



Minnesota Journal

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A publication of the Citizens League

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Volume 14, Number 4
April 22, 1997

Metro 2040 takes long view, looking for partnerships

Second of two articles. In the debate over regional growth and land use, few organizations play such a visible role, yet have so few friends, as the Metropolitan Council.

The Council is often derided by local officials and developers who equate Council involvement as a loss of control over local land use. Somewhat ironically, the Council has enemies at the Legislature as well—the very body that created and empowered the Council, yet sometimes seems to misunderstand

the Council's mission and authority.

So when the Metropolitan Council set out in 1995, under legislative order, to come up with a plan for future growth in the seven-county region, many were either skeptical or leery of the potential changes that might occur under a Council-driven vision.

In December, the Metropolitan Council approved a formal growth

by Ron Wirtz

strategy—"Metro 2040"—that proposed a number of changes to the way municipalities accommodate growth. Whether or not you agree with Metro 2040 depends on your disposition toward urban growth and the Metropolitan Council's influence over it.

Metro 2040 is not a separate plan, but merely amendments to the Council's existing *Regional Blueprint*. These amendments espouse some of the same priorities set

forth in the Citizens League's recent report, *It Takes a Region to Build Livable Neighborhoods*: emphasis on redevelopment, compact and efficient urban forms and attention to urban design.

Specifically, Metro 2040 proposes to channel two-thirds of all growth by the year 2020 inside the existing metropolitan urban service area (MUSA), while establishing an urban reserve boundary for the year 2040. It also emphasizes job creation in the fully developed

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Nonfelony prosecution setups differ across state

by Jody A. Hauer

Although most criminal offenses we learn about on television and in newspapers are felonies, the overwhelming majority of offenses committed in Minnesota are less serious crimes. Nonfelony offenses—gross misdemeanors, misdemeanors, petty misdemeanors, and ordinance or rule violations—constituted 99 percent of all offenses in the state during 1995. County attorneys and city prosecutors are responsible for prosecuting these offenses.

recently completed a best practices review of nonfelony prosecution in Minnesota. We surveyed county attorneys (with responses from 67 of the state's 87 counties) and a representative sample of cities around the state.

Most cities use either a private law firm or the county attorney to prosecute nonfelonies on their behalf. By some measures certain communities—those who use county attorneys to prosecute nonfelonies and larger cities using either their own prosecutors or private law

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Poverty not major factor in 8th-grade test scores

by Samuel L. Myers, Jr.

What makes a difference in students' performance on Minnesota's new eighth-grade Basic Standards math and reading exams?

Regular school attendance is the most consistent and reliable predictor of success on the tests. High achievers on the tests tend to change schools infrequently. Another important predictor of students' test scores is their performance on achievement tests as second graders. Participation in a gifted and talented program is important, too, and has a greater

effect on minority students' test performance than on that of whites. And all of these factors have a much stronger impact on students' eighth-grade test scores than individual, school or neighborhood poverty.

These are among the results of the first comprehensive empirical analysis of the 1996 eighth-grade test score data, conducted by the Humphrey Institute's Wilkins Center. Using data merged from the MARRS (Minnesota Automated Reporting Student System) and

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The Legislative Auditor's Office

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Further, I segue into a reminiscence of Sen. Patrick Moynihan: "...from the spring of 1966. It's the Harvard Faculty Club and Seymour Martin Lipset comes over and says, 'You know what Coleman's finding, don't you?' And I said, 'What?' And he said, 'All family.' And I said, 'Oh God.'...Our small exchange had undertones that explain more in retrospect than they did at the time about the hostility to that finding. The largest social science project in history had come up with the wrong answers."

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Humphrey

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This troubles me greatly. Having an out-of-state, for-profit corporation controlling one of our public charter schools is not what our charter school law was all about. It is absolutely contrary to the idea that charter schools should be

grass-roots and locally controlled.

More fundamentally, I am very leery of for-profit entities controlling any of our public schools, whether they be charters or "regular" schools. The principal motivator for all for-profit corporations, as a matter of law, is return on investment for its shareholders. That corporate goal is in conflict with the statutory mission of all our public schools, including charters.

There is a place for for-profit corporations in charter schools. Schools should have the right to purchase supplies and equipment and perhaps even specialized instructional services, from a for-profit business. But to delegate away the entire teaching and management functions for the school is not good policy, not good finance and not good education.

*Hubert H. Humphrey III
Minnesota Attorney General*

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Publisher — Lyle Wray

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Making schools work: More than just more money

"The public education system's record with students of color and students in poverty is appalling." That was one of the conclusions of the Citizens League's 1997 study committee on K-12 education. As one committee member observed, "If white middle-class kids were failing at the rates poor students and students of color are, we wouldn't hesitate for a second to say the record is appalling."

The Minnesota Legislature and school districts have known for years that poor children aren't doing well in school. And, as Ted Kolderie pointed out in last month's *Journal*, local districts have argued that poor kids are harder and more expensive to teach and the state has responded, year after year, with more money—for compensatory aid, for busing for desegregation, for a host of other supposed remedies.

The result? Despite the millions appropriated for poor kids, money too seldom gets to the kids who need it. Despite years of desegregation, the state has succeeded in—as another League committee member put it—"moving bodies, but not test scores."

Lawsuits by the St. Paul school district and the NAACP in Minneapolis have charged the state with failing to provide an adequate education for the minority and low-income students in the two districts. The remedies the plaintiffs seek would include money—and lots of it—and changes in housing, transportation and other systems that concentrate low-income families in the core cities.

Another view: Humphrey opposes Edison charters

I join with the League in supporting the growth of charter schools and other alternative learning programs as a way to deal effectively with the "learning gap," that exists between our at-risk students and their peers. I also support broadening the scope of institutions empowered to charter schools and loosening the laws that significantly underfund charter schools when compared to "regular" public schools.

