

MINNESOTA'S STAFF DEVELOPMENT STATUTES: FREQUENTLY ASKED QUESTIONS

Minnesota Statutes, sections 122A.60 and 122A.61

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In response to many interpretation and implementation questions about Minnesota's staff development statutes, the organizations listed below have jointly developed this set of frequently asked questions (FAQ). The statutes discussed in this FAQ can be found at Minn. Stat. § [122A.60](#)-Staff Development Program¹, and Minn. Stat. § [122A.61](#)-Reserved Revenue for Staff Development².

- 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)
- Learning Forward Minnesota
- Minnesota Department of Education (MDE)

1A. What is the purpose of staff development?

The fundamental purpose of staff development is to improve student learning. The intent of the legislation is that districts and schools 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.

1B. What is the appropriate use of staff development funds?

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. A district's plan must include ongoing staff development activities that contribute to continuous progress toward these outcomes:

- 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

¹ Find § [122A.60](#) at <https://www.revisor.mn.gov/statutes/?id=122A.60>

² Find § [122A.61](#) at <https://www.revisor.mn.gov/statutes/?id=122A.61>

- Teach and model violence prevention policy and curriculum
- Provide site-based teams with appropriate management and financial skills
- Effectively deliver digital and blended learning and curriculum, and engage students with technology

See Minn. Stat. § [122A.60](#), subdivision 3 for full language of the outcomes listed above.

Staff development activities must:

- Focus on the school classroom and research-based strategies that improve student learning
- Provide opportunities for teachers to practice and improve their instructional skills over time
- Provide opportunities for teachers to use student data as part of their daily work to increase student achievement
- Enhance teacher content knowledge and instructional skills, including the delivery of digital and blended learning and curriculum, and engage students with technology
- Align with state and local academic standards
- Provide opportunities to build professional relationships, foster collaboration among principals and staff who provide instruction, and provide opportunities for teacher-to-teacher mentoring
- Align with the plan of the district or site for an alternative teacher professional pay system
- Provide teachers of English learners, including English as a Second Language and content teachers, with differentiated instructional strategies critical for ensuring students' long-term academic success; the means to effectively use assessment data on the academic literacy, oral academic language, and English language development of English learners; and skills to support native and English language development across the curriculum
- Provide opportunities for staff to learn about current workforce trends, the connections between workforce trends and postsecondary education, and training options, including career and technical education options

Districts may also use staff development funds for grants to teachers to pay for coursework and training leading to certification as a college in the schools or concurrent enrollment teacher. A teacher receiving such grants must be enrolled in a program that includes coursework and training focused on teaching a core subject.

See Minn. Stat. § [122A.60](#), subdivision 1 for full language of the activities listed above.

1C. Are any staff development funding uses prohibited?

Staff development reserved revenue may not be used for: 1) release time provided for teachers to supervise students on field trips and school activities; and 2) independent tasks not associated with enhancing the teacher's knowledge and instructional skills (such as preparing report cards, calculating grades, or organizing classroom materials).

2. What revenue must be reserved for staff development activities?

Two percent of a district's basic revenue must be reserved for staff development activities; programs; plans; and experiences, including workshops, conferences, the cost of substitute teachers, teachers' evaluation, other in-service education, and other related costs. A district

may, however, spend more at its own discretion.

The temporary suspension of this requirement ceased June 30, 2013.

3. How must the two percent be distributed?

Funds are allocated to staff development activities in accordance with the approved district plan. If funds remain at the end of any given year, the unspent funds are carried over by the district to be used for staff development the following year(s).

4. Who is eligible to receive staff development funding?

All staff, which means all district employees, licensed and non-licensed, qualify for staff development funding. Expenditures from site funds, if applicable, must also be consistent with the site plan.

5A. How are decisions made about districtwide 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 districtwide committee must be composed of a majority of teachers, representing an array of grade and subject specialties including special education, plus non-teaching staff, parents and administrators.

The advisory committee must adopt a staff development plan, and the school board and committee must reach agreement that the staff development plan is consistent with the education outcomes that the board determined. The school board and the advisory district staff development committee must work together to resolve any differences.

5B. How are decisions made about site staff development expenditures?

Each site must have a professional development team, the majority of which are teachers. With assistance from the district committee, the site team develops a site plan that is consistent with the goals of the districtwide plan. In making decisions, the site team must follow both the site plan and the districtwide plan approved by the board.

5C. What happens in districts that have only one site, and what constitutes a “site”?

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.

Should best practice grants be awarded, or site funds be allocated, the management of those funds would be determined locally.

