



**FREQUENTLY ASKED QUESTIONS:
MINNESOTA'S STAFF DEVELOPMENT STATUTES
Minn. Stat. §122A.60 and §122A.61**

**(Revised and Expanded: July 4, 2002)
(plus some technical editing in March 2006)**

In response to many interpretation and implementation questions about Minnesota's staff development statutes (§122A.60-Staff Development Program, and §122A.61-Reserved Revenue for Staff Development), the following organizations have jointly developed this document:

- Minnesota School Boards Association (MSBA)
- Minnesota Elementary School Principals' Association (MESPA)
- Minnesota Association of Secondary School Principals (MASSP)
- Minnesota Rural Education Association (MREA)
- Education Minnesota
- Minnesota Association of School Administrators (MASA)
- Minnesota Staff Development Council (MSDC)
- Minnesota Department of Education

1. What is the purpose of staff development, and the appropriate use of staff development funds?

The fundamental purpose of staff development is to improve student learning. The intent of the legislation is that schools and districts implement a site-based process for both educational goals and staff development opportunities that will best help meet these goals. Providing teachers and other school district staff with individual and professional organizational growth and development opportunities prepares them to provide excellent educational experiences for students, and ultimately helps achieve the fundamental purpose of improving student learning. To support this effort, use of staff development funds must be outlined in a board-approved plan and targeted to expenses incurred to create, implement, monitor and evaluate that plan.

According to law, staff development outcomes must be consistent with local school board education goals and contribute to continuous progress toward these goals:

- Improve student achievement of standards using best practice methods;
- Meet the needs of a diverse student population;
- Provide an inclusive curriculum;
- Improve staff collaboration and develop mentoring and peer coaching programs;
- Teach and model violence prevention policy and curriculum; and
- Provide site-based teams with appropriate management and financial skills.

[See M.S. 122A.60 for full language of the goals listed above.]

2. What is the formula for staff development funding?

Two percent of a district's basic revenue must be reserved for staff development. A district may, however, spend more at its own discretion.

3. How should the two percent be distributed?

Initially, the school board must allocate 50% of the total staff development revenue to the sites on a "per teacher" basis. The phrase, "per teacher", means that the amount allocated to each site is based on the number of teachers at that site. It does not mean that the site funds are distributed or allocated to each individual teacher. See FAQs #4 and #5 for information about who qualifies for staff development funding and how sites determine how to spend the site funds.

Each site retains the funds allocated to it for site-level staff development activities in accordance with the approved plan. If funds remain at the end of any given year, the unspent funds remain at the site and are carried over to be spent for site-level activities at that site during the following year. Sites that carry over funds must still get the full amount of the next year's allocation.

Of the rest of the reserved revenue, 25% may be retained to be used by the district for district-wide staff development efforts, and 25% must be used to make grants to school sites for best practices. The 50/25/25 allocation is specifically outlined in the statute.

4. Who qualifies for staff development funding?

All staff, which means all district employees, licensed and non-licensed, qualify for staff development funding, including the revenue retained for district-wide staff development efforts, funding for best practices grants, and funds allocated to the sites. The expenditures must be consistent with the approved district plan. Expenditures from site funds must also be consistent with the site plan. Although the amount of funding allocated to sites is based on the number of teachers at the site, the site plan may allow or even require the site team to spend site funds on staff who are not teachers.

5. How are decisions made about staff development expenditures?

The local school board must establish an advisory district staff development committee to: (1) develop a district staff development plan that is consistent with education outcomes that the board has determined, (2) assist site professional development teams in developing site plans that are consistent with the goals of the district plan, and (3) evaluate staff development efforts at the site level.

The district-wide committee must be composed of a majority of teachers, representing an array of grade and subject specialties, plus special educators, non-teaching staff, parents and administrators.

The plan must be approved by the school board. The school board and the advisory district staff development committee must work together to resolve any differences.

District 25%. The board has ultimate authority over how to spend the 25% of the staff development revenue that it retains for district-wide staff development efforts. However, the board makes these decisions consistent with the plan developed by the committee and approved by the board.

Best Practices 25%. See FAQ #9.

Site 50%. Each site must have a professional development team that includes a majority of teachers. With assistance from the district committee, the site team develops a site plan that is consistent with the goals of the district-wide plan. The site team then decides how to spend the portion of the site funds allocated to the site. In making decisions, the site team must follow both the site plan and the district-wide plan approved by the board. The site team also manages any best practices grants that the board awards to the site.