To help remedy these problems, Rep. Mindy Greiling (DFL-Roseville) and Rep. Alice Seagren (R-Bloomington) have teamed together to sponsor legislation that would remove many of these barriers. I strongly support their bill.

The most recent issue of the *Minnesota Journal* (Mar. 18) contained two articles about a unique charter school being developed in Duluth. Ted Kolderie and Duluth Superin-

Viewpoint

by Lyle Wray

Education officials are correct that when poverty is concentrated in a few neighborhoods, education suffers. A wide variety of state and local policies on land use, housing, transportation and other matters, along with persistent racial discrimination, have contributed to the economic and racial segregation of Twin Cities communities. The tide of increasing income segregation in the region has not abated and, in fact, may be accelerating. If the state wants to alleviate poverty concentration, the Legislature, Metropolitan Council and city halls will have to not only reverse the destructive policies already on their books, but make future policies that are explicitly designed to promote inclusive and livable communities. Turning this situation around will take a level of attention and commitment to action unprecedented in Minnesota—perhaps in this country.

Absent such a major reconfiguration of the urban landscape, courts have often ordered more money dispatched to inner-city school districts. Efforts in Kansas and Maryland, for example, where expensive after-the-fact remedies have been ordered by the courts, have not produced promising results in terms of student achievement. Massive increases in expenditures within essentially unchanged educational systems don't seem to help much. Clearly, more is needed than "more money."

In the view of many, the education

system currently is designed to meet the interests of adults, not students. Even if poverty concentrations and other problems related to kids being ready to learn are solved, that won't be enough. We still need a system that puts student achievement first.

How do we get there? In its report, *Straight A's for Minnesota's Schools*, the League recommended several steps, including a high-quality student assessment system to ensure that educators, parents and taxpayers get consistent information about student, school and system performance.

In an encouraging move, the Legislature passed a bill early this session requiring a uniform, statewide system for assessing students' reading and math skills. A joint House-Senate committee has been working to flesh out the details of the system. Meanwhile, some critics are working to ensure that if test scores are comparable between districts, the scores won't be published; or, if the scores are published, they will be "adjusted" beforehand for demographic differences among districts. Taxpayers, parents and students would be spared the truth about how well kids are learning. Low-income and minority kids would be given the message that less is expected of them than of their white, middle-class peers.

We hope the Legislature avoids that temptation. Providing parents

and students with good, honest information, it seems to us, is one of the keys to making sure the system is held accountable to students.

Another key: Making sure parents have choices. The League's report reiterated our support for expanding Minnesota's charter schools law and leveling the financial playing field between charters and "regular" schools. Gov. Arne Carlson has supported this in his education proposal and the newly merged bill sponsored by Sen. Ember Reichgott Junge (DFL-New Hope) and Sen. Gen Olson (R-Minnetrista) makes great strides in this direction. The Legislature should support it. And legislators shouldn't restrict charter sponsors from contracting with for-profit organizations—as some would have them do. Why prevent charter-school organizers in Duluth or any other district from hiring the teaching-and-learning organization they think will do the best job for their kids? The Legislature should focus on the outcome—better student achievement—and worry less about protecting adult interests.

If the state wants to get serious about its constitutional obligation to educate poor students and students of color, legislators will have to bite the bullet and do the things that will drive the system to improve: Strike policies that concentrate poverty. Give parents more choices. Give parents information on student achievement. And put the adults—not the kids—at risk for performance.

Lyle Wray is executive director of the Citizens League.

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On Balance

"The future isn't what it used to be."—Y. Berra

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Nobody's success depends on whether students learn

Edited excerpts of remarks by Ted Kolderie, director, Center for Policy Studies, to the Citizens League on March 25.

The central question really is why the needs of poor kids aren't being effectively dealt with now. The good practices that editorials urge on districts are hardly new and are largely not in dispute. It takes good people to do this but we have good people. It takes money but we have money. There's always a cry for more but there's also the question about how well the money presently voted for poor kids is being used.

Title I, which was voted for poor kids in 1964, provides about \$84 million a year for Minnesota. Proposals for tightening up targeting in 1995 were resisted and the threshold remains low enough that today only five districts in Minnesota don't share in that revenue.

Within the big city districts it's fairly well targeted—to schools where over 50 percent of the kids are eligible for free school lunch. St. Paul targets more tightly than Minneapolis. But within the school it's no longer targeted to poor kids. It can be used schoolwide for any purpose. Within a school it can no longer be targeted to a grade span—say, to K-3 for reading.

In 1971, at the initiative of the Citizens League, an additional 40 percent was added to the formula for kids from AFDC families. The authors intended and assumed this money would go to the schools where those kids were enrolled. It didn't. Districts basically short-stopped it. Legislators who were there at the time remember the decision to let the money be the districts' money. It's the price you pay to get big city support for the re-equalization of education finance that year.

Since 1971 something between \$1.5 and \$2 billion that was intended to go the schools where poor kids are enrolled has never been allocated to the schools where they are, in fact, enrolled.

About 1990 the state began giving Minneapolis, St. Paul and Duluth aid and levy for desegregation.

That's totaled almost a quarter billion dollars to date. Early on, the person now commissioner said, "We have no idea what's happening with that money." When the Department began to ask, a Minneapolis legislator put through a bill providing for the districts to report to the Legislature rather than to the Department. If you ask what the Legislature does with those reports, the answer is, Nothing. Last year the Legislature did not get a report.

