Everything You Wanted to Know About Referendum and More

Michael Schwartz | General Education Finance
May 9, 2019

AGENDA

- Minnesota Statutes.
- Location Optional Revenue (LOR).
- Referendum Page on the MDE Website.
- Referendum Phaseout Report.
- What’s In The Future (Potentially).

Statutes – Chapter 126C.17 Referendum Revenue

> Office of the Revisor: https://www.revisor.mn.gov/statutes/cite/126C.17

126C.17 REFERENDUM REVENUE.

Subdivision 1. Referendum allowance.

(a) A district’s initial referendum allowance equals the result of the following calculations:

(1) multiply the referendum allowance the district would have received for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 1, based on elections held before July 1, 2013, by the resident marginal cost pupil units the district would have counted for fiscal year 2015 under Minnesota Statutes 2012, section 126C.05;

(2) add to the result of clause (1) the adjustment the district would have received under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013;

(3) divide the result of clause (2) by the district’s adjusted pupil units for fiscal year 2015;

(4) add to the result of clause (3) any additional referendum allowance per adjusted pupil unit authorized by elections held between July 1, 2013, and December 31, 2013;

(5) add to the result in clause (4) any additional referendum allowance resulting from inflation adjustments approved by the voters prior to January 1, 2014;

(6) subtract from the result of clause (5), the sum of a district’s actual local optional levy and local optional aid under section 126C.10, subdivision 2e, divided by the district’s adjusted pupil units for that school year; and

(7) if the result of clause (6) is less than zero, set the allowance to zero.

(b) A district’s referendum allowance equals the sum of the district’s initial referendum allowance, plus any new referendum allowance authorized between July 1, 2013, and December 31, 2013, under subdivision 9a, plus any additional referendum allowance per adjusted pupil unit authorized after December 31, 2013, minus any allowances expiring in fiscal year 2016 or later, provided that the allowance may not be less than zero. For a district with more than one referendum allowance for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, the allowance calculated under paragraph (a), clause (3), must be divided into components such that the same percentage of the district’s allowance expires at the same time as the old allowances would have expired under Minnesota Statutes 2012, section 126C.17. For a district with more than one allowance for fiscal year 2015 that expires in the same year, the reduction under paragraph (a), clause (6), to offset local optional revenue shall be made first from any allowances that do not have an inflation adjustment approved by the voters.
Notwithstanding paragraph (a), the referendum equalization aid for a district, where the referendum equalization aid under paragraph (a) exceeds 90 percent proportionately reduced.

(b) If a district's actual levy for first, second, or third tier referendum equalization revenue is less than its maximum levy limit for that tier, aid shall be

Subd. 7.

district's referendum market value per resident pupil unit to $290,000.

(d) A district's third tier referendum equalization levy equals the district's third tier referendum equalization revenue times the lesser of one or the ratio of the
district's referendum market value per resident pupil unit to $510,000.

(c) A district's second tier referendum equalization levy equals the district's second tier referendum equalization revenue times the lesser of one or the ratio of
district's referendum market value per resident pupil unit to $880,000.

(e) A district's second tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or $760, minus the

units for that year.

(f) A district's third tier referendum equalization revenue equals the district's third tier referendum equalization allowance times the district's adjusted pupil units.

Subd. 6.

Referendum equalization revenue.

A district that qualifies for sparsity revenue under section 126C.10 is not subject to a referendum allowance limit. A district that qualifies for sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the sum of the

7, or elementary sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the sum of the

formula allowance, minus the sum of the district's first tier referendum equalization allowance and second tier referendum equalization allowance.

(g) A district's third tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or 25 percent of the

for that year.

(h) Notwithstanding paragraph (g), the third tier referendum allowance for a district qualifying for secondary sparsity revenue under section 126C.10, subdivision

ratio of the referendum revenue, must not exceed 25 percent of the formula allowance times the district's adjusted pupil units. A district's referendum levy is increased

percentage increase in the formula allowance for that year compared with the formula allowance for fiscal year 2015.