Note: In smaller school districts that have only one site, the board may prefer to have one committee serve as both the district staff development committee and the site team. The committee must be careful to separate its actions as the district committee, which has advisory status, and as a site team, which has decision-making authority over the 50% site funds and which manages any best practices grants awarded to the sites.

6. What is the difference between the professional development site team and a school site decision-making team?

Some districts have established site-based decision-making teams as part of their management structure.

These teams, which are sometimes called site councils, exist for a different purpose than the site professional development teams. Moreover, each district determines the role and authority of its site councils. The statute requires that the site professional development teams be composed of a majority of teachers. This means that one group of individuals can serve as both the site professional development team and the site council or site-based decision-making team only if that group is composed of a majority of teachers.

7. Can we use staff development monies to pay salaries?

Yes, if a position is designated as fulltime or part-time to engage in staff development activities, i.e., 1) researching or designing, 2) planning, 3) writing, 4) delivering, 5) coaching, or 6) coordinating staff development activities, that percentage may be reimbursed using staff development funding.

Staff development funds may be budgeted to pay staff development committee members for time spent planning and implementing staff development plans.

The district-wide 25% of the revenue may be used to pay salaries on staff development days only if the approved district plan allows for the funds to be used for salaries. The site-based 50% of the revenue may be used for this purpose only if the site plan allows for it and the site team authorizes it.

For more clarification regarding when the money is allocated and how that works with the district plan, see FAQ #8.

8. If the plan allows the district to spend staff development funds for salaries, costs for workshop days, or other related costs, at what point in the process does the 50/25/25 allocation of revenue occur?

Having a plan that provides for such expenditures does not change the district's initial responsibility to reserve and allocate the funds as set forth in the statute. Districts must first reserve 2% of basic revenue for staff development purposes. Next, districts must distribute the reserved revenue using the 50/25/25 formula set forth in the statute. Districts and sites may then expend staff development funds from the amounts allocated to them.

9. Best Practices grants: who awards them, and for what reason?

The statute requires the school board to use 25% of the basic revenue set aside for staff development "to make grants to school sites for best practices methods." The statute lists several purposes for which grants may be used.

While not specifically identified in statute, it is recommended that the board-approved staff development plan include the criteria and accountability standards under which best practices grants will be judged. The criteria should be developed in keeping with the district's overall plan for staff development. In addition, the approved plan should identify the procedure by which each grant application will be judged. Site teams oversee any grants awarded to the site.

10. Are there any circumstances under which a district is not required to reserve 2% of basic revenue for staff development?

Districts that are in statutory operating debt (SOD) are exempt from the requirement. In addition, districts may annually waive the requirement to reserve all or any part of the 2% if a majority of the teachers and a majority of the school board vote to do so. The vote may occur whether or not the district committee or the site teams support the waiver.

If the teachers and the school board agree to waive part of the amount, the remainder is allocated pursuant to the "50/25/25" formula, unless the teachers and the school board had previously agreed otherwise.

11. When is a school district in SOD?

A school district must do more than declare it is in SOD. There is one criterion a school district must meet in order for it to officially be in SOD. The Department of Education (MDE) will deem a district to be in SOD when its Net Unappropriated Fund Balance at the end of the year (June 30) is a negative amount in excess of 2.5% of its operating expenditures. For the exact language, see Minn. Stat. §123B.81. A district is out of SOD when it achieves an unreserved balance of at least -2.50% of its operating expenses. For questions on your district's status, contact Charles Speiker at the MDE. Email: charles.speiker@state.mn.us.

12. What are the reporting requirements and accountability measures regarding the use and distribution of staff development monies?

Districts must annually report the use of funds to the Commissioner of the MDE. See MDE Report Staff Development Reporting.

Given that the essential goal of the staff development statutes is to improve student achievement, the reporting format requires documentation of student progress as a result of staff development efforts. The reports must describe both the different kinds of staff development costs and whether the costs were for best practices grants or were from district or site level fund allocations, according to the UFARS reporting system.

In addition, at the local level, each site team must annually demonstrate to the school board the extent to which staff at the site have met the outcomes of the staff development plan, including how best practices grants contributed to the site's achievement of those outcomes. If the board determines that the staff development outcomes are not being met, the board may withhold a portion of the following year's initial allocation of revenue, until such time as the board determines that they are once again being met.

Finally, the site teams, the district-wide advisory committee, and the school board are each accountable to the others to fulfill their respective obligations under the statute. Examples include: (a) the advisory committee must develop the plan and submit it to the board for review and subsequent approval; (b) with the assistance of the advisory committee, the site teams must develop a plan that is consistent with the district-wide plan; (c) the advisory committee must assist the site teams in developing their site plan, and must evaluate staff development efforts at the site level; and (d) the site teams and the board must spend the staff development funds consistent with the approved plans, keeping in mind that the district must be able to document for the Commissioner the student progress that resulted from staff development efforts in the district.