Schools get allocated equal numbers of teachers, not equal dollars. Senior teachers represent more dollars than younger teachers. Teachers use their seniority rights under the contract to get themselves out of elementary and inner-city schools and into high schools and schools in the corners of the city. This creates significant *intradistrict* disparities.

Minneapolis used to publish a report that showed by school the proportion of teachers with M.A. and above and the proportion of students eligible for free school lunch. At the junior high level the inverse correlation was perfect. Schools full of poor kids get fewer dollars than schools full of middle-class kids.

In Los Angeles this resulted in the *Rodriguez* case. The district is now equalizing per pupil spending by school under a consent decree. Here nobody asks about *intradistrict* disparity.

Program improvement, too, is at stake in the question of who controls the dollars. Allan Odden at the University of Wisconsin says in his experience when the districts get schools FTEs the schools go on doing the same thing. When the districts get schools dollars, they do something different.

The pattern is fairly clear. Districts work to get maximum revenue to the district level so it's able to be allocated according to district priorities. In this allocation poor students do not come first. Adult interests come first.

Why do districts, full of good people with good intentions, not put student interests first? The answer

is this is the way the Legislature has structured and rewarded their behavior. The framework of law puts the districts simultaneously in the business of student learning and in the business of school operations. These roles conflict. The district has to deal with the day-to-day imperatives of running the district. It does not have to pay attention to student learning in anything like the same way.

If we want to put student interests first, we will have to change the way it's built. The lawsuits might have done this, but apparently will not.

Interestingly, a case can be made that the state has failed to meet requirements of the state Constitution. These are not equity suits like *Skeen*. They're adequacy suits, which allege the state is failing to do enough to provide for student learning.

Minnesota's Constitution requires the state to provide a thorough and efficient system of schools. Efficient means capable of accomplishing the result intended. It ought to be possible to show that, as presently organized, the system set up in state law does not, will not and inherently cannot put student learning first—that it is, therefore, not efficient and is, therefore, unconstitutional.

It's fascinating to think what might have happened if the state—some of the suit parties, at least—had admitted, rather than denied, the complaint. It might have been possible to ask the courts to reshape the role and powers of boards so their primary obligation would be no longer school operations, but would be student learning.

With no solution in sight for the lawsuits, the efforts to get the changes needed continue to be made in the Legislature. There are bills that would move boards gradually into the business of student learning. The standards and assessment proposals, of course, are part of this. But the grad rule will fail if boards cannot change and improve their programs dramatically enough to raise student performance to meet the standards in the time allowed.

With the bills for school-based financing, for contracting and for charter schools, the state would be making it easier for districts to bring in new and better learning programs to meet this obligation. It would be making K-12 a self-improving institution.

With other bills, should they pass, the Legislature would provide real power to parents—poor parents—to put their children in these improved programs. It would give districts a reason they do not have today to put students first. There are hopeful signs.

The decision by the board and superintendent in Duluth is especially important. This is the first time a district has used the charter law affirmatively to create a new school that will challenge its existing schools. But it will be tough, as everyone knows who has any sense of the resistance in the Legislature to schools bringing in certain learning programs for kids.

It would help tremendously if the major organizations in public education would acknowledge, rather than deny, the existence of the system problem. Those inside the institution know the truth.

It would help, too, if those outside in the press would not take quite at face value the assertion that the traditional statutory framework is O.K., that the job can be done if only the public will provide moral support and additional resources and, possibly, better kids.

It's quite possible additional money will be needed, especially for poor students. But it would be simply sentimental to add that expenditure into the system as it exists today. The absolute requirement for additional financing is for the Legislature to reassign public education so that somebody, presumably boards of education, at last becomes responsible primarily, perhaps solely, for seeing that students learn.

In the system as it has been structured today, nobody has that responsibility to put student learning first.

Metro 2040

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area, with particular emphasis on rip of polluted lands.

The Council hopes such efforts retard rapid urban expansion, encourage in-fill and protect certain areas for long-term agriculture. Most of these goals, in fact, are widely agreed upon by municipal officials, developers, land-use groups and the Council.

The problem for many lies in the details, mainly because the plan is devoid of specifics on implementation, expected local outcomes or consequences for failing to achieve certain regional goals.

Is voluntary enough?

Metro 2040 is a voluntary guideline for future growth. By the ready admission of Council officials, the plan has few new tools or concrete consequences for municipalities that do not buy into this regional growth strategy. And neither are they apologetic over it.

"The primary tool is persuasion," Curt Johnson, chair of the Metropolitan Council. "There is no explicit form of assurance about compliance" to the plan's ultimate goals.

Instead of mandated compliance to Metro 2040 goals, the Council is looking to build partnerships with municipalities, particularly fast-growing ones. Any additional exercise of power would be inconsistent with the authority of an appointed Metropolitan Council, according to Johnson.

"We're playing the only role we can," Johnson said, adding that positive change "rarely, if ever, comes by bureaucratic dictate."

Not everyone agrees with that philosophy. Anti-sprawl groups—often environmental and social-equity organizations—have condemned Metro 2040 as weak and meaningless. They believe it does little to mete out financial or regulatory consequence for those municipalities who ignore regional issues, like affordable housing and farmland preservation. Critics also note that the Council has provided no new mousetraps to enable wiser use of land and infra-

structure resources.

This has been largely intentional, said John Kari, senior planner for the Council. Instead of spending time devising new tools and reinventing the wheel, local comprehensive planning will continue to be the main implementation tool.

The real change, Kari said, is trying to get local officials to understand the life-cycle needs of their communities over 25 to 50 years. By doing so, communities can identify existing deficiencies and future problems, whether it be affordable housing, cultural amenities, transit access, move-up housing or some other community need.

"If you don't take a problem approach...and if people don't believe the problem, then planning is irrelevant," Kari said.

