

3535.0130 DUTIES OF COMMISSIONER.

Subpart 1. **Review of data.** The commissioner shall review the data provided by a school district under part 3535.0120 within 60 days of its receipt. If the commissioner determines that there is a racially identifiable school within a district, or if the commissioner receives a complaint alleging that a district is engaged in acts of segregation, the commissioner shall request further information to determine whether the racial composition at the school or schools in question results from acts motivated at least in part by a discriminatory purpose. The commissioner's finding of a discriminatory purpose must be based on one or more of the following except that the commissioner shall not rely solely on item D or E, or both:

A. the historical background of the acts which led to the racial composition of the school, including whether the acts reveal a series of official actions taken for discriminatory purposes;

B. whether the specific sequence of events resulting in the school's racial composition reveals a discriminatory purpose;

C. departures from the normal substantive or procedural sequence of decision making, as evidenced, for example, by the legislative or administrative history of the acts in question, especially if there are contemporary statements by district officials, or minutes or reports of meetings that demonstrate a discriminatory purpose;

D. whether the racial composition of the school is the result of acts which disadvantage one race more than another, as evidenced, for example, when protected students are bused further or more frequently than white students; and

E. whether the racially identifiable composition of the school was predictable given the policies or practices of the district.

Subp. 2. **District information.** In order to determine whether a racially identifiable school exists as the result of acts motivated by a discriminatory purpose, the commissioner shall request and the district shall provide the following information related to the factors described in subpart 1:

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; and

(3) a comparison of the racial composition of the attendance area of the school in question as it relates to the composition of the district as a whole;

B. a list of curricular offerings;

C. a list of the extracurricular 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 and, considering the average percentage of teachers of color in the district, an explanation of any concentration of teachers of color assigned at a school at issue;

E. a list that shows how the qualifications and experience of the teachers at the racially identifiable school 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 schools which are not racially identifiable;

G. a comparison of the facilities, materials, and equipment at the racially identifiable school with schools that are not racially identifiable;

H. information that would allow the commissioner to determine whether the extent of busing is disproportionate between white students and protected students; and

I. any nondiscriminatory circumstances that explain why a particular school has exceeded the districtwide enrollment of protected students by more than 20 percentage points.

Subp. 3. **Integrated alternatives.** If the enrollment of protected students at a school is more than 25 percent above the enrollment of protected students in the entire district, or if the enrollment of protected students exceeds 90 percent at any given school, whichever is less, the district must provide affirmative evidence to the commissioner that all students in that school have alternatives to attend schools with a protected student enrollment that is comparable to the districtwide average.

Statutory Authority: *MS s 124D.896*

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