What constitutes a site is a district decision. Sites are not necessarily defined by buildings or facilities. For example, a district’s ECFE program might be housed together with an elementary school or a secondary school but could be defined by the district as its own site. Districts that have only one or two physical sites retain the option of identifying staff development sites by

grades, subject matters, or other criteria.

6. Are professional development site teams and school site decision-making teams the same thing?

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 majority of members of site professional development teams must be 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 full-time or part-time to engage in staff development activities, such as 1) researching or designing; 2) planning; 3) writing; 4) delivering; 5) coaching; or 6) coordinating staff development activities, that percentage of time may be reimbursed using staff development funding.

Staff development funding may also be used to pay salaries on in-service days.

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

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 allocation of revenue occur?

Districts must reserve 2 percent of basic revenue for staff development purposes. See FAQ 10 regarding situations under which the 2 percent reserve is not required. Districts and sites may then expend staff development funds from the amounts allocated to them according to the district plan.

9. How are best practices grants affected by the elimination of the requirement to have them?

While not specifically required by the statute, it is recommended that if the districtwide plan includes or allows for their inclusion, it should 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 also identify the procedure by which each grant application will be judged.

10. Are there any circumstances under which a district is not required to reserve 2 percent 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 percent 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.

11. When is a school district in Statutory Operating Debt?

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 2-1/2 percent of its operating expenditures. For the exact language, see Minnesota Statutes § [123B.81](#)³. For questions on your district's status, contact [Sarah Miller](#) at MDE, Sarah.C.Miller@state.mn.us or 651-582-8370.

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

Districts must report staff development activities and the use of funds to the Commissioner of Education by October 15 of each year. The report must be done online. A statement of assurances must also be signed and dated by the superintendent and the staff development chairperson and mailed or faxed to MDE.

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.

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. If the board determines that the staff development outcomes are not being met, the board may withhold a portion of revenue, until such time as the board determines that they are once again being met.

Finally, the site teams, the districtwide 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 districtwide 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.

³ Find § [123B.81](#) at <https://www.revisor.mn.gov/statutes/?id=123B.81>

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

The staff development statutes do not currently apply to cooperative districts or intermediate districts 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 depend 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 a district claims to or does spend more than the required 2 percent, is that amount exempt from the requirements of M.S. 122A.60 and M.S. 122A.61?

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

15. 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 statutes, 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 supersedes everything else.

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.

16. 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, and individuals applying for best practices grants, etcetera.

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

[Visit the Data Reports and Analytics web page](#) and click on Staff Development Reports under District Information to view district and site staff development reports. [Visit the Legislative Reports web page](#) to view the most current Staff Development Report.

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

The district plan and the annual report to MDE are both required by the staff development statutes. For more details on the plan and the report, refer to FAQ 1B (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 MDE. The report keeps MDE informed of the district's staff development goals and progress towards those goals. MDE includes this information in its annual report to the legislature.

18. 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 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 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 MDE.

Format. The commissioner of education determines the format and content of the report. There is 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, implement, and evaluate the plan.

A checklist for districtwide staff development planning is available at the Teachers as Learners and Leaders ([TALL](#))⁴ section of Education Minnesota's website. Staff development resources are available at the [Professional Development](#)⁵ section of MDE's website, as well. Technical assistance regarding the content and creation of the plan is available from MDE and Education Minnesota.

Deadline. Districts must submit the annual report to MDE by October 15. This information is compiled in the [MDE Data Submissions/Staff Development Report](#).

19. What are the details of the statutory authority for waiving the requirement to reserve staff development revenue?

There are many 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, some practical tips can be found in the following questions and answers:

19A. What are the details of the voting procedure for waiving the requirement to reserve staff development revenue?

The statute is silent on this question. The guidelines set forth in FAQ 20 may be of some help.

19B. 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. Should both parties agree to conduct a second vote, statute does not prohibit an additional vote.

19C. Who can call for a vote?

The statute says the district 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.

⁴ Find [the checklist](http://educationminnesota.org/resources/teachers-as-learners-and-leaders/overview) at <http://educationminnesota.org/resources/teachers-as-learners-and-leaders/overview>

⁵ Find [the resources](http://education.state.mn.us/MDE/EdExc/ProDev/index.html) at <http://education.state.mn.us/MDE/EdExc/ProDev/index.html>

19D. Do we need to use ballots? What should the ballots say? Who counts the ballots?

The statute is silent on these questions. 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 20.

19E. 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 20, work out its own arrangement with the other interested parties, or find some other way to secure the teachers’ vote.

19F. 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 (e.g., the vote should occur before the board sets the school district’s budget for the upcoming year).

19G. Can the waiver contain a condition such as an agreement not to layoff staff?