The Council recently "test marketed" its message to a handful of municipalities around the region, discussing basic assumptions about each municipality's population forecast, land supply, land demand, and general demographic trends—all in the context of the new growth strategy. The remaining cities and townships will be covered over the summer.

The Council is waiting to see how much agreement there is with these basic assumptions before moving too far ahead, Kari said. If a lot of growing cities buck the Council's assumptions, "the Council will have to regroup."

Terry Schneider, a local development consultant and Minnetonka city council member, said he agreed with the thrust of Metro 2040, but questioned whether consumer preferences have been factored into this growth debate. Some people might be interested in urban environments that are more compact, Schneider said, but changing

consumer preferences "is like moving a 500-pound gorilla. It'll go where it wants to."

Everybody on the same page?

One constant battle is the chilly relationship between the Council and municipalities. Some of this edginess stems from the Council's poor community relations and part from local misunderstanding of the Council's real power.

Anne Hurlburt, community development director for Plymouth, said many local officials mistakenly believe the Council has the statutory authority to require municipal compliance to regional goals in comprehensive plans. Hurlburt knows better, since she was the Council's manager of comprehensive planning and local assistance for five years before coming to Plymouth.

The Council does not "approve" local comprehensive plans, she said. It merely has the power to review comprehensive plans and ask for modifications, if regional systems like wastewater and transportation are adversely impacted by local growth plans.

In fact, if a city wanted to become an island unto itself, the Council would be hard-pressed to do anything. If the Council labels a comprehensive plan "inconsistent" with the *Regional Blueprint*, about the only tangible consequence facing a municipality is the withholding of infrastructure and other public grant money (like that in the Livable Communities program) controlled by the Council.

Even this tactic has been rarely utilized, but that will be changing, according to Tom McElveen, deputy director of community development for the Council. "We are committed to providing incentives" for those municipalities that support the goals of Metro 2040,

McElveen said, and criteria are being developed to match operating, maintenance and capital budgets with Metro 2040 goals.

However, this might encourage hoop-jumping instead of community planning. Hurlburt said many cities see comprehensive planning as an activity done expressly for the Council and not for the benefit of the local community.

"It's popular to talk about partnerships, and [partnerships are] important," said Hurlburt. "But the bottom line is that cities have control over land use and cities want to know what power the Council will exercise over them."

At a minimum, she said, cities want clear expectations from the Council regarding land use and comprehensive planning. But Council officials themselves don't seem to know what expectations are reasonable, she said, "and that is frustrating." Hurlburt added that some cities want the Council to "just tell us what we need to do."

But the Council appears to be looking for a much longer conversation about urban growth and land-use outcomes in the region. Only time will tell if the Council's new strategy is headed in the right direction, or if cities are listening to the Council's plea that they accommodate growth in a new way.

One thing is for sure: Metro 2040 is neither as strict as some would like, nor as *laissez-faire* as others might prefer. But an important policy question lingers: What will be the Council's response if the status quo for regional growth remains in place?

Schneider, for one, said the Council needs time to change public perception regarding things it is pushing, like higher density. "You don't do that overnight," Schneider said, "[but] over time people will change their attitude and broaden their perspective."

Ron Wirtz is a research associate at the Citizens League. He staffed the committee that produced *It Takes a Region to Build Livable Neighborhoods: Urban Growth Strategies for the Twin Cities Metro Region*. Copies of the report or its summary are available from the League office at 612-338-0791.



Prosecution

Continued from page 1

firms—receive a higher level of service than others. We also found cities that collaborated on joint prosecution services attained improved service at equal or reduced costs.

Who prosecutes nonfelony offenses?

The responsibility for prosecuting nonfelonies varies among communities. Some county attorneys, about 14 percent in Minnesota, prosecute any nonfelony offense committed in the county. In these counties no cities have their own local prosecutors. In another 27 percent of counties, every city has its own prosecutor and the county attorney does not prosecute for any city. Most counties though, about 59 percent, have a mix, where the county attorney prosecutes nonfelonies on behalf of some cities while other cities retain their own prosecutor.

Among cities, about half use the county attorney for nonfelony prosecution. Another 46 percent of Minnesota cities use a private law firm for these duties. About a dozen mostly larger cities have their own full-time attorneys on staff. A few cities have jointly provided prosecution through a common provider.

Goals for prosecution. Based on established standards and laws, we identified four primary goals for offices that prosecute nonfelonies. Prosecution offices should:

- (1) fulfill their statutory obligations and adhere to relevant ethical standards;
- (2) encourage just and fair criminal proceedings unhampered by unjustifiable expense and delay;
- (3) communicate clearly with the sheriff and/or police departments in a shared effort to combat crime and promote law-abiding activity; and
- (4) maintain a judicious balance between protecting the rights of society and those of individuals involved in cases.

We found nine important actions that can help prosecution offices

reach these goals. Some of these actions are common around Minnesota and others less so.

Effective and efficient service delivery. First, prosecutors must provide effective and efficient service delivery. We compared counties on numerous measures of effectiveness and efficiency—such as whether prosecutors provided misdemeanor-related training to peace officers, whether they used a victim and witness assistance program and the number of cases handled per full-time equivalent (FTE) attorney.

We found that county attorney offices generally performed equally well in 1995, regardless of whether they prosecuted nonfelonies for all, some or no cities. One exception was that when county attorneys prosecuted on behalf of all or most cities, their offices tended to handle a larger number of cases per FTE staff than other counties.

Cities with their own prosecutors on staff—typically large cities with heavy caseloads—compared very favorably on both effectiveness and efficiency measures.

Most of the other cities were nearly evenly divided between those receiving prosecution services through county attorneys and private attorneys. In general, these two groups received comparable levels of service. But we noted several exceptions.