13. Do employees of cooperative districts, intermediate districts, and other kinds of hybrid districts have access to staff development funds? Do state employees have access to staff development funds?

The staff development statutes do not currently apply to cooperative districts, intermediate districts, or the state, because the statutes only apply to school districts that receive "basic revenue." As a result, the extent and nature of staff development opportunities in those districts and for state employees depends largely on the employer. Options include working with member districts for access to their staff development programs, and including staff development in the collective bargaining agreement. More than this will require a legislative change.

14. If the district does not use the 25% that it may retain for district-wide staff development, what other options does it have for that 25% of the reserved funds?

The board must still reserve the funds for staff development. When it spends the funds, it must do so consistent with the goals and outcomes

stated in the board-approved plan. The choice that the statute gives the district is that the district can choose to use the 25% that is designated as district-wide for other appropriate uses, including, but not limited to: providing additional funds for specific site activities or grants, reserving some funds for future or long-term plans that might require additional funds, or combining the funds with the 50% that is allocated to sites.

- 15. If a district claims to or does spend more than the required 2%, is it exempted from the 50/25/25 provision?**

Any amount above the 2% is exempt from the statutory requirements.

- 16. Some districts have school board policies on staff development, and/or staff development language in collective bargaining agreements. Is there a “hierarchy” of authority between and among the statute, board policies, the plan, and contracts?**

The staff development statutes are the highest authority. First and foremost, school board policies, the district’s staff development plan, and collective bargaining agreements cannot conflict with the statute. If a conflict exists, the statute supercedes.

Second, the plan must not conflict with collective bargaining agreements. For example, if the collective bargaining agreement limits staff development to three staff development days per teacher per year, the plan may not expand the number of days beyond three. At the same time, if the agreement requires at least three staff development days per teacher per year, the plan may not restrict the number of days to fewer than three.

Third, school board policies and the board-approved staff development plan must not conflict with each other. To protect against this, school boards may want to use their policy on staff development as a preamble to their staff development plan.

Collaborative efforts between and among the employer, the district advisory staff development committee, and the unions should help minimize potential conflicts between the various documents and the statute.

17. How can an individual get copies of staff development reports, plans, budgets, or other staff development information?

Staff development reports, plans, policies, and budgets are public information. A person seeking public data on staff development may request it from the appropriate school official (every district must designate a person to be responsible for responding to requests for data). Districts may also consider developing an internal procedure for staff members to access staff development data. Easy access facilitates the work of advisory committees, site teams, individuals applying for best practices grants, etc.

Another source for much of the public data is the Minnesota Department of Education (MDE), which receives and retains the staff development data it receives from districts.

Access to government data is governed by the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13), and a refusal to provide access to public data violates the Act. Each situation, of course, must be evaluated on its own facts and merits to determine whether a violation did occur. The Act sets forth legal remedies for individuals who are denied access to public data.

18. What are the substantive differences between a district staff development plan and the required staff development report? What different purposes do they serve?

As you already know, the district plan and the annual report to the MDE are both required by the staff development statutes. For more details on the plan and the report, refer to FAQ #1 (the plan) and FAQ #12 (the report).

Each district must develop and adopt a staff development plan. The plan forms the basis for all of the district's staff development efforts and activities.

Each district must also annually file a report with the MDE. The report keeps the MDE informed of the district's staff development goals and progress towards those goals.

19. **What are the technical differences between a district staff development plan and the required staff development report? For example, the report is annual, but what about the plan? Must it be revised and/or approved by the board each year? If so, is there a particular date by which the plan must be in place each year? Does the MDE require school districts to provide any documentation of the district staff development plan? Is there a certain format that must be used for either the report or the plan? When is the annual report due to the MDE?**

Revising the Plan. The law does not specifically require school boards to annually approve a plan, and does not specify a date for completing plans. However, revenues are allocated on an annual basis, and the expenditure of staff development revenues is conditioned on having an approved and current plan in place.

Therefore, the district's advisory staff development committee should update or revise the district's plan each spring for approval by the board. The revisions should be consistent with progress towards or changes in the district's stated goals and outcomes. Renewing and revising the plan before the end of the school year also allows districts to begin implementation of the approved plan over the summer and for the upcoming school year.

Districts are not required to submit their staff development plans to the MDE.