(b) For purposes of this subdivision, for fiscal year 2016 and later, "inflationary increase" means one plus the percentage change in the

preceding reorganization divided by its adjusted pupil units for the year preceding reorganization.

The total referendum revenue for each district equals the district's referendum allowance times the adjusted pupil units for the school year.

Statutes – Chapter 126C.17 Referendum Revenue (Cont'd)

Office of the Revisor: https://www.revisor.mn.gov/statutes/cite/126C.17

Subd. 5.

Referendum equalization levy.

A district's referendum equalization levy equals the sum of the first tier referendum equalization revenue and the second tier referendum equalization revenue plus the

district's referendum market value per resident pupil unit to $290,000.

(b) A district's first tier referendum equalization revenue equals the district's first tier referendum equalization allowance times the lesser of one or the ratio of the

district's referendum market value per resident pupil unit to $300.

(c) A district's first tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or $300.

Subd. 4.

Total referendum revenue.

A district that qualifies for sparsity revenue under section 126C.10 is not subject to a referendum allowance limit. A district that qualifies for sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the sum of the

7, or elementary sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the sum of the

formula allowance, minus the sum of the district's first tier referendum equalization allowance and second tier referendum equalization allowance.

(g) A district's third tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or 25 percent of the

for that year.

(h) Notwithstanding paragraph (g), the third tier referendum allowance for a district qualifying for secondary sparsity revenue under section 126C.10, subdivision

ratio of the referendum revenue, must not exceed 25 percent of the formula allowance times the district's adjusted pupil units. A district's referendum levy is increased

percentage increase in the formula allowance for that year compared with the formula allowance for fiscal year 2015.

(b) For purposes of this subdivision, for fiscal year 2016 and later, "inflationary increase" means one plus the percentage change in the

preceding reorganization divided by its adjusted pupil units for the year preceding reorganization.

The total referendum revenue for each district equals the district's referendum allowance times the adjusted pupil units for the school year.

Statutes – Chapter 126C.17 Referendum Revenue (Cont'd)

Office of the Revisor: https://www.revisor.mn.gov/statutes/cite/126C.17

Subd. 3.

Sparsity exception.

A district that qualifies for sparsity revenue under section 126C.10 is not subject to a referendum allowance limit. A district that qualifies for sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the sum of the

7, or elementary sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the sum of the

formula allowance, minus the sum of the district's first tier referendum equalization allowance and second tier referendum equalization allowance.

(g) A district's third tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or 25 percent of the

for that year.

(h) Notwithstanding paragraph (g), the third tier referendum allowance for a district qualifying for secondary sparsity revenue under section 126C.10, subdivision

ratio of the referendum revenue, must not exceed 25 percent of the formula allowance times the district's adjusted pupil units. A district's referendum levy is increased

percentage increase in the formula allowance for that year compared with the formula allowance for fiscal year 2015.

(b) For purposes of this subdivision, for fiscal year 2016 and later, "inflationary increase" means one plus the percentage change in the

preceding reorganization divided by its adjusted pupil units for the year preceding reorganization.
Referendum tax base replacement aid was implemented by the 2001 Legislature as a mechanism designed to compensate school districts for the lost tax base due to reduced property values, as a result of decreased property values, as a result of court-ordered annexation, and to a reduction in property values resulting from the operation of the local school district. The aid equals the portion of class 2a property consisting of the house, garage, and surrounding one acre of land. The resulting amount must equal the portion of class 2a property consisting of the house, garage, and surrounding one acre of land. The aid is paid under this subdivision from the amount of referendum equalization aid under subdivision 7. The aid may not exceed the equalization aid that would have resulted from the operation of the local school district for the loss of agricultural land and cabin tax base. The aid is a frozen dollar amount based on the fiscal year 2001 characteristics. Referendum equalization aid earned by the school district is first offset by referendum tax base replacement aid. The remaining equalization aid, if any, is used when computing the referendum aid accompanying charter schools and open enrollment pupils.
(c) The commissioner must approve, deny, or modify each district's request for a referendum levy on a different day within 60 days of receiving the request from a district.