Cities relying on county attorneys for nonfelony prosecution were more likely than cities using private firms to have: (1) victim and witness assistance services available, (2) misdemeanor-related training provided by prosecutors to law enforcement officers, (3) a higher percentage of cases disposed at an early stage of the judicial process, and (4) prosecutor communication with local elected officials and the community at large. On the other hand, cities using private law firms were more likely than those using county attorneys to have broad training opportunities for prosecutors specifically tailored to employees' training needs. Among cities using private firms, those with larger populations were generally more likely than smaller cities to have higher levels of service.

A small number of cities have found efficiencies by joining together for cooperative prosecution services. Some, such as six Scott County cities, have formed joint powers agreements to collectively hire a prosecutor who works for them full-time. In Hennepin County, four cities contract for prosecution services with Minnetonka, which has its own prosecutors on staff.

Working with law enforcement agencies. Effective prosecutors must maintain good relations with local law enforcement. Prosecutors should encourage proficient police work, since it is tied very closely to successful prosecution.

In Carlton County, the county attorney's office works with the sheriff and local police department through two officers designated as liaisons. These liaisons supply prosecutors with information on cases, witnesses, and victims and relay information to officers on court appearances. They save time for prosecutors and help officers avoid appearing in court for postponed hearings, an otherwise too-common occurrence.

Resolving appropriate cases without prosecution. We recommend that prosecutors resolve certain cases with methods other than traditional prosecution. Some jurisdictions have administrative processes to resolve violations of ordinances before they reach the criminal justice system.

For example, Coon Rapids has a nuisance-code enforcement program that focuses on correcting problems, such as a building code violation, instead of taking violators to court. Code violators receive a notice describing the code, the violation and what needs to be corrected. They can discuss their situation with the city's code enforcement manager and have a hearing before an administrative law judge hired by the city. If dissatisfied, the defendant may appeal the results to the city council and, as a final step, take the issue to district court. Such processes are less formal, more efficient alternatives to adjudication.

Further, prosecutors may choose to divert certain cases from prosecution, when more can be gained by offenders attending treatment or



"Insufficient data available at this time."

providing community service than by going to court. Morrison County's adult diversion program helps reduce the backlog of criminal cases, offers a speedier response to criminal behavior and reserves court and prosecution resources for more serious crimes.

Assisting victims and witnesses. Encouraging victims and witnesses to report crimes and follow through with identifications and testimony is often critical to the prosecution's case. A majority of county and city prosecutors reported that victim/witness programs were available in 1995. Many cities, such as Grand Rapids, supplemented victim services provided by the county with their own programs for dealing with victims.

Other recommended actions. Prosecutors should establish written guidelines to provide uniformity in decisions about charging and prosecuting cases. They also need adequate equipment and facilities. For instance, both the state and local governments maintain databases of information related to criminal justice. However, the databases are neither comprehensive nor integrated. Prosecutors looking for criminal history data on defendants will not be able to find records on misdemeanor or petty misdemeanor offenses committed outside their own county or judicial district, although legislation pending this year would improve these information systems.

A number of Minnesota counties and cities have taken steps to assure efficient, effective prosecution of nonfelony offenses. We hope other jurisdictions will learn from their successes.

Jody A. Hauer is coordinator of best practices reviews in the Minnesota Legislative Auditor's Office. Copies of the report Non-Felony Prosecution are available at <http://www.auditor.leg.state.mn.us/pe9707.htm> or by calling 612-296-4708.

Testing

Continued from page 1

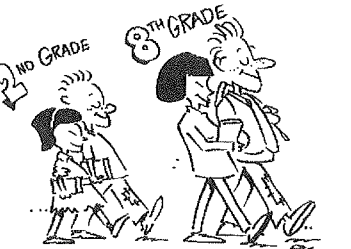
1996 eighth-grade Minnesota Basic Standards test scores, we analyzed trends and measured the impact of a variety of individual, program and school characteristics on students' test scores:

- Individual characteristics: race, gender, age, attendance rate, number of school changes in past five years and English not spoken at home.
- Program characteristics: enrollment in special education or disability program, limited English proficiency program and/or gifted and talented program.

- School characteristics: school poverty (i.e., percentage of students receiving free or reduced-price meals); percent of test takers at school who are black, Asian, Hispanic or American Indian; whether a school ranked in the top 20 percent of mean math or reading scores; whether a school ranked in the bottom 20 percent of math or reading scores.

For one large school district in the state the analysis also included the impact of the following variables on mean test score: individual poverty (i.e., whether the individual student was eligible for free or reduced-price lunch), the percentage of persons below the poverty line in the Census tract where the student resides and results of the student's second-grade California Achievement Test.

By the year 2000, students in Minnesota will be required to pass these Basic Standards tests in math and reading in order to receive a high school diploma; the writing test will be added in 2001. In the preliminary test given in 1996, only 63 percent of all eighth graders passed the reading section, while 76 percent passed the math



"Testing . . . results."

test. (Passing was a score of 70 percent correct.) Nearly one-third of the sample of students given the writing test failed it. In Minneapolis, only 42 percent passed the math test and 37 percent passed the reading test.

In 1997 the cutoff for a passing score was raised to 75 percent, which resulted in a decline in the percentage of students passing the test. This year 59 percent of eighth graders passed the reading test and 70 percent the math test. In Minneapolis 33 percent passed the reading test and 36 percent the math test.

