



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 31, 2011

The Honorable Kurt Zellers  
Speaker of the House  
463 State Office Building  
St. Paul, Minnesota 55155

Dear Mr. Speaker:

With this letter, I am vetoing and returning Chapter 114, House File 1381, the Omnibus Education Policy Bill. While there are a number of provisions in this bill with which I agree, several must be removed or resolved before I can support it.

I do appreciate the attention given to the development and evaluation of school principals. While both are essential, one principal has even greater impact upon an entire school than one teacher. For that reason, I cannot support principals and assistant principals being given only two years of probation, while teachers are assigned three years of probation. Furthermore, the requirement in that section that a teacher, who has completed successfully three years of probation in one school district, must complete three more years on probation at a new school district, rather than one currently, seems excessive and unwarranted, even with the school board's option to modify it.

During the legislative process, the Minnesota Department of Education Commissioner Brenda Cassellius requested that all of the teacher and principal effectiveness language in the Omnibus Education Finance bill and in this one be combined into one bill or the other. This integration did not occur. All teacher and principal effectiveness language should be contained in just one bill in order to ensure equity and coherence.

Furthermore, this legislation places unacceptable limitations on rulemaking related to academic standards. Every decision made in K-12 education starts with state academic standards. The Minnesota Department of Education follows a thorough process to update standards according to guidelines passed by the Legislature. I note that DFL legislative majorities did not impose this restriction on Governor Pawlenty. It unnecessarily adds another layer of bureaucratic delay, which runs contrary to our shared desire to streamline government decision-making and reduce its timelines.

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This bill also prohibits the Commissioner of Education from adopting Common Core Standards, which 42 other states have adopted. US Secretary of Education Arne Duncan called me specifically to urge my support of the Common Core Standards.

The bill's language, which allows school districts to operate as charter schools, is also of concern. There are more questions than answers about how these pilot projects would function, including how schools would be governed, how funding would be allocated, who would be responsible for student performance, and whether collective bargaining agreements would be honored. This policy has not been crafted carefully enough to be enacted. Questions on several smaller changes to language on charter schools that were not proposed by the Department of Education also need to be satisfactorily resolved.

The language on home school reporting should ensure oversight of compulsory attendance. There must be at least minimal accountability to ensure all Minnesota's children are receiving a high quality education, especially when public funding is used through nonpublic pupil aids.

For that reason, I have serious concerns with the bill's striking the requirement in current law that: "If the results of the assessments in paragraphs (a) and (b) indicate that the child's performance on the total battery score is at or below the 30th percentile or one grade level below the performance level for children of the same age, the parent must obtain additional evaluation of the child's abilities and performance for the purpose of determining whether the child has learning problems."

While I respect parents' rightful prerogatives regarding the education of their children, society also has an important stake in each child's educational success; for that child will either become a contributing adult or a societal burden, depending in large part on their educational attainment.

I am also extremely reluctant to sign any education policy or funding bill, which does not contain language and/or funding for early childhood education. During the floor considerations of Chapter 42, House File 934, the Omnibus Education Finance Bill, the majorities in both the House and the Senate and subsequently in the Conference Committee, took the extreme positions of eliminating all language and funding for early childhood programs. Such drastic and misguided actions would wrongfully reverse the state's modest progress in supporting this critically needed service.

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After all of the rhetoric during the legislative session about closing the achievement gap, it is incomprehensible why early childhood education programming and funding, which educational experts say is the key first step toward education equity, would be eliminated.

I appreciate that provisions from the Department of Education policy bill were included in this bill, such as changes to English language learner standards and proposed changes to the charter schools statute. We share the goal of ensuring that all students be reading by the end of third grade, and support many other policy and technical provisions in the bill. I look forward to working with you in the days and weeks ahead to resolve these differences.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton". The signature is written in a cursive, flowing style.

Mark Dayton  
Governor

cc: Senator Michelle L. Fischbach, President of the Senate  
Senator Amy T. Koch, Majority Leader  
Senator Thomas M. Bakk, Minority Leader  
Senator Gen Olson  
Representative Paul Thissen, Minority Leader  
Representative Sondra Erickson  
The Honorable Mark Ritchie, Secretary of State  
Mr. Cal R. Ludeman, Secretary of the Senate  
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives