to the racially identifiable status of a school or the racial isolation of a district and (2) provide articles and research about successful strategies that other school systems locally and nationally have developed to reduce the racial isolation of a school or district.

If our district is a member of a multi-district collaborative that collects fees from its members to implement multi-district programming, what percentage of integration revenue must our district contribute?

This is a negotiated rate between the collaborative and the school district and must be approved by the collaborative (which can be a joint powers board) and the district's local school board. There is not a specific percentage designated by MDE, although MDE has authority to approve budgets to fund integration plans. A collaborative may take into account the role and responsibilities of each member district when determining a district's contribution. For example, a voluntary district may be asked to contribute a greater percentage of its integration revenue than another member district that has the added responsibility of a required intra-district integration plan to address its own racially identifiable school(s).

Can a district be required to participate in more than one multi-district collaborative?

No. Please see Minnesota Desegregation Rule [3535.0170, Subpart 7](#).

Can a district be required to participate on a joint powers board?

No. Please see Minnesota Desegregation Rule [3535.0170, Subpart 7](#).

Appropriate Uses for Integration Revenue

Please read Minnesota Statute [124D.86](#), which provides for Integration Revenue and specifies the requirements a school district must meet to receive it. Also, please review the specific purposes of the Desegregation Rule as outlined in the section of this document entitled “Getting Started and General Questions.”

By what authority does MDE review and approve a district’s proposed integration revenue budget?

According to the “budget approval process” described in the Integration Revenue statute, “Each year before a district receives any revenue . . . , the district must submit to the Department of Education for its review and approval a budget detailing the costs of the desegregation/integration plan filed under Minnesota Rules, parts [3535.0100](#) to [3535.0180](#). . . [T]he department may develop criteria for budget approval.” ([124D.86, Subdivision 1a](#))

What are the requirements specified in law that MDE must consider before approving a district’s integration revenue budget?

As stated in the Integration Revenue statute ([124D.86, Subdivision 1a](#)), “the criteria developed by the department [for review and approval of a district’s budget] should address, at a minimum, the following:

- (1) budget items cannot be approved unless they are part of any overall desegregation plan approved by the district for isolated sites or by the Multidistrict Collaboration Council and participating individual members;
- (2) the budget must indicate how revenue expenditures will be used specifically to support increased opportunities for interracial contact;
- (3) components of the budget to be considered by the department, including staffing, curriculum, transportation, facilities, materials, and equipment and reasonable planning costs, as determined by the department;
- (4) if plans are proposed to enhance existing programs, the total budget being appropriated to the program must be included, indicating what part is to be funded using integration revenue and what part is to be funded using other revenues.”

In addition, the law requires that, “[Integration] plans submitted by each district under Minnesota Rules [3535.0160](#) and [3535.0170](#), must be approved by the district’s board each year before integration revenue will be awarded. If a district is applying for revenue for a plan that is part of a multidistrict council, the individual district shall not receive revenue unless it ratifies the plan adopted by its multidistrict council or approves a modified plan with a written explanation of any modifications.” ([124D.86, Subdivision 1b](#))

What are the budget requirements if a district plans to use integration revenue to expand a program that is currently funded by general education revenue or other resources?

As stated in the statute citation above, if a district proposes to “enhance existing programs” and pay for the cost of doing so with integration revenue, it must include in its budget proposal submitted to MDE information on (1) the total budget for the existing program and (2) the breakout of what part of the existing program is to be funded using integration revenue and what part is to be funded by general education revenue or other resources.

What are the procedures for amending a budget after MDE has given approval?

For changes representing increased spending of \$3,000 of any line item or 10% of any line item in the budget goal area of the budget or in the overall expenditures proposed, the district must submit to MDE the original budget and the new budget highlighting the changes and evidence of board approval of those changes. The district should indicate where there are line item changes and/or changes in projected overall expenditures and include a rationale for the changes. MDE will review the proposed changes and rationale, and provide written approval or denial of the proposed changes.

Can integration revenue be used to fund inclusive education efforts, including multicultural curriculum and diversity training?

Funding this important work with integration revenue can possibly be seen as a supplanting of a separate legal obligation under the Minnesota Inclusive Education Rule ([3500.0550](#)). This rule is not the same legal obligation as the Minnesota Desegregation Rule, nor do the two rules serve identical functions. All districts in Minnesota have a legal obligation under the Inclusive Education Rule to provide a learning environment and a curriculum inclusive of gender, diverse cultures and people with disabilities.

The Minnesota Desegregation Rule does not apply to all districts. The Integration Revenue Program is designed to reduce the racial isolation of specific schools and districts through cooperative planning with the identified school or district’s neighbors. Therefore, if a district wishes to fund diversity initiatives or curriculum development with integration revenue, it is important that it explain how these activities appropriately tie to the requirements of the Desegregation Rule and Integration Revenue statute in terms of the following factors:

- There is a clear, focused link to the identified school or district.
- The diversity initiatives or curriculum development are tied to increasing awareness of racial and ethnic diversity (as opposed to broader inclusion initiatives) as a means to achieving the goals specified in the district’s integration plan.
- The initiative enhances, but does not replace, what districts are already obligated to do under the Inclusive Education Rule.
- Expenditures included in the annual integration revenue budget must be part of an approved integration plan.
- When proposed integration activities are intended to enhance an existing program, a district must separately account for what portion of that program is to be funded using integration revenue.

Can integration revenue be used to fund programs focused on improving academic achievement for students or closing “achievement gaps” among groups of students?

The Desegregation Rule states that both intra-district and inter-district integration plans “must be educationally justifiable.” (Please see [3535.0160](#), Subpart 3 and [3535.0170](#), Subpart 6.) In addition, one of the stated purposes of the rule is to “recognize that the primary goal of public education is to enable all students to have opportunities to achieve academic success.” ([3535.0100](#)) MDE strongly encourages districts to develop programs and activities under their plans that simultaneously advance both the goal of improving student academic achievement and the goal of increasing opportunities for integration. (Also, please review the factors listed in the previous question on inclusive education and consider how they would apply in this scenario.)

Can integration revenue be used to fund English Language Learner (ELL) programming?

This is similar to the question above on inclusive education efforts. When ELL programming, staff or materials are required apart from the Desegregation Rule, using integration funding for these programs would appear to be a supplant and, therefore, not allowable. However, it certainly makes sense to involve students who receive ELL services in activities designed to reduce the racial isolation of a school or district. Therefore, enhancements of ELL programming that a district wishes to fund with integration revenue should also address the same factors that were specified in the first answer above. Again, for proposed activities that enhance an existing program, a district must separately account for what portion of the program is funded by integration revenue. (Also, please review the factors listed in the question above on inclusive education and consider how they would apply in this scenario.)

Can integration revenue be used to fund world language programs?

Yes, if the program ties to an integration strategy and otherwise meets the terms of the Integration Revenue statute as referenced above. For example, some Minnesota districts participating in a multi-district collaborative have instituted a Spanish language program and used integration funding for teachers and curriculum by including such components as inter-district summer language camps, inter-district curriculum planning among teachers, and inter-district cultural events that allow students to form ongoing friendships across district boundaries. Besides commonly taught second languages, districts may wish to consider less commonly taught world languages, such as Chinese, Japanese and Arabic. Some multi-district collaboratives choose to add world language courses to their curriculum to enhance interracial interaction and communication. (Also, please review the factors listed in the previous question on inclusive education and consider how they would apply in this scenario.)

Can integration revenue be used for “pull-out” support groups for students of color?

No. Pull-out or isolated activities that in any way decrease interracial contact or segregate students by race are not an allowable use of integration revenue.

Can adjoining districts without a racially identifiable school site or districts that voluntarily join an integration collaborative use a portion of their integration revenue for intra-district programming?

Yes, if the activities funded by integration revenue are part of the collaborative’s integration plan and its efforts to reduce the racial isolation of the identified school district. The planning process and implementation of integration programs should include the racially isolated district. In the case of either a voluntary district or an adjoining district without a racially identifiable school site, the Desegregation Rule does not address the use of intra-district plans or a “community council” that is comprised only of representatives from that district.

If our district is receiving integration revenue both because of a racially identifiable school within the district and as an adjoining district to a racially isolated district, which plan should take priority in terms of funding?

Your district is legally responsible to work on both intra- and inter-district integration plans in this situation. Setting funding priorities for integration revenue is a matter for your district to determine and negotiate with its inter-district collaborative. Districts should review the requirements of the Desegregation Rule with regard to racially identifiable schools, including the evaluation of efforts to reduce a school’s racially identifiable status and the specified remedies if the school remains racially identifiable after the district’s three-year integration plan expires. (Note: In cases where a district has racially identifiable schools and is also a racially isolated or adjoining district, the district’s integration plan should have separate sections for its intra-district and inter-district goals.)

Are there specific issues that districts that are voluntarily participating in a multi-district collaborative should address in their annual integration revenue budgets?

All integration revenue budgets are reviewed for the ability of their proposed programs and activities to reduce the racial isolation of the identified district. Because a voluntary district, by definition, does not adjoin the racially isolated district, addressing the reality of geographical distance must be a major component of both its integration plan and annual budget. Additionally, voluntary districts should discuss the additional contributions that they will make to the effort to reduce the racial isolation of the identified district.

Can we hire consultants to help us with planning, training or implementation?

Yes, but a district's budget should explain the identified need for a consultant and the deliverables specified in the contract with the consultant. MDE may question consultant expenses when a district is also proposing to use integration revenue to employ professionals with expertise in integration on its own staff.

What percentage of integration revenue can be used for administrative purposes?

MDE *requires* that a district's proposed budget designate no more than 10 percent of its integration funding for general administrative costs related to implementing its integration plan. The administrative costs directly associated with operating specific integration programs and activities included in a district's proposed budget *do not count toward the 10 percent limitation*.

Are there other requirements for budget submission or reporting to MDE?

As it has in the past, MDE will request a statement from the school district's superintendent and school board chair certifying the accuracy of the information submitted with the district's annual budget proposal and that it has been approved by the school board. In addition, it is expected that each school district will correctly code all integration revenue expenditures under UFARS (Uniform Financial Accounting Record System) after MDE approves its annual budget.