Some key findings of our analysis of the 1996 tests:

- While most whites passed the tests, most minorities flunked. Among whites in our data set, 74 percent passed the math exam and 57 percent the reading exam. But most American Indians failed math (60 percent) and reading (68 percent); nearly 60 percent of Hispanics failed math and 70 percent failed reading; 75 percent of African Americans failed math and an incredible 79 percent failed reading. For Asians, passing rates were higher, at 59 percent on the math exam and 44 percent on reading.
- Among all races high achievers (scoring in the top 20 percent) tended to change schools infrequently. The average number of school changes in the past five years for this group was only about 2.2 to 2.5. This means that an eighth grader has changed schools only from elementary to middle school.

- Attending school regularly has a strong effect on test scores for all racial groups. A one percentage point increase in school attendance rates will raise test scores by about one-third of a point. Increasing school attendance rates from 80 percent to 95 percent will increase test scores by almost five points.

- This effect is substantially larger than the putatively adverse impact of school poverty on test scores. The poverty effect is not consistently significant and, when it is, it often does not have the expected negative sign. Only on reading scores of Hispanics is the school

poverty effect negative and significant—and its size just offsets the size of the attendance effect. Among other racial groups the impact of school poverty on mean test scores is so small as to be inconsequential.

- Program participation had far larger impacts on mean test scores than did racial concentration within the school. The incremental effect of participating in a gifted and talented program is larger among minorities than among whites. And, on balance, the impacts of program participation far outweigh the impacts of school poverty.

- The individual poverty impacts (measured in one large district) are not statistically significant for any minority groups. The only statistically significant impacts of individual poverty are found among whites and even for them the impacts are minuscule.

- Impacts of early childhood development are larger. A one percent increase in the second-grade test score on the California Achievement Test increases eighth-grade math and reading scores from about one-fifth of one percent to more than one-half of one percent. The largest impact is registered for Hispanic math scores. A one percent increase in black or white second-grade test scores increases eighth-grade test scores by about one-third of one percent.

- Large parts of the racial gaps in high achiever and low achiever rates, passing rates or mean test scores are not explained by racial differences in the individual, program or school characteristics included in the analysis. Data from one district indicate that these unexplained gaps diminish somewhat when students' scores on second-grade achievement tests are taken into account. Even so, large unexplained gaps remain: 30 to 40 percent among blacks, 30 to 35 percent among American Indians; 20 to nearly 60 percent among Hispanics and 30 percent among Asians.

There are numerous possible reasons for these unexplained racial gaps in test scores. Foremost among them is the possibility that we have failed to measure all of the factors that could possibly

explain test scores, such as study habits, parental involvement, teacher race and education and costs and expenditures per student.

But even without further research our analysis suggests several clear and immediate initiatives that could help improve test scores and reduce racial gaps in performance on the math and reading exams:

- Greater efforts to increase school attendance, especially among minority students.

- Improved attempts to limit frequency of school changes and to stabilize student movements from elementary to middle school.

- Implementation of more and varied gifted and talented programs, particularly for American Indian students and others who are underserved by these programs.

- Careful assessment and evaluation of special education programs and their appropriateness for many minority students who might be better served in mainstream programs.

- A reexamination of English proficiency training and the impacts that targeted and nontargeted programs have on non-English-speaking populations.

These efforts may help raise test scores and/or reduce racial gaps in test scores in the short run. But in the long run we need to pay more attention to improving second-grade test scores. We need greater parental and caretaker involvement to improve reading and math readiness of minority children. We must determine what resources and knowledge parents need to do the job effectively.

Samuel L. Myers, Jr., is Roy Wilkins Professor of Human Relations and Social Justice and director of the Roy Wilkins Center at the University of Minnesota's Humphrey Institute. Copies of the report on which this article is based, Analysis of the 1996 Minnesota Basic Standards Test Data, are available from the Wilkins Center at 612-625-9821 or by e-mail at Wilkins_world@hhh.umn.edu. A report summary will soon be available at <http://www.hhh.umn.edu/Centers/Wilkins>.

Quarter of Minneapolis 9th graders pass state retests

In the flurry of reporting about the results of this year's statewide eighth-grade Basic Standards test, nothing was said about the performance of ninth graders who were retaking the test after failing last year. As it turns out, the Department of Children, Families and Learning won't have statewide information on the test retakers until next fall.

But retesting statistics *are* available in Minneapolis, where 1,137 ninth graders retested this year. Only 29 percent of them passed the reading test and only 25 percent the math test—that despite another year of school and special pretest tutoring offered at some schools. (The statistics are not yet available in St. Paul.) For this year's ninth graders a passing score remained at 70 percent, even though this year's eighth graders had to score 75 percent to pass.

So about 850 Minneapolis ninth graders have failed the math test twice and about 920 have failed the reading test twice. Assume passing rates remain at 25 percent for each of this group's next three years in high school (which might be tough, given that two-time test failers are more likely to have significant learning obstacles). If that happens, about 350 to 390 Minneapolis students will have failed to pass one or both tests by the spring of what should be their senior year. That's more than the average size of a graduating class at one of the city's seven high schools. Will they be denied diplomas, as the state standards dictate? Worse yet, will many of them have dropped out before that time? Or will we have figured out a way to teach them enough so they can pass these basic tests?—*Dana Schroeder.*

A recent survey of shelters in Minnesota showed homelessness appears to be increasing.

The survey, conducted by the Department of Children, Families, polled those living in overnight and transitional housing on Nov. 26, 1996. Results were then compared to the same poll taken exactly one year earlier. Obviously, numerous factors, such as weather conditions, could skew results of "same-day polls" of homelessness. However,

the survey produced some interesting points to ponder.

For instance, the number of homeless people jumped 23 percent to almost 5,000 people from the previous year. Of this total, 43 percent were children, 31 percent women and 26 percent men. Despite the apparent increase in the homeless population for that particular night, the number of available shelter beds actually decreased five percent from the previous year. Shelters for battered women and transitional housing remained stable, but beds in overnight shelters dropped 22 percent.