The statute is silent on this question. With or without a condition, the question voted on by the school board and the certified teachers must be identical. The sample ballot and procedures outlined in FAQ 20 may be of some help.

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

As previously stated, Minnesota Statutes, section [122A.61](#) provides: “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, districtwide and site staff development committees, and teacher representatives.

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

A. School Board takes action to request a waiver in accordance with Minnesota Statutes, section [122A.61](#).

B. School 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. School district sends notification to staff identifying its desire to waive some or all of the required 2 percent 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.

21. Are charter schools required to reserve an amount equal to at least two percent of the basic revenue for staff development?

No, charter schools are not required to reserve funding for staff development; however, it is recommended that some funding be spent on staff development.

APPENDIX TO MINNESOTA'S STAFF DEVELOPMENT STATUTES FAQ'S



DATE: June 28, 2013

TO: Superintendents, Principals, Staff Development Chairpersons, Human Resource Directors, Curriculum Personnel, and Business Managers

FROM: Steve Dibb, Director of School Support
Tom Melcher, Director of School Finance

RE: 2013 Minnesota Staff Development Legislation Changes and Reporting Requirements

The 2013 Minnesota Legislature enacted a change in staff development pertaining to the requirement to allocate portions of reserved staff development revenue for particular purposes (Laws of Minnesota for 2013, Chapter 116, Article 3, Section 20).

The 2013 Minnesota Legislature also enacted a change eliminating the authority for school districts to transfer funds from the reserved account for staff development beginning in FY 2014 (Laws of Minnesota for 2013, Chapter 116, Article 7, Section 19).

What are the legislative changes in staff development? Minn. Stat. § 122A.61, Subd. 1 Reserve Revenue for Staff Development.

1. The temporary suspension of the requirement to set-aside two percent for staff development is no longer in effect.

School districts are required to reserve an amount equal to at least two percent of the basic revenue for staff development. 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. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs.

2. Staff development revenue can be used for teacher evaluation.

Staff development revenue is used for staff development plans including plans for developing and implementing a teacher evaluation system.

3. Transfer of carry-over staff development funds.

The authority for school districts to transfer carry-over staff development funds from district, school, or exemplary grant accounts expires after fiscal year 2013. Districts may still transfer funds as of June 30, 2013 as part of FY 2013 closing, but authority to transfer funds in FY 2014 and FY 2015 was eliminated. A school district may transfer money from one fund or account to another if the following conditions are met:

- a. The transfer must not increase state aid obligations or increase local property taxes.
- b. Transfers cannot be made from the community service fund or the food service fund under this section or from the reserved account for staff development after FY 2013.
- c. The school board must adopt a resolution stating that the transfer will not diminish instructional opportunities for students.
- d. The district must apply to the commissioner to make the transfer. The application must include the amount to be transferred and the funds/accounts involved. It must be signed by the superintendent and approved by the school board.

What has not changed? Minn. Stat. § 122A.60 Staff Development Program.

1. Districts and schools develop staff development plans.

Districts and schools are required to develop, implement, evaluate, and report staff development plans, activities, and results.

2. Districts and schools establish staff development committees.

The school board must establish an advisory staff development committee to develop the plan, assist site staff development teams in developing a site plan consistent with the goals of the district, and evaluate staff development efforts at the district and site level.

3. Districts and schools submit an annual report of staff development goals, activities, and results.

A report is submitted to the Minnesota Department of Education that includes staff development activities, results, and expenditures for the previous school year by October 15. The commissioner provides a legislative report each year on district and school site staff development progress and expenditure data.

4. Staff development decision making policies.

The district should use the district staff development committee to form policies around staff development programs and use of funds. These processes should be transparent, well documented, and include any information on ongoing actions. Many staff development decisions are made at the local level but also need to be aligned with Minnesota staff development statutes.

5. Districts are no longer required to allocate revenue reserved for staff development by school sites, district-wide staff development, and exemplary grants.

School boards are no longer required to allocate 50 percent of the reserved revenue for staff development to each school site in the district on a per teacher basis. Nor are school boards required to retain 25 percent to be used for districtwide staff development efforts or use 25 percent of the revenue to make grants to school sites for best practices methods. This change was made effective July 1, 2012.

6. Staff Development Reporting Requirements.

The reporting requirements under Minn. Stat. § 122A.60 Subd. 5 continue to be in place. A report is to be submitted to the Minnesota Department of Education that includes staff development results, activities, and expenditures for the previous school year by October 15. The commissioner provides a legislative report each year on district and school site staff development progress and expenditure data to the House of Representatives and Senate education committees.