Format. The Commissioner of the MDE determines the format and content of the report. There are no similar format or content provisions for the plan. However, alignment of the plan to the report's format and content will help districts in their efforts to continuously improve, and to implement and evaluate the plan.

Checklists for staff development planning for both districts and sites are available at: <http://www.educationminnesota.org> (go to Education Issues, Teachers as Learners & Leaders (TALL), Tools to Use). Other staff development resources are also available at MDE Site on [Professional Development Resources](#). In addition, districts are welcome to request technical assistance from the MDE regarding the content and creation of the plan.

Deadline. Districts must submit the annual report to the MDE by October 15. The report form is available on the MDE Site of [Staff Development Reporting](#).

20. What are the details of the statutory authority for waiving the requirement to reserve the revenue?

There is a large volume of questions on this point because the statutory language on this issue is minimal: “A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement.” Minn. Stat. §122A.61. The absence of specific statutory guidance means there are no “right” answers to most of the questions on this topic. Regarding some of the most frequently asked questions, however, here are some practical tips:

a. *What are the details of the voting procedure for waiving the requirement to reserve the revenue?* The statute is silent. The guidelines set forth in FAQ #21 may be of some help.

b. *If the first vote is “no”, can a second vote occur at a later date?* The statute only says a district may “annually waive” the requirement. If a vote beyond the initial vote is requested, contact the MDE or your local organization.

c. *Who can call for a vote?* The statute says it is the district that may waive the requirement, but must do so by a vote of the board *and* a vote of all licensed teachers in the district. Any school board member may “call for a vote” by the school board by making a motion to that effect. A teacher, other staff member, or citizen may ask the board to take such a vote, but a motion to that effect must still come from a board member. Similarly, the teachers may conduct their own vote, but cannot require the board to vote on the question. Again, however, because it is the district that may waive the requirements, the board can require the teachers to vote on the question. The board will probably want to delegate the job of conducting the teacher vote to another body or individuals, such as the administrative staff, the advisory committee, site teams, or the union. Again, refer to FAQ #21, below.

d. *Do we need to use ballots? What should the ballots say? Who counts the ballots?* The statute is silent. The board should use its usual

procedure for voting and counting votes for its own vote on the question. For the teacher vote on the question, the board might consider following the guidelines outlined in FAQ #21, below.

e. *Who runs the teacher vote?* The statute is silent on who can “run” the vote. The statute does not prohibit any group from running the teacher vote. The board may follow the guidelines outlined in FAQ #21 below, work out its own arrangement with the other interested parties, or find some other way to secure the teacher vote.

f. *Are there any timelines involved?* The only statutory timeline is that districts may “annually waive” the requirement. Districts receive basic revenue on an annual fiscal year basis, and it is from this annual distribution of basic revenue that districts must reserve funds for staff development, or vote to waive the requirement to reserve the funds. Therefore, districts that decide to conduct a vote on whether to waive the requirement should determine when such a vote best fits in the budget planning cycle.

g. *Can the teachers condition a “yes” vote on the district’s agreement not to layoff staff?* The statute is silent. When voting, the district and the teachers should make sure each is voting on the same question. The sample ballot and procedures outlined in FAQ #21, below, may be of some help.

21. How should a district conduct the board and teacher votes on whether to waive the requirement to reserve the revenue?

As previously stated, Minn. Stat. §122A.61 states, “A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement.” This is all the statute says about the waiver vote; therefore, it is incumbent upon the district to develop a process that will work locally. The board should endeavor to develop this process collaboratively, requesting input from the administration, district-wide and site staff development committees, and teacher representatives.

The following steps should be considered when running a “request to waive” election:

- a. Board takes action to request a waiver in accordance with Minn. Stat. §122A.61.
- b. Board should solicit input and discuss the waiver request with the parties identified above. The discussion should include the proposed use of the funds to be waived, dollar amounts being requested, distribution of the remaining funds, make up of ballot and voting procedures.
- c. District sends notification to staff identifying its desire to waive some or all of the required 2% staff development set aside. This notification should include information on the date of the election. It may include additional information such as the rationale for the request, proposed use of the funds, and any other agreed upon points.

Below find a sample ballot:

District Name
Date
Delineation of Dollar Amount and Percentage to Be Voted On
School Year

- Yes, I vote to waive the dollar amount and percentage as requested by the School Board.
- No, I vote not to waive the dollar amount and percentage as requested by the School Board.
- d. Ballots should be distributed using a clear procedure that ensures that all licensed staff have an opportunity to vote. This process should include procedures to ensure the privacy rights of those voting, as well as the integrity of the election itself.
- e. Election results should be tallied as previously determined with results shared immediately.