Even more telling, in 1985, when the department first started this shelter survey, 45 percent of those in shelters were men, 27 percent women, and 28 percent children.—*Ron Wirtz.*

In the Senate education committee the other night, people were puzzling why Detroit Lakes would cut an accelerated learning program, while Forest Lake would keep it—particularly, as the chair, Sen. Larry Pogemiller (DFL-Minneapolis), pointed out, when Detroit Lakes has more money to spend than Forest Lake.

The apparent explanation: Forest Lake can't safely cut that program. Its students have other choices. Detroit Lakes can: Its students don't. It's a lesson. What puts students first is not "good intentions." It's the forces that bear on districts.—*Ted Kolderie.*

Going into the final weeks of the session there's a great determination to accomplish major property-tax reform and a sense that it's critical to do it this year, says Sen. Gen Olson (R-Minnetrista). Olson is the lead Republican in the Senate on education and a member of both tax and education committees. As chief Senate sponsor of Gov. Arne Carlson's education and property-tax legislation, she is a key player in the negotiations on education and property-tax reform legislation, which go hand-in-hand.

But great philosophical differences and money constraints, even with the surplus, are discouraging. At best, she said, the final bill will be a compromise among various ideas. But she thinks time and again, "This is all going to blow up." It's a showdown over how much money should be spent on K-12 education and how much on property-tax reform, says Olson. There's also the issue of whether a new tax, such as an expanded sales tax, should be used to reduce property taxes when "some feel strongly that, given the surplus, this is not the time when we can add a tax."—*Betty Wilson.*

At a recent conference at the University of Minnesota on demographics for policymakers, Barbara Raye, director of policy analysis and planning for Ramsey County, presented some intriguing research findings showing big differences between men's and women's attitudes toward government. In a survey that asked for feedback on the county's visions for human services, highways and transit, waste management, parks and other countywide services, women's responses consistently reflected a more positive view not only of Ramsey County's plan, but of government in general.

As it happens, an earlier speaker had presented a slew of data showing that female heads of household are more likely to be renters rather than homeowners, more likely to live in substandard rental housing, and more likely to pay more than

30 percent of their incomes in rent. Citizens League studies have repeatedly pointed out that Minnesota's property-tax policies, municipal zoning laws and building codes contribute to the shortage of affordable rental housing and put an unfair tax burden on renters—whose incomes, on average, are lower than those of homeowners.

We wonder whether women's positive feelings would change if these behind-the-scenes workings of government were as obvious as services like health care, housing assistance and schooling.—*Janet Dudrow.*

In a February speech at the University of Minnesota's Center of Transportation Studies, C. Kenneth Orski, director of the International Mobility Observatory, noted that governments in some countries are looking to alternatives to car ownership in response to the rapid growth in total motorization, while still allowing the auto industry to prosper.

Singapore, for example, has experimented with "weekend cars" to provide tax rebates for those who agree not to use cars during peak travel times. In France, "city cars" are available to subscribers in different locations throughout a city. "Auto cooperatives" are being tested in Germany and Switzerland, allowing people to time-share vehicles.—*R. W.*

Contributors to "Take Note" include Minnesota Journal and Citizens League staff members and Betty Wilson, a freelance writer and former Star Tribune political writer.

Take Note

Public affairs lessons beyond the basic standards.

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Citizens League Matters

April 22, 1997

News for Citizens League Members

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The Citizens League promotes the public interest in Minnesota by involving citizens in identifying and framing critical public policy choices, forging recommendations and advocating their adoption. Suggested dues for membership are \$50 for individuals and \$75 for families.

Volunteers promote League agenda at Capitol

More than 2,400 bills have been introduced in the 1997 Legislature. Obviously the League can't begin to track all of these bills. However, League representatives have weighed in on a number of issues in which the League has a long-standing interest, such as tax policy and regent selection. But basically, the League's efforts are focused on three areas: urban growth and metropolitan governance; economic competitiveness; and K-12 education. The following is a thumbnail sketch of the action in those three areas.

Urban Growth/Metro Governance

The Legislature can always be counted on for a good head-scratching when it comes to metro issues. For instance, a House committee voted to abolish, then elect, and finally study the Metropolitan Council—all in the space of one committee meeting.

Don Fraser, co-chair of the committee that produced the report, *It Takes a Region to Build Livable Neighborhoods*, has testified on three different occasions for bills in both houses calling for an elected Metropolitan Council.

Executive Director Lyle Wray has also testified on numerous bills, including against a bill to abolish the Metro Council.

Senators Steve Morse (DFL-Dakota) and **John Hottinger**

(DFL-Mankato) and **Rep. Joe Opatz** (DFL-St. Cloud) have spearheaded statewide land-use planning efforts. Two separate bills were introduced (HF 217/SF 820; and SF 738/HF 1000). The two Senate bills have since been combined, while the two House bills remain independent of each other.

All of these land-use bills have seen considerable debate and revision, but are moving through their respective committees. At present, all of the bills promote some degree of state wide, but locally-based, comprehensive planning.

The League has endorsed a bill (HF 771/SF 319), sponsored by **Rep. Dee Long** (DFL-Mpls) and **Sen. Randy Kelly** (DFL-St. Paul), that would create a fund for large-scale polluted site cleanup and subsequent redevelopment. The bill is moving through the Legislature and appears to have the support from Gov. Carlson.

Finally, the League is tracking a bill (HF 1317) that would create an advisory council to study the appropriate roles and responsibilities of local and regional governments in the metro area. Such a study mirrors a recommendation that appears in several recent League reports calling for clearer accountability links between the service provider, the service itself and the taxes paid for the service.