(b) In addition to the referenda allowed in subdivision 9, paragraph (a), the commissioner may grant authority to a district to hold a referendum on a different day if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt.

(a) Except for a referendum held under paragraph (b), any referendum under this section held on a day other than the first Tuesday after the first Monday in November must be conducted by mail in accordance with section 204B.46. Notwithstanding subdivision 9, paragraph (b), to the contrary, the commissioner may authorize the district to conduct the referendum in its entirety on a different day.

Subd. 11. Referendum date.

A school referendum levy must be levied against the referendum market value of all taxable property as defined in section 126C.01, subdivision 3.

Subd. 10. School referendum levy; market value.

A school district may convert up to $300 per adjusted pupil unit of referendum authority to local levy for up to five years. The board may authorize this levy for up to five years and may subsequently reauthorize that authority in increments of up to five years.

Notwithstanding subdivision 9, a school district may convert up to $300 per adjusted pupil unit of referendum authority to local levy for up to five years. The board may authorize this levy for up to five years and may subsequently reauthorize that authority in increments of up to five years.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "Passage of this referendum extends an existing operating referendum at the same amount per adjusted pupil unit for up to five years."

The notice must project the anticipated amount of tax increase in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district.

The notice may be a referendum ballot, but the notice must include the following statement: "Passage of this referendum extends an existing operating referendum at the same amount per adjusted pupil unit for up to five years."

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Office of the Revisor: https://www.revisor.mn.gov/statutes/cite/126C.17
Other Statutes

Chapter 205.185 - Election Procedures
Office of the Revisor: https://www.revisor.mn.gov/statutes/cite/205.185

Chapter 205A.07 – Ballot Requirements
Office of the Revisor: https://www.revisor.mn.gov/statutes/cite/205A.07

What is Local Optional Revenue?

Originally introduced as Location Equity in the 2013 legislative session.
Provided an additional source of revenue for Metro and large Non-metro districts.

Provided improved aid / levy equalization for districts with larger referendum allowances.
- Subtracted from any existing referendum authority
- Equalized at Tier 2 Referendum Equalization rate

Allowed districts with low or no referendum allowances to create more referendum authority through
a combination of Location Equity and Board Approved Creation Authority.
- Up to $724/PU for Metro & $512/PU for large Non-Metro

What is Local Optional Revenue? (Cont’d)

2014 legislation session extended the $424/APU to all districts and changed
the name to Local Optional Revenue (LOR).

- Same benefits as Location Equity Revenue extended to all districts.
- Boards now authorize through the summer levy process instead of issuing a
  resolution.
How Local Optional Revenue Works

Every district receives $424/APU of LOR and can choose to levy less than the maximum.

Is LOR considered referendum revenue? NO! LOR is a separate category of levy revenue.

LOR allowance is subtracted from existing voter referendum authority approved by the voters prior to January 1, 2014 and board converted authority tied to voter approved authority prior to January 1, 2014.

Example 1:
- Board converted allowance tied to phaseout auth prior to CY 2014: $300.00
- LOR allowance - subtraction: (424.00)
- Voter approved referendum allowance after LOR subtraction: $0.00

Example 2:
- Board converted allowance tied to phaseout auth prior to CY 2014: $300.00
- Additional voter approved allowance prior to CY 2014: 224.00
- Total referendum allowance prior to CY 2014: 524.00
- LOR allowance - subtraction: (424.00)
- Voter approved referendum allowance after LOR subtraction: $100.00

Referendum Page on MDE Website

Referendum Page on MDE Website: https://education.mn.gov/MDE/dse/schfin/GenEd/Ref/

Referendum Phaseout Details Through Calendar Year 2018 Elections
- Operating Referendum History 1991-2018
- Estimated Cap Inflation Calculation Estimates Spreadsheet - FY 2009-2028
- Estimate of Referendum Cap Inflation Adjustment Memo
- Operating Referendum Simulation Through Calendar Year 2018 Elections
Referendum Phaseout Report

Referendum Page on MDE Website: https://education.mn.gov/MDE/dse/schfin/GenEd/Ref/

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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</thead>
<tbody>
<tr>
<td>Ref. Authority (Ref) without Inflation Before Conversion</td>
<td>0.00</td>
</tr>
<tr>
<td>Ref. Authority With Inflation Before Conversion</td>
<td>1,640.71</td>
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<tr>
<td>2014-15 Resident Marginal Cost per Pupil Unit(RMCPU), Old</td>
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</tr>
<tr>
<td>2014-15 Adjusted Pupil Unit (APU), New</td>
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<tr>
<td>Ref. Authority W/O Inflation After Conversion</td>
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<td>Ref. Authority With Inflation After Conversion</td>
<td>3,937.41</td>
</tr>
<tr>
<td>Total Converted Referendum Authority = 5+6</td>
<td>3,937.41</td>
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Alternative Attendance (Alt Att) Adjustment (Adj) Allowance, Old (14,653.26)

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<td>2014-15 APU, New</td>
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Total Converted Referendum and Alt Att Authority = 15+16 (3,670.50)

| Basis for Pay 2019 Levy Inputs: Line(s) on Levy Report total |
|-------------------------------------------------------------|----------------------------------------------------------|
| FY20 Phaseout/Cancel before Calendar Year (CY) 14, No CPI | 0.00                                                     |
| FY20 Authority before CY 14 after Phaseout, No CPI         | 0.00                                                     |
| FY20 Phaseout/Cancel before CY 14, With CPI                | 0.00                                                     |
| FY20 Authority before CY 14 after Phaseout, With CPI       | 0.00                                                     |
| FY20 Combined Authority Subject to LOR Subtraction         | 0.00                                                     |
| FY20 Local Optional Revenue (LOR)                          | 424.00                                                   |
| FY20 Combined Authority After LOR Subtraction              | 0.00                                                     |
| Added by Election Held in CY 17 with Delay, No CPI         | 0.00                                                     |
| Added by Election Held in CY 17 with Delay, With CPI       | 0.00                                                     |
| FY20 Phaseout/Cancel after CY 14, No CPI                   | 0.00                                                     |
| FY20 Authority after CY 14 after Phaseout, No CPI          | 0.00                                                     |
| FY20 Phaseout/Cancel after CY 14, With CPI                 | 0.00                                                     |
| FY20 Authority after CY 14 after Phaseout, With CPI        | 0.00                                                     |
| FY20 Board Created Authority                             | 300.00                                                   |
| FY20 Total Authority                                      | 1,867.57                                                 |

Referendum Phaseout Report (Cont’d)

Referendum Page on MDE Website: https://education.mn.gov/MDE/dse/schfin/GenEd/Ref/

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Referendum Phaseout Report (Cont’d)

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Prior to CY 2014 Elections

Beginning in fiscal year (FY) 2021 (levies certified in 2019 for taxes payable in 2020), simplify referendum and local option revenue (LOR) calculations by making the following changes:

- The referendum cap would be reduced by $300 to reflect the transfer of $300 to LOR, retaining the same effective cap on referendum allowances.
- Neutralize the property tax impact of these changes by establishing a two-tiered equalization formula for LOR, with the first $300 per pupil equalized at $880,000 and the remainder equalized at $510,000. Tier 1
- Permanently reduce all remaining referendum allowances authorized before 2014 by $424, instead of of districts that opted to levy less than the $300 available in referendum revenue by board-action will
- There would be no net change in revenue, aid or levy for any district. This assumes that the small number
- Retain the inflation adjustment as part of referendum revenue for the remaining years of voter-approved
- Recalculating these allowances each year based on how much each district certify as its LOR levy that
- • Eliminate the reduction to equity revenue for districts with no referendum revenue to neutralize the
- • Offset the increase in the LOR allowance dollar for dollar with a reduction of $300 per pupil in each
- • Set the maximum LOR allowance for all districts at $724, an increase of $300 from the current LOR
- • The referendum cap would be reduced by $300 to maintain the same effective cap on referendum
- The Governor recommends making the calculation of general education revenue simpler and more transparent by converting $300 per pupil of referendum revenue to local option revenue (LOR), making all districts statewide eligible for $724 per pupil of LOR, and preserving the current interactions between referendum revenue and LOR. All remaining referendum revenue would be voter approved. Referendum and LOR equalization formulas would be adjusted to maintain the same mix of aid and levy as under current law, and the referendum cap would be reduced by $300 to maintain the same effective cap on referendum revenue as under current law.

Governors Budget Proposal:


The Governor recommends making the calculation of general education revenue simpler and more transparent by converting $300 per pupil of referendum revenue to local option revenue (LOR), making all districts statewide eligible for $724 per pupil of LOR, and preserving the current interactions between referendum revenue and LOR. All remaining referendum revenue would be voter approved. Referendum and LOR equalization formulas would be adjusted to maintain the same mix of aid and levy as under current law, and the referendum cap would be reduced by $300 to maintain the same effective cap on referendum revenue as under current law.

What’s in the Future (Potentially) Cont’d

What’s in the Future (Potentially)

Governors Budget Proposal:


The Governor recommends making the calculation of general education revenue simpler and more transparent by converting $300 per pupil of referendum revenue to local option revenue (LOR), making all districts statewide eligible for $724 per pupil of LOR, and preserving the current interactions between referendum revenue and LOR. All remaining referendum revenue would be voter approved. Referendum and LOR equalization formulas would be adjusted to maintain the same mix of aid and levy as under current law, and the referendum cap would be reduced by $300 to maintain the same effective cap on referendum revenue as under current law.

What’s in the Future (Potentially) Cont’d

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The Governor recommends making the calculation of general education revenue simpler and more transparent by converting $300 per pupil of referendum revenue to local option revenue (LOR), making all districts statewide eligible for $724 per pupil of LOR, and preserving the current interactions between referendum revenue and LOR. All remaining referendum revenue would be voter approved. Referendum and LOR equalization formulas would be adjusted to maintain the same mix of aid and levy as under current law, and the referendum cap would be reduced by $300 to maintain the same effective cap on referendum revenue as under current law.

What’s in the Future (Potentially) Cont’d

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The Governor recommends making the calculation of general education revenue simpler and more transparent by converting $300 per pupil of referendum revenue to local option revenue (LOR), making all districts statewide eligible for $724 per pupil of LOR, and preserving the current interactions between referendum revenue and LOR. All remaining referendum revenue would be voter approved. Referendum and LOR equalization formulas would be adjusted to maintain the same mix of aid and levy as under current law, and the referendum cap would be reduced by $300 to maintain the same effective cap on referendum revenue as under current law.
Omnibus Education Bill HF 2400:

https://www.house.leg.state.mn.us/comm/docs/bad823-af83-465c-b81e-8e08031335b8r.pdf

Article 1 Section 19 – LOR.

Articles 17-25 – Referendum Equalization and Referendum Revenue. Ballot language for referendum may include a statement that the referendum may be renewed by school board action.

Omnibus Education Bill SF 7:


Article 1 Section 16 – LOR.

Articles 16-23 – Referendum Equalization and Referendum Revenue. Does not include; ballot language may include a statement that the referendum may be renewed by school board action.

Questions?

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