Economic Competitiveness

Among the proposals being debated is a bill (SF 1639/HF 1536) that would put in motion a process for crafting a broad strategy for public sector investment in Minnesota's long-term economic future.

David Hunt, who co-chaired the League's 1996 study committee on economic competitiveness, testified in support of the House bill at an Economic Development and International Trade committee hearing March 19. "Our economic future is dependent on many factors with significant public sector involvements: workforce development, post-secondary education, public amenities, state-of-the-art telecommunications, transportation and key infrastructure. Many of these factors are beyond the reach of traditional economic development programs," Hunt said.

At a hearing before the House State Government Finance Division, League president **Mike Christenson** reiterated the League's finding that Minnesota currently has no comprehensive strategy or ongoing process to help the public sector fulfill its role in the long-term economic development of the state. Other states and metropolitan areas have developed strategic plans, Christenson said.

The bill would establish an
see other side

Making Welfare Work next Mind-Opener

Coinciding with the tumultuous debate nationwide and in our own Legislature over reforming the welfare system, the League's final Mind-Opener series of the 1996-97 season will feature four speakers who bring uniquely different perspectives.

With deadlines looming for the state to begin implementing plans for welfare reform, the Legislature is under pressure to pass a reform proposal or risk losing millions of federal support dollars.

Currently, the Legislature is considering a proposal to expand the innovative Minnesota Family Investment Program to the entire state. This bill would put a 60-month lifetime limit on assistance, establish a 30-day residency requirement, and require that counties implement education and training programs by January 1, 1998.

The four-week Mind-Opener series, which starts on April 29, will explore whether proposed changes to the state's welfare programs will be enough to empower real change, making

work more attractive and feasible while providing long-term solutions to poverty, and real opportunity for economic prosperity for lower-income households. This series will feature the following speakers:

On Tuesday, April 29, Sen. **Don Samuelson** (DFL - Brainerd) will discuss the intent and goals of the welfare reform legislation he authored.

On Tuesday, May 6, **Deborah L. Huskins**, Assistant Commissioner, Minnesota Department of Human Services, will discuss the state's role and strategy in helping people off welfare.

On Tuesday, May 13, **Marcia Keller Avner**, Public Policy Director, Minnesota Council of Non-Profits, will address the broad effects of welfare reform on the non-profit community.

The series will end on Tuesday, May 20, with **Carole Mae Olson**, Executive Director, Episcopal Community Services, who will give an inside look at the impact of reform on providers and the people they serve.

Cowles Media grant puts the League on-air

The Cowles Media Foundation has approved a \$25,000 grant to help the League expand its "delivery" system through a regular League program on cable television. Each year the League sponsors as many as 50 policy forums and meetings. Attendees at these meetings are accustomed to very informative and high quality public affairs discussions with leading policy makers. Unfortunately, the time and place of these meetings is not always convenient for people interested in the program. The grant from Cowles Media will enable the League to broadcast selected programs on a regular time slot on cable television. Details of the new League program will be announced soon. And don't forget—the League's web site also features a calendar and transcripts of some League events and excerpts from the *Minnesota Journal*. Stay in touch with the League and public affairs through the web at <http://freenet.msp.mn.us/ip/pol/citizen> and the League's new cable television program. Thanks to Cowles Media!

League Legislative activities *continued from page one*

interim economic strategy group and eventually an ongoing economic policy council. The proposal was shaped in part by the League's 1996 report *Compete Globally, Thrive Locally*.

A tip of the CL hat to **Representatives Jean Wagenius** (DFL-Minneapolis), **Dan McElroy** (R-Burnsville), **Ted Winter** (DFL-Fulda), and **Ron Abrams** (R-Minnetonka); and **Senators Tracy Beckman** (DFL-Bricelyn), **Martha Robertson** (R-Minnetonka), **Randy Kelly** (DFL-St. Paul), **Ed Oliver** (R-Deephaven), and **Linda Runbeck** (R-Circle Pines) for their leadership in sponsoring the bills.

K-12 Education

The League's 1997 report, *Straight A's for Minnesota's Schools*, urged the Legislature to define its expectations for the performance of the state's education institutions, set broad policy and arrange the system in ways that prompt continuous improvement.

The League is now following a handful of key debates in the Legislature. Among them: a proposal to expand and strengthen Minnesota's charter schools law and level the financial playing field between charter and "regular" schools.

Gov. Arne Carlson's bold proposal included a boost for charter schools and the Senate

is now debating a bill sponsored by **Ember Reichgott Junge** (DFL-New Hope) and **Gen Olson** (R-Minnetonka), which would make great strides in supporting charter schools.

The League has expressed its support for the bill, and has also said Legislators should resist any attempt to prohibit charter schools from contracting with for-profit firms for services related to instruction. The League believes the Legislature should hold schools accountable for student achievement—not intrude on local districts' or schools' prerogative to design their own instructional strategies.

The League is also following the details of the statewide system for assessing students' core knowledge and skills, which was passed by the Legislature early in the session and is awaiting final touches.

Study committee co-chair and League board member **Pam Neary** encouraged the House Quality Initiatives Subcommittee to include both standardized tests and other measures in the assessment system. "The state must provide consistent and comparable information about student and school performance to provide clear accountability to parents and taxpayers," Neary said.

For more information on League activity call 338-0791.

Board of Directors Election

The League Board of Directors has set Monday, June 30 for the annual election of Directors. Eight Directors will be elected to three-year terms. League by-laws require the Nominating Committee, chaired this year by Barbara Lukermann, to submit a slate of candidates to the membership by May 26. The by-laws also stipulate that any member of the League may be nominated for Director upon the written petition of 25 members submitted to the Secretary (Jane Vanderpoel) at least 25 